

No. 39020/07/2023-PP.(B)
Government of India
Ministry of Personnel, Public Grievances and Pensions
(Department of Personnel and Training)

North Block, New Delhi
Date: 3rd November, 2023

Office Memorandum

Subject: Need for reporting accurate number of vacancies and adjustment of candidates to be appointed based on court directions.

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The undersigned is directed to draw attention towards DOPT's OM No. 39018/4/79-Estt.B, dated 13.07.1979 and O.M. No. 24012/34/80-Estt.B, dated 26.02.1981, issuing directions to Ministries/Departments with regard to accurate assessment and reporting of vacancies by them to the Recruiting Agencies.

2. In the recent past, it has been observed that some recruiting agencies are facing difficulties in adjusting the candidates whose dossiers have been returned by the requisitioning Departments on the grounds that vacancy does not/do not exist with them; *albeit* the dossiers had been sent to them based on their requirement reflected in the requisition received at the time of reporting of vacancies.

3. It has also been observed that in some cases Courts have issued directions to Recruiting Agencies to re-consider the candidature of the candidates (which was cancelled earlier on some grounds) and to revise the result accordingly. In such cases, Recruiting Agencies are left with no option but to consider the candidature of such candidates and send their dossier to one of the requisitioning Department, based on the rank and option exercised by the candidates. However, the Department concerned refuses to accept these dossiers on the grounds of non-availability of vacancies with them. Accordingly, the Recruiting Agencies find it difficult to adjust such candidates, resulting in contempt of court directions which ends up in receipt of contempt notices by the higher authorities.

4. In this regard, it may be noted that recruiting agencies select candidates based on the requisition given by the requisitioning Departments. Accordingly, nomination of the selected candidates is sent to the Indenting Departments (on the basis of the vacancies reported by them), keeping in view merit and preference of the candidate. The role of the Recruiting Agencies ends thereafter. Hence, the concerned Ministry/Department cannot avoid the responsibility once the dossier have been sent by SSC, as per requisition given by them. Further, if some candidate is to be appointed on court directions, its cannot be done by the recruiting agencies on their own without the cooperation of the indenting departments.

5. In view of the above, all Ministries/Departments may take note of the following:

- i. Ministries/Departments may re-confirm the number of vacancies to recruiting agencies well before finalization/declaration of result by them. After re-confirmation of vacancies by Ministries/Departments, it would be their responsibility to accommodate the candidates selected against such vacant posts. Vacancies finally intimated by the User Ministries/Department cannot be changed/varied after the result of the examination has been declared.
- ii. Ministries/Departments are equally responsible for implementation of directions/Orders of Courts. As such, they may extend full cooperation to recruiting agencies while implementing court directions. Ministries/Departments may accommodate the nominated candidates based on Court Orders against the available/future vacancies, as per their Roster, instead of returning the dossier to the Recruiting agency on the plea of non availability of vacancy, etc. to avoid any further litigation.

- iii. In case a Ministry/Department/ Organization is wound up, reorganized, or transferred under the administrative control of another Ministry/Department/Organization, its successor/administrative Ministry/ Department may accept the dossiers. In case, the entire hierarchy of organizations upto the Ministry level is wound up, the Ministry/Department to which its work has been transferred may accept the dossiers. Further, the Departments/ Organizations, which are proposed to be wound up in near future, should abstain from reporting vacancies for future examination(s).



(SP Pant)

Director (Pers. Policy-II)

Tel. No.: 2309 3074

To

All Ministries/Departments of the Government of India

Copy also to :

1. The Secretary, UPSC, Dholpur House, Shahjahan Road, New Delhi
2. The Chairman, SSC, CGO Complex, Lodhi Road, New Delhi

संख्या 39020/07/2023-पीपी.(बी)

भारत सरकार
कार्मिक, लोक शिकायत और पेंशन मंत्रालय
(कार्मिक और प्रशिक्षण विभाग)

नॉर्थ ब्लॉक, नई दिल्ली
दिनांक: 03 नवंबर, 2023

कार्यालय ज्ञापन

विषय: रिक्तियों की सटीक संख्या की रिपोर्ट करने और न्यायालय के निदेशों के आधार पर नियुक्त किए जाने वाले उम्मीदवारों के समायोजन की आवश्यकता।

