

No. 11059/06/2009-AIS-III
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

New Delhi the dated, 04th December, 2009

To

The Chief Secretaries
All State Governments/UTs

Subject: The All India Services (Confidential Rolls) Rules,1970 – Instructions under Rule 8(2) of AIS (CR) Rules,1970.

Madam/Sir,

I am directed to refer to the instructions issued in this Department's letter No.11059/18/2002-AIS-III dated the 19th April,2005 and 30th November,2005, regarding communication of adverse remarks, which, inter alia, provide that while communicating adverse entries to a member of the Service the 'overall grading' should not be communicated; the overall grading' should remain unchanged even after expunction of the entire adverse remarks and it should be left to the Departmental Promotion Committee/Empanelment Committee to redetermine the ' overall grading' if it considers that the expunction of the adverse remarks has so altered the quality of the ACR as to merit regarding.

2. The Central Administrative Tribunal, Hyderabad bench in its order dated 4.12.2008 in O.A No.665 of 2006 filed by Tejdeep Kaur Menon v/s UOI and others has observed that after expunction of adverse entries, it is not going to make any difference if the column against overall grading is also left blank. The DPCs/Empanelment Committees can take a view on the basis of the remaining remarks and the overall grading of previous years. On the other hand, if the column against 'overall grading' is allowed to remain, it is likely to prejudice the DPC/ Empanelment Committee against the officer. The Tribunal has, therefore, set aside the relevant portions of the instructions.

3. The directions of the Hon'ble Tribunal have been accepted and in supersession of the instructions contained in the letters referred to in para 1 above, it has been decided to lay down the following criteria in regard to upgradation /downgradation of ACRs after expunction of adverse remarks:

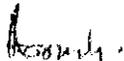
- (i) Where an entry is adverse it should be communicated to the member of the Service along with the overall grading.
- (ii) If the adverse remarks of Reporting/Reviewing/Accepting Authorities are expunged by the Government, the "overall grading" be kept blank for appropriate re-grading by Empanelment Committee/ DPCs.

- (iii) In any case where an entry is downgraded or upgraded, the authority downgrading or upgrading the remark and overall grading should state, as part of the entry, the reasons for downgrading or upgrading with adequate justification in accordance with the instructions on the writing of the ACRs.
- (iv) Where the authority has upgraded/downgraded the overall grading without giving sufficient reasons, the Government shall treat such an exercise as non-est/invalid. General terms, such as "I agree or disagree with the Reporting Officer/Reviewing Officer" used by the Reviewing/Accepting Authority shall not be construed as sufficient reason for upgrading/downgrading the overall grading given by the Reporting Authority/Reviewing Authority.

4. These instructions will be applicable to those cases, which are covered under the erstwhile AIS (CR) Rules, 1970, and still to be decided. Those cases already decided may not be re-opened.

5. The above instructions may please be brought to the notice of all concerned.

Yours faithfully,


(Shaukat Ali) 2/12/09

Under Secretary to the Government of India

Copy to:

1. All Ministries/Departments of Government of India.
2. The Ministry of Environment & Forests, Paryavaran Bhawan, CGO Complex, Lodhi Road, New Delhi (For IFS).
3. The Ministry of Home Affairs (IPS-II Section) w.r.t their F.No 16013/4/2006 dated the 2nd March, 2009.
4. All officers of Department of Personnel & Training
5. Web site of the Ministry: www.persmin.gov.nic.in>Circulars>Services Division>ACR/ PAR.