

No.A.32013/9/2023 -P&AR (GSW)
Government of Mizoram
Department of Personnel and Administrative Reforms
(General Service Wing)

Mizoram Secretariat, MINECO
Dated Aizawl, 12th Feb, 2024

OFFICE MEMORANDUM

Subject: Partial modification of comprehensive instructions on the procedure to be followed by Departmental Promotion Committee in matters relating to promotion.

In partial modification to the Office Memorandum No-A.32012/1/2011-P&AR(GSW) dated 28.02.2018 from this Department, the provisions outlined in Para 12(c)(3) of the said memorandum are now revised and modified to enhance clarity, as delineated below-

Para 12(c) (3)

'In the case of an officer directly recruited to a Group 'A' post and Group 'B' Gazetted posts whose Recruitment Rules/Service Rules prescribe a qualifying service of less than 5 years for promotion to the next higher post/grade, his ACRs/PARs for the period he served in that post/grade will be taken into consideration even if he does not have ACRs/PARs for last 5 years provided that the officer concerned possesses ACRs/PARs for the number of years of qualifying service prescribed in the respective Recruitment Rules/Service Rules.'

2. The aforementioned Office Memorandum issued vide No-A.32012/1/2011-P&AR(GSW) dt 28.02.2018 stands modified to the above extent, with other instructions remaining unchanged.

3. All Administrative Departments are requested to effectively communicate these instructions to all concerned, including attached and subordinate offices.

sd/- R. Lalramnghaka
Secretary to the Govt. of Mizoram

Memo No.A.32013/9/2023 -P&AR (GSW) : Dated Aizawl, the 12th February, 2024

Copy to:-

1. Secretary to Governor.
2. Commissioner & Secretary to Chief Minister.
3. P.S. to Speaker/Ministers/Leader of Opposition/Deputy Speaker/Ministers of State/Vice Chairman, State Planning Board/Deputy Govt. Chief Whip.
4. All Members of Legislative Assembly.
5. Chief Executive Member, MADC/LADC/CADC.
6. Sr. PPS to Chief Secretary.
7. PS to all Principal Secretaries, Commissioners, Secretaries & Special Secretaries.
8. All administrative departments.
9. Municipal Commissioner, AMC.
10. Secretary, MPSC/MSEC/MSIC/Lok Ayukta
11. All Heads of Departments.
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(H. Lalrinpuia)
Deputy Secretary to the Govt. of Mizoram.

No.A.11013/1/2008-P&AR(GSW)
Government of Mizoram
Department of Personnel and Administrative Reforms
(General Service Wing)

Mizoram Secretariat, MINECO
Dated Aizawl, the 1st September, 2023

OFFICE MEMORANDUM

Subject: Inclusion of eligible officers who are due to retire before the likely date of vacancies, in the zone of consideration/panel for promotion- Regarding.

Attention is drawn to this department's Office Memorandum No-A.32012/1/2011-P&AR(GSW) Dt 28.02.2018 regarding the consideration of retired employees who were within the zone of consideration in the relevant year(s) but are not actually in service when the DPC is held or on the likely date of vacancies.

2. The government has observed that departments frequently fail to include such eligible officers who are retiring prior to the occurrence of the vacancy in the panel year in the agenda papers that are to be considered by the relevant DPC. These undesirable trends are contrary to the fundamental principles of natural justice.

3. Despite the fact that the aforementioned OM provided the preparation of a reserved panel in the case of retired employees, concerns have been raised that there is no specific bar in the aforementioned Office Memorandum dated February 02, 2018 or any other related instructions of the Department of Personnel and Administrative Reforms (General Service Wing) for consideration of retired employees while preparing year-wise panel(s), who were within the zone of consideration. However, it would not be in order if eligible employees, who were within the zone of consideration for the relevant year(s) but are not actually in service when the DPC is being held or on the likely date of vacancies, are not considered while preparing year-wise zone of consideration/panel and, consequently, their juniors are considered (in their places), who would not have been in the zone of consideration if the DPC(s) had been held in time. This is considered imperative to identify the correct zone of consideration for the relevant Year(s). Names of the retired officials shall also be included in the zone of consideration/panel. Such retired officials, however, would have no right to actual promotion. The DPC(s) may, if need be, prepare a reserved Select list in accordance with the principles outlined in Office Memorandum No-A.32012/1/2011-P&AR (GSW) Dt 28.02.2018 of the Department of Personnel and Administrative Reforms (General Service Wing).

