

No. 39036/02/2007-Estt(B)
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel and Training

New Delhi, 14th November, 2008

OFFICE MEMORANDUM

Subject:- Reporting of ad-hoc appointments to the Union Public Service Commission (UPSC)- regarding.

The undersigned is directed to refer to this Department's OM of even number dated 05th December, 2007 (copy enclosed) wherein all Ministries/Departments were requested to comply with Regulation-4 of the UPSC (Exemption from Consultation) Regulations, 1958, which provide that if a temporary or officiating arrangement made by ad-hoc appointment to a post falling within the purview of the UPSC is likely to continue for a period of more than one year from the date of appointment, the Commission shall immediately be consulted in regard to filling up of the post. For this purpose the Ministries/Departments are required to furnish monthly and six monthly returns to the Commission showing all such Group 'A and 'B' Gazetted appointments and promotions made without reference to the Commission, as emphasized in this Department's OM No. 39021/1/94-Estt (B) dated 22nd July, 1994 (copy enclosed).

2. The Commission has written to this Department that while some of the Ministries/Departments have been sending the prescribed returns, the same is not forthcoming from most of the Ministries/Departments as a result of which the Commission is finding it difficult to monitor the ad-hoc appointments being resorted to by various Ministries/Departments without consulting the Union Public Service Commission.

3. All Ministries/Departments are again requested to ensure that the requisite returns are furnished to the Union Public Service Commission (UPSC) as per the time schedule prescribed.



(C.A. Subramanian)

Director

Tel : 011-23093180

To

All Ministries/Departments, Government of India as per standard list.

Copy to:

1. The Secretary, UPSC, Dholpur House, New Delhi.
2. All Joint Secretaries in Department of Personnel and Training, New Delhi.
3. Website Section, NIC, Department of Personnel and Training, New Delhi.
4. Facilitation Centre, Department of Personnel and Training, North Block, New Delhi (5 spare copies)
5. 50 spare copies.

No. 39036/2/07-Estt(B)
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel and Training

New Delhi, the 5th December, 2007

OFFICE MEMORANDUM

Subject:- Reporting of ad-hoc appointments to the Union Public Service Commission.

The undersigned is directed to say that Regulation-4 of the UPSC (Exemption from Consultation) Regulations, 1958, which have been framed by the President in exercise of powers conferred by the proviso to Article 320(3) of the Constitution provides that it shall not be necessary to consult the Commission in regard to the selection for a temporary or officiating appointment if the person appointed is not likely to hold the post for a period of more than one year. It is further provided that if the person appointed is likely to hold the post for a period of more than one year from the date of appointment, the Commission shall immediately be consulted in regard to filling up of the post.


2. The objective behind the above Regulation is to enable the Commission to discharge their Constitutional responsibility to bring to the notice of the Parliament through their Annual Report the cases in which the Government has not followed the Constitutional scheme of making regular appointment through the Commission in Group 'A' and 'B' posts, which are within the purview of the Commission. The Commission in their 57th Report for the period 1.4.2006 to 31.3.2007 have reported that at the end of 2006-07, 90 cases of ad-hoc appointments were continuing for more than one year as below:

S.No.	Years	Group 'A'	Group 'B'
1.	Between 1-2 years	15	6
2.	Between 2-3 years	5	6
3.	Between 3-4 years	9	10
4.	Between 4-5 years	3	1
5.	Between 5-10 years	9	20
6.	More than 10 years	4	2
	Total	45	45

3. The existing instructions issued by this Department in O.M. No. 39021/5/83-Estt(B) dated 9.7.85 and 5.2.86 (copies enclosed) provide that each Ministry/Department should undertake a review of all appointments made under

Regulation-4 of the UPSC(Exemption from Consultation) Regulations 1958, immediately after three months from the date of appointment, complete the review within a period of six months and make a reference to the Commission under the proviso to the said Regulation if the appointment continues or is likely to continue beyond a period of six months. The instructions also provide that the Ministry concerned will be required to fix the responsibility on the officer concerned for not reporting such cases to the Commission.

4. All Ministries/Departments are requested to review the existing state of ad-hoc appointments made under Regulation-4(1) of the UPSC (Exemption from Consultation) Regulations 1958 and complete the action of reporting the required cases for the period ending 31.12.2007 to the Commission by 31st January, 2008.


(C.A. Subramanian)
Director

To

All Ministries/Departments.

Copy to:-

1. Secretary, UPSC, Dholpur House, New Delhi.
2. Additional Secretary (AR&PG), Sardar Patel Bhawan, New Delhi.
3. All Joint Secretaries in DOP&T.
4. 05 Spare Copies.

No. 39021/1/94-Estt.(B)
Government of India
Ministry of Personnel, P.G. & Pensions
(Department of Personnel & Training)

New Delhi, the 22 July, 1994.

OFFICE MEMORANDUM

Subject: Ad-hoc appointments in Group 'A' & 'B' posts-Need for effective control- Furnishing of Information to UPSC.

The undersigned is directed to say that vide this Department O.Ms cited in the margin, information about appointments made against Gr. 'A' & 'B' posts (other than those services/posts which are specifically exempted from purview of UPSC) on purely ad-hoc basis in terms of Regulation 4 of UPSC (Exemption from consultation Regulations, 1958 are required to be reported to the Commission in the formats prescribed in this regard on monthly/half yearly basis as under:

O.M.No.

39021/5/

83-Estt(B)

dt. 9.7.85

O.M.No.

39021/5/

83-Estt(B)

dt. 5.2.86

- i) Information regarding ad-hoc appointments made during the month-Report to be submitted each month.
- ii) Information regarding assessment of all ad-hoc appointments made at the end of six months from initial appointment about the further period for which such ad-hoc appointments may continue Reports to be submitted each month.
- iii) Information about ad-hoc appointments continuing beyond one year a six monthly report as at the end of 30th June & 31st December, so as to reach the Commission not later than 15th of the month following the half year to which the return relates.

2. The Commission have reported in their Annual Reports that Ministries/ Departments have not been sending the prescribed returns regularly as a result of which the Commission is finding it difficult to monitor the full extent to which the ad-hoc appointments are being made by various Ministries/Departments without consulting UPSC and the period for which they are continued.

All Ministries/Departments are accordingly hereby advised to ensure that the returns prescribed in this regard are sent to the Commission regularly with a copy being endorsed to this Department.



Y.G. PARANDE)
DIRECTOR (E)

To

All Ministries/ Departments to the Govt. of India.