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अधोहस्ताक्षरी को कार्मिक और प्रशिक्षण विभाग के दिनांक 13.07.1979 के का. ज्ञा. संख्या 39018/4/79-स्था. ख और दिनांक 26.02.1981 के का. ज्ञा. संख्या 24012/34/80-स्था. ख की ओर ध्यान आकर्षित करने का निदेश हुआ है, जिसमें मंत्रालयों/विभागों को उनके द्वारा रिक्तियों के सटीक मूल्यांकन और भर्ती एजेंसियों को रिपोर्टिंग करने के संबंध में निदेश जारी किए गए थे।

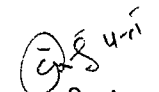
2. हाल ही में, यह देखा गया है कि कुछ भर्ती एजेंसियों को उन उम्मीदवारों को समायोजित करने में कठिनाइयों का सामना करना पड़ रहा है, जिनके डोजियर मांग करने वाले विभागों द्वारा इस आधार पर लौटा दिए गए हैं कि उनके पास रिक्ति मौजूद नहीं है, यद्यपि डोजियर उन्हें रिक्तियों की रिपोर्टिंग के समय प्राप्त मांग में परिलक्षित उनकी आवश्यकता के आधार पर भेजे गए थे।

3. यह भी देखा गया है कि कुछ मामलों में न्यायालयों ने भर्ती एजेंसियों को उम्मीदवारों की उम्मीदवारी पर पुनर्विचार करने (जिसे कुछ आधारों पर पहले निरस्त कर दिया गया था) और तदनुसार परिणाम को संशोधित करने के निदेश जारी किए हैं। ऐसे मामलों में, भर्ती एजेंसियों के पास ऐसे उम्मीदवारों की उम्मीदवारी पर विचार करने और उम्मीदवारों के रैंक और उनके द्वारा दिए गए विकल्प के आधार पर उनके डोजियर को मांगकर्ता विभाग में से एक को भेजने के अलावा कोई विकल्प नहीं बचता है। तथापि, संबंधित विभाग अपने पास रिक्तियों की अनुपलब्धता के आधार पर इन डोजियरों को स्वीकार करने से इनकार कर देता है। तदनुसार, भर्ती एजेंसियों को ऐसे उम्मीदवारों को समायोजित करने में कठिनाई होती है, जिसके परिणामस्वरूप न्यायालय के निदेशों की अवमानना होती है और इसके परिणामस्वरूप, उच्च प्राधिकारियों द्वारा अवमानना नोटिस प्राप्त होते हैं।

4. इस संबंध में, यह नोट किया जाए कि भर्ती एजेंसियां, मांग करने वाले विभागों द्वारा दिए गए अनुरोध के आधार पर उम्मीदवारों का चयन करती हैं। तदनुसार, चयनित उम्मीदवारों का नामांकन उम्मीदवार की योग्यता और वरीयता को ध्यान में रखते हुए मांगकर्ता विभागों (उनके द्वारा सूचित रिक्तियों के आधार पर) को भेजा जाता है। इसके पश्चात, भर्ती एजेंसियों की भूमिका समाप्त हो जाती है। इसलिए, संबंधित मंत्रालय/विभाग, उनके द्वारा दिए गए अनुरोध के अनुसार, एसएससी द्वारा डोजियर भेजे जाने के पश्चात, जिम्मेदारी से बच नहीं सकते हैं। इसके अलावा, यदि किसी उम्मीदवार को न्यायालय के निदेशों पर नियुक्त किया जाना है, तो यह कार्य भर्ती एजेंसियों द्वारा मांगकर्ता विभागों के सहयोग के बिना स्वयं नहीं किया जा सकता है।

5. उपर्युक्त को ध्यान में रखते हुए, सभी मंत्रालय/विभाग निम्नलिखित बातों पर ध्यान दें:

