

No. 20011/5/2014-AIS-II
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

New Delhi dated 10th March, 2021

To
The Chief Secretary,
All the State Governments / UTs.

Subject: Clarification regarding proforma promotion to officers who are posted outside the Cadre including Central Deputation - reg.

Sir,

I am directed to state that this Department is in receipt of various references from State Governments seeking clarifications on specific instances where IAS officers, posted outside their State cadre, have not been able to get proforma promotion even though they are otherwise eligible to get the said promotion, had they not been posted outside the cadre.

2. The possible reasons for such situations, inter-alia, could be one of the following:

- (i) the officer posted outside his / her State cadre is the junior most in his / her batch of that State Cadre and no junior officer to him is eligible to be considered for promotion in the next higher grade in that state cadre;
- (ii) all the officers of the eligible batch to be considered for promotion are on central deputation and no junior officer to them is eligible to be considered for promotion in the next higher grade in that state cadre.

3. In this regard, attention is being drawn to the relevant provisions with regard to proforma promotion, as available in IAS (Pay) Rules, 2016:

- (a) Rule 8(5) of IAS (Pay) Rules, 2016 states that-- "*A member of the Service, while holding post outside the cadre, including a post under the Central Government, may be granted proforma promotion to a post in the Level above the Level specified in rule 3 by the Government of the State on the cadre to which he is borne*".
- (b) Rule 8(6) of IAS (Pay) Rules, 2016 prescribes the conditions for initial fixation of pay and increments subsequent to reversion to the cadre of a member of the Service who had been allowed proforma promotion in the Super Time Scale and the above Super Time Scale, under Rule 8(5) of IAS (Pay) Rules 2016.

4. In the light of the above, it is stated that as per Rule 8(5) of IAS (Pay) Rules, 2016, a member of the Service may be considered for grant of proforma promotion by

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the concerned State Cadre, if he/she would have been considered for promotion as if he/she were in his/her cadre and found fit for promotion subject to availability of vacancy as in case of regular promotion, except for being posted outside the cadre on which he/she is borne. Further, the conditions enumerated under Rule 8(6) of the IAS Pay Rules, 2016 – inter-alia fitness of the member of service to be appointed to that level, all the seniors drawing pay in that level, next below rule and one for one basis etc. – are to be considered towards the initial fixation of pay and increments after a member of service, reverts back to the cadre subsequent to availing the proforma promotion.

5. The concerned State Governments may consider/process the cases for proforma promotion of members of service posted outside the cadre accordingly.

6. This issues with the approval of the competent authority.

Yours faithfully,

Sandeep

(Sandeep Kumar Sinha)

Under Secretary to Government of India

Tel. 011-23094714

Email: sandeep.ksinha@gov.in

Copy to: All the Ministries / Departments of Government of India.