4. All Departments are therefore advised to strictly adhere to these instructions, as well as the instructions of the Department of Personnel and Administrative Reforms (General Service Wing) Office Memorandum No-A.32012/1/2011-P&AR (GSW) Dt 28.02.2018.

5. It is imperative that all Administrative Departments take immediate action to effectively communicate these instructions to all concerned, including attached and subordinate offices.

Sd/-R. Lalramnghaka

Secretary to the Govt. of Mizoram

Memo No.A.11013/1/2008 -P&AR (GSW) :

Dated Aizawl, the 1st September, 2023

Copy to:-

1. Secretary to Governor, Mizoram.
2. Commissioner & Secretary to Chief Minister, Mizoram.
3. P.S. to Deputy Chief Minister, Mizoram.
4. P.S. to Speaker/Ministers/Deputy Speaker/Ministers of State, Mizoram.
5. Sr. PPS to Chief Secretary, Mizoram.
6. PS to all Principal Secretaries, Commissioners, Secretaries & Special Secretaries, Mizoram.
7. All administrative departments.
8. Secretary, MPSC/MSEC/MSIC/Lok Ayukta
9. All Heads of Departments.
10. All Deputy Commissioners, Mizoram.
11. Secretary cum Controller of Examination, MSSSB.
12. All wings of DP&AR.
13. Website Manager, DP&AR for uploading in the website.
14. Guard File.



(H. Lalrinpuia)

Deputy Secretary to the Govt. of Mizoram



No-A.32012/1/2011-P&AR(GSW)
GOVERNMENT OF MIZORAM
DEPARTMENT OF PERSONNEL & ADMINISTRATIVE REFORMS
(GENERAL SERVICE WING)

OFFICE MEMORANDUM

Aizawl, dated the 28th February, 2018

SUBJECT: Comprehensive instructions on the procedure to be followed by Departmental Promotion Committee in matters relating to promotion and issues connected thereto

In supersession of this Department's OM No.A.32012/1/2003-P&AR(GSW) dated 15.07.2010 and OM No.A.32012/1/2011-P&AR(GSW) dated 11.05.2012, the following instructions on the procedure to be followed by Departmental Promotion Committee (DPC) under the Government of Mizoram including Mizoram Public Service Commission and other autonomous/statutory bodies, etc in matters of promotion to higher post/grade are hereby issued which will come into force with effect from the 1st April, 2018 irrespective of the vacancy years to be filled up.

PART – I FUNCTIONS AND COMPOSITION OF DEPARTMENTAL PROMOTION COMMITTEE

2. FUNCTION OF DEPARTMENTAL PROMOTION COMMITTEE:

- a) The main function of a Departmental Promotion Committee is to assess the suitability of officers for promotion to “Selection” as well as “Non-selection” posts in an objective and impartial manner in accordance with the eligibility criteria as prescribed in the respective Recruitment Rules/Service Rules.
- b) The scope of functions of the Departmental Promotion Committee, however, does not extend to relaxing the eligibility criteria prescribed in the respective Recruitment Rules/Service Rules unless the power to relax the eligibility criteria is conferred upon the Departmental Promotion Committee by the respective Recruitment Rules/Service Rules nor make any recommendation in anticipation of relaxation of the rules by the Competent Authority