- i. मंत्रालय/विभाग, भर्ती एजेंसियों द्वारा परिणाम को अंतिम रूप देने/घोषित करने से उचित समय पूर्व भर्ती एजेंसियों को रिक्तियों की संख्या की पुनः पुष्टि कर सकते हैं। मंत्रालयों/विभागों द्वारा रिक्तियों की पुनः पुष्टि किए जाने के पश्चात, यह उनकी जिम्मेदारी होगी कि वे ऐसे रिक्त पदों के लिए चयनित उम्मीदवारों को समायोजित करें। प्रयोक्ता मंत्रालयों/विभागों द्वारा अंतिम रूप से सूचित की गई रिक्तियों को परीक्षा का परिणाम घोषित होने के पश्चात परिवर्तित किया/बदला नहीं जा सकता है।
- ii. मंत्रालय/विभाग, न्यायालयों के निदेशों/आदेशों के कार्यान्वयन के लिए समान रूप से उत्तरदायी हैं। इस प्रकार, वे न्यायालय के निदेशों को लागू करते समय भर्ती एजेंसियों को पूरा सहयोग दे सकते हैं। मंत्रालय/विभाग किसी और मुकदमेबाजी से बचने के लिए रिक्ति की अनुपलब्धता आदि की दलील पर भर्ती एजेंसी को डोजियर वापस करने के बजाय, न्यायालय के आदेशों के आधार पर नामांकित उम्मीदवारों को अपने रोस्टर के अनुसार उपलब्ध/भावी रिक्तियों के समक्ष समायोजित कर सकते हैं।
- iii. यदि किसी मंत्रालय/विभाग/संगठन को किसी अन्य मंत्रालय/विभाग/संगठन के प्रशासनिक नियंत्रण में बंद, पुनर्गठित या अंतरित किया जाता है तो उसका उत्तराधिकारी/प्रशासनिक मंत्रालय/विभाग डोजियर स्वीकार कर सकता है। यदि संगठनों का मंत्रालय स्तर तक का पूरा पदानुक्रम समाप्त हो जाता है, तो जिस मंत्रालय/विभाग को इसका कार्य हस्तांतरित किया गया है, वह डोजियर स्वीकार कर सकता है। इसके अलावा, निकट भविष्य में समाप्त किए जाने वाले प्रस्तावित विभागों/संगठनों को भविष्य की परीक्षाओं के लिए रिक्तियों की सूचना देने से बचना चाहिए।


(एसपी पंत)

निदेशक (कार्मिक नीति-III)

दूरभाष संख्या: 2309 3074

सेवा में,

भारत सरकार के सभी मंत्रालय/विभाग

प्रतिलिपि निम्नलिखित को भी प्रेषित:

1. सचिव, संघ लोक सेवा आयोग, धौलपुर हाउस, शाहजहां रोड, नई दिल्ली
2. अध्यक्ष, कर्मचारी चयन आयोग, सीजीओ कॉम्प्लेक्स, लोधी रोड, नई दिल्ली

363

No.24012/34/80-Estt.(B) Most Immediate
 Government of India/Bharat Sarkar
 Ministry of Home Affairs/Grih Mantralaya
 Deptt. of Personnel and Administrative Reforms
 (Karmik aur Prashasnik Sudhar Vihag)

New Delhi, the 26 Feb., 1981.

OFFICE MEMORANDUM

Subject: Computation of vacancies - Need for accurate assessment.

The undersigned is directed to invite the attention of the Ministries/Departments to the Circular No.36019/15/80-Estt.(B), dated 31.10.80 re-circulating copies of Office Memorandum mentioned in the margin for information and strict compliance.

OM No.23/11/
 67-Estt.(B)
 dt.14.7.67
 & OM No.39034/
 12/75-Estt.(B)
 dt.7.4.76.
 & OM No.39018/
 4/79-Estt(B)
 dt.13.7.79.

2. In spite of these instructions it is found that the Ministries/Departments are not making an accurate assessment of the number of vacancies which are likely to arise while reporting them to either the Union Public Service Commission or the Staff Selection Commission, with the result these recruiting agencies find it difficult to process the recruitment. The inaccurate assessment also results in the recruiting agencies either preparing an oversized panel or insufficient panel. This leads to a position where further requisitions are placed after announcement of the results with these agencies and such vacancies are unfilled for quite some time till the next results are announced.

3. It has, therefore, become necessary for this Department to reiterate the instructions contained in the Office Memoranda mentioned in para 1 above. Copies of these instructions are enclosed for information and necessary action.

4. In regard to filling up of vacancies through the Staff Selection Commission where common examinations are held by them, the Staff Selection Commission in view of the mammoth scale in which it operates is able to hold only one examination in a recruitment year. Since Ministries/Departments anticipate their manpower requirement only with reference to the period upto the date of notification of the results of the examination they do not take into account the vacancies which may accumulate during the period from the date of notification of the results of one examination and the date of notification of the results of the subsequent examination. It is found that due to this procedure of computation of vacancies many vacancies are kept unfilled till the notification of the results of the subsequent examination.

5. It is hereby clarified that while the Ministries/Departments should strictly comply with the instructions already issued on the

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subject; while notifying vacancies to the Staff Selection Commission in particular, should compute vacancies not only for the examination in question but also should anticipate the likely vacancies for the period from the date of announcement of the examination in question to the date of announcement of the results of the subsequent examination also. Such a course of action will avoid a number of vacancies being kept unfilled for long periods.