3. COMPOSITION OF DEPARTMENTAL PROMOTION COMMITTEE:

- a) The composition of Departmental Promotion Committee for assessing the suitability of officers for promotion to such posts/grades which requires consultation with the Mizoram Public Service Commission as per Regulation 4 of the Mizoram Public Service Commission (Limitation of Functions) Regulations, 1994 as amended from time to time shall be the Mizoram Public Service Commission itself. The MPSC can associate a representative of the Department concerned not below the rank of Deputy Secretary to the Government of Mizoram in the meetings of the Departmental Promotion Committee.
- b) The composition of Departmental Promotion Committee for assessing the suitability of officers for promotion to such posts/grades which does not require consultation with the Mizoram Public Service Commission as per Regulation 4 of the Mizoram Public Service Commission (Limitation of Functions) Regulations, 1994 as amended shall be the Departmental Promotion Committee as constituted by the Government from time to time.

PART - II FREQUENCY OF MEETINGS OF DEPARTMENTAL PROMOTION COMMITTEE

4. MODEL CALENDAR FOR DEPARTMENTAL PROMOTION COMMITTEE:

- a) The Departmental Promotion Committee should be convened at regular annual intervals to draw up Select List, which could be utilised for making promotions against the vacancies occurring during the course of a year. For this purpose, it is essential for the concerned Appointing Authorities to initiate action to fill up the existing as well as anticipated vacancies well in advance before the start of the new vacancy year by obtaining approval/concurrence of the concerned Departments and preparing agenda papers complete in all respects for placing before the Departmental Promotion Committee.
- b) The requirement of convening annual meetings of the Departmental Promotion Committee should be dispensed with only after a certificate has been issued by the Appointing Authority that there are no vacancies to be filled by promotion during the vacancy year in question.
- c) While considering cases of promotion, the ACRs/PARs of the officers should be considered with particular reference to the vacancy year. In order to ensure the process of timely convening of Departmental Promotion Committee, the ACRs/PARs for five years preceding the vacancy year minus the two immediate years (i.e. vacancy year - two immediate years) should be considered irrespective of the length of qualifying service prescribed for promotion in the respective Recruitment Rules/Service Rules. For example, for considering promotions for vacancy year of 2018-19, the ACRs/PARs of the officers up to the year ending 31.03.2016 should be taken into consideration and not the subsequent ones (i.e. ACRs/PARs for the years 2011-12, 2012-13, 2013-14, 2014-15 and 2015-16 and NOT the ACRs/PARs for the years 2016-17 and 2017-18). In case the Recruitment Rules/Service Rules prescribed time bound promotion irrespective of the availability of vacancies in the higher post/grade, the ACRs/PARs for five years preceding the eligibility year* minus two immediate years (i.e. eligibility year - two immediate years) should be considered irrespective of the length of qualifying service prescribed for time bound promotion in the respective Recruitment Rules/Service Rules (* "eligibility year" in this context shall refer to the year in which the officer is eligible for time bound promotion. In case an officer is eligible for time bound promotion on 15.10.2018, the eligibility year shall be the year 2018-19)
- d) The Model Calendar for Departmental Promotion Committee is hereby drawn up as follows for compliance by all Departments under the Government of Mizoram effective from the vacancy year for 2019-20 and onwards.

Events	Cut off dates/period
Vacancy year	2019-20
Crucial date for determining eligibility for promotion	1 st April of the vacancy year i.e. 1 st April, 2019
Calculation of vacancies for the relevant vacancy year (i.e. 2019-20) including regular and anticipated vacancies	1 st – 15 th July, 2018
a) Completion of ACRs/PARs b) Finalisation of seniority list of the feeder post/grade	Before 30 th November, 2018

c) Obtaining approval of DP&AR (ARW) for filling up of posts by promotion and concurrence of Finance Department (E), if required d) Obtaining Vigilance Clearance e) Penalty position, if any, of the officers in the zone of consideration f) Preparation of agenda papers complete in all respects	
Last date for sending agenda papers complete in all respects to DP&AR for cases which come under the purview of Mizoram Public Service Commission <i>(Every effort should be made to send the agenda papers to DP&AR as soon as possible without waiting for the last date)</i>	30 th November, 2018
Last date for sending agenda papers complete in all respects to the Chairman of the DPC for cases which are outside the purview of Mizoram Public Service Commission <i>(Every effort should be made to send the agenda papers to the Chairman of DPC as soon as possible without waiting for the last date)</i>	30 th November, 2018
Period for sitting of the Departmental Promotion Committee/Mizoram Public Service Commission	1 st October, 2018 – 28 th February, 2019
Obtaining approval of the Competent Authority on receipt of recommendation from the DPC/MPSC	Before 15 th March, 2019
Last date for getting ready the approved Select List by the Department	31 st March, 2019
NOTES: Dates/periods suggested in the Model Calendar for DPC put no bar on earlier completion of the event. In fact, every effort should be made for taking speedy action in the matter without waiting for the last date or completion of the period as suggested in the Model Calendar for DPC.	

- e) For filling up of vacancies including anticipated vacancies in the interim period of 2018-19, the Model Calendar for Departmental Promotion Committee for the year 2018-19 is made as follows:

Events	Cut off dates/period
Vacancy year	2018-19
Crucial date for determining eligibility for promotion	1 st April of the vacancy year i.e. 1 st April, 2018
Calculation of vacancies for the relevant vacancy year (i.e. 2018-19) including regular and anticipated vacancies	1 st – 15 th April, 2018
a) Completion of ACRs/PARs b) Finalisation of seniority list of the feeder	Before 31 st July, 2018

post/grade c) Obtaining approval of DP&AR (ARW) for filling up of posts by promotion and concurrence of Finance Department (E), if required d) Obtaining Vigilance Clearance e) Penalty position, if any, of the officers in the zone of consideration f) Preparation of agenda papers complete in all respects	
Last date for sending agenda papers complete in all respects to DP&AR for cases which come under the purview of Mizoram Public Service Commission <i>(Every effort should be made to send the agenda papers to DP&AR as soon as possible without waiting for the last date)</i>	31 st July, 2018
Last date for sending agenda papers complete in all respects to the Chairman of the DPC for cases which are outside the purview of Mizoram Public Service Commission <i>(Every effort should be made to send the agenda papers to the Chairman of DPC as soon as possible without waiting for the last date)</i>	31 st July, 2018
Period for sitting of the Departmental Promotion Committee/Mizoram Public Service Commission	1 st April, 2018 – 30 th September, 2018
Obtaining approval of the Competent Authority on receipt of recommendation from the DPC/MPSC	Before 15 th October, 2018
Last date for getting ready the approved Select List by the Department	31 st October, 2018
NOTES: Dates/periods suggested in the Model Calendar for DPC put no bar on earlier completion of the event. In fact, every effort should be made for taking speedy action in the matter without waiting for the last date or completion of the period as suggested in the Model Calendar for DPC.	

5. RECRUITMENT RULES/SERVICE RULES IN FORCE AT THE TIME OF OCCURRENCE OF VACANCY TO BE APPLIED:

- a) Holding of Departmental Promotion Committee meetings need not be delayed or postponed on the ground that Recruitment Rules/Service Rules for a post are being reviewed/amended. A vacancy shall be filled in accordance with the Recruitment Rules/Service Rules in force on the date of occurrence of vacancy, unless rules made subsequently have been given retrospective effect. Since amendments to recruitment rules normally have only prospective application, the existing vacancies should be filled as per the Recruitment Rules/Service Rules in force as on the date of occurrence of vacancy
- b) The practice of carrying forward of vacancies which cannot be filled up on account of various reasons during the relevant vacancy year to the next vacancy year or to the current vacancy year should not normally be done as it can result in injustice to the officers in the zone of consideration. However, vacancies which cannot be filled up purely on account of unavailability of eligible officers in the feeder post/grade in the relevant vacancy year may only

be carried forward to the next vacancy year or to the current vacancy year by the Appointing Authority unless there is anything contrary in the relevant Recruitment Rules/Service Rules.