6. It is, therefore, suggested to all Ministries/ Departments that henceforth while indicating the number of anticipated vacancies to the Staff Selection Commission they should indicate the vacancies which are anticipated for the examination to be held and also the number of vacancies which are likely to arise subsequently till the announcement of the results of the next examination. Ministry of Finance etc. may please take note of the above decision and bring it to the notice of all offices working under them for their information and necessary action.

(Hindi Version will follow).

J. K. Sarmah
(J. K. SARMA)
DIRECTOR.

To

All Ministries/ Departments of the Government of India
(As per Standard List).

No. F. 39018/4/79-Estt.B
 Government of India/Bharat Sarkar
 Ministry of Home Affairs/Grih Mantrajaya
 Department of Personnel and Administrative Reforms
 (Karmik Aur Prashasnik Sudhar Vibhag)

New Delhi-1 dated 13 July, 79

OFFICE MEMORANDUM

Subject:- Recruitment through the Union Public Service Commission- Need for advertising of accurate number of vacancies.

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The undersigned is directed to invite the attention of Ministries/Departments to the Ministry of Home Affairs' Office Memorandum No. 23/11/67-Estt(B) dated 14.7.1967 and/ C.O.No. 39034/38/ 69-Estt(B) dated 7.4.46 (copies enclosed requesting inter-alia that the number of vacancies required to be filled during any particular recruitment year should be assessed carefully with due regard to all relevant considerations including the vacancies likely to occur as a result of reitirement, promotion etc. and these (vacancies) shall be reported to the Union Public Service Commission in time for being notified in the notice for the concerned examination for the information of prospective candidates. The intention was that as far as possible the need for taking more, or less, candidates than originally notified , about not arise.

2. It has, however, been noticed that in spite of the clear and detailed instructions on the subject, some Ministries/Departments are even now revising the number of vacancies available for appointment on the basis of examinations held by the Union Public Service Commission and this is done sometimes at a very late stage, such as on the date of the announcement of final results by the Commission or sometimes even later than that. This represents a very unsatisfactory state of affairs because such procedures are bound to lead to undue hardship to some candidates and could lay the selecting and appointing authorities open to charge of manipulation or favouritism.

3. The instructions contained in para 4 of the Ministry of Home Affairs Office Memorandum No. 23/11/67-Estt(B) dated 14th July, 1967 are again brought to the notice of the Ministries Departments and they are requested to ensure strict adherence to these instructions in the matter of reporting vacancies to the Commission.

(J.K. SHARMA)

DEPUTY SECRETARY TO THE GOVT. OF INDIA

TO

ALL MINISTRIES/DEPARTMENTS OF THE GOVERNMENT OF INDIA

No. 39034 /12/75-Estt. (B)
 Government of India/Bharat Sarkar
 Cabinet Secretariat /Mantri Mandal Sachivalaya
 Department of Personnel and Administrative Reforms
 (Karmik Aur Prashasnik Sudhar Vibhag)

New Delhi, the 7 April, 1976.

Subject:- Recruitment through examinations conducted by the Union Public Service Commission- Inclusion of the number of vacancies to be filled in the Notice of the examinations.

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The undersigned is directed to invite attention to the Ministry of Home Affairs Office Memorandum No. 23/38/68-Estt. (B) dated the 13th March, 1969 and 25th October, 1969 wherein Ministries/Departments were requested to assess accurately their manpower requirements and to communicate the same well in time to the Union Public Service Commission. It is observed from the Annual Reports of the Union Public Service Commission that these instructions are not always being implemented, This Department would, therefore, again impress on all Ministries/Departments to ensure that the same are properly implemented.

2. In this connection the Committee on Sub-ordinate Legislation (Fifth Lok Sabha) has, in its 16th Report, expressed the view that the need for including a provision regarding the number of vacancies to be filled on the results of examinations should be emphasised to all Ministries/Departments. It is, no doubt, a fact, as the Committee have observed that such a provision would be a salutary one which would enable prospective candidates to assess their chances of success in the examinations. Ministries/Departments have, therefore, to ensure that in respect of all recruitment to be conducted on the basis of examinations held by the Union Public Service Commission, the number of vacancies to be filled on the results of each such examination should be included in the Notices for the examinations. This would be possible, only if manpower requirements are assessed accurately and well in advance and communicated to the Commission. Ministries/Departments are requested to take action accordingly.

sd/- R.C. Gupta
 Under Secretary to the Government of India.

To
 All the Ministries Departments of Govt. of India etc. etc.