PART – III PREPARATORY ACTION FOR HOLDING OF THE MEETING OF DEPARTMENTAL PROMOTION COMMITTEE

6. DETERMINATION OF VACANCIES:

- a) For preparation of a Select List, Departments may calculate the vacancies on financial year wise for reporting to the Departmental Promotion Committee.
- b) The number of vacancies in respect of which a Select List is to be prepared by a Departmental Promotion Committee should be estimated as accurately as possible. For this purpose, the vacancies to be taken into account should be the clear vacancies arising in a post/grade in the relevant vacancy year due to retirement, resignation, death, regular long term promotion and deputation or from creation of additional posts.
- c) Vacancies arising out of deputation for periods exceeding one year only should be taken into account, due note, however, being kept also of the number of the deputationists likely to return to the cadre and who have to be provided for. Vacancies arising on account of deputation for more than one year will be taken to the recruitment roster for appointment by promotion only after ensuring that clear vacancies will be available for deputationists on return.
- d) Purely short term vacancies created as a result of officers proceeding on leave, or on deputation for a short period of less than one year, training etc. should not be taken into account for the purpose of preparation of a Select List.
- e) In cases where there has been delay in holding Departmental Promotion Committees for a year or more, vacancies should be indicated year-wise separately.
- f) Since the Select List for all posts/grades may be available on the first day of the vacancy year, it is expected that all chain vacancies may become available during the same vacancy year. Accordingly, for the sake of uniform procedure, it is provided that a Departmental Promotion Committee for a post/grade may take into account all clear expected vacancies by retirement etc. in the concerned post/grade as well as chain vacancies on account of retirement etc. in the higher posts/grades which can be clearly anticipated in the same vacancy year. The 'chain vacancies' on account of retirement, etc. in the higher posts/grades in a vacancy year shall include the vacancies which can be clearly anticipated as likely to become available in the concerned post/grade by promotion of officers to higher posts/grades during that vacancy year.

7. PAPERS TO BE PLACED FOR CONSIDERATION OF DEPARTMENTAL PROMOTION COMMITTEE FOR PROMOTION:

- a) The papers to be included in the agenda papers/proposals to be placed for consideration of the Departmental Promotion Committee for promotion are as follows:
 - i) Proposal/agenda paper duly filled in as per the prescribed pro-forma at *Annexure-I*. The pro-forma should be complete in all respects and the responsibility for preparation of agenda papers/proposals for promotion complete in all respects lies with the Department concerned

- ii) Copy of relevant Recruitment Rules/Service Rules duly certified by a Gazetted Officer
- iii) Copy of final inter se seniority list/eligibility list of officers in the feeder grade duly issued by a Competent Authority and certified by a Gazetted Officer.
- iv) List of eligible officers in the feeder grade in the zone of consideration as per the format at *Annexure-II*
- v) Vigilance Clearance in respect of the eligible officers issued by Vigilance Department (Original copy should be enclosed)
- vi) Approval of the Competent Authority for filling up of vacancies by promotion
- vii) Self contained note explaining the proposal for promotion
- viii) Post based roster, duly certified by a Gazetted Officer, of the grade/post to which promotion is to be made in case the Recruitment Rules/Service Rules prescribe more than one method of recruitment
- ix) Copy of the order of imposition of penalty by the Disciplinary Authority, if any, in respect of any of the officers in the zone of consideration for a period of 5 years preceding the year of DPC. Further, copies of orders imposing the penalties and decisions taken on appeals, if any, should be kept in the respective ACR/PAR dossier.
- x) Complete and up to date ACRs/PARs of the officers in the zone of consideration in respect of the relevant years. If the ACR/PAR for a particular year is not available due to valid/justifiable reasons, a Non-Availability Certificate should be recorded to that effect and placed in the agenda papers/proposals.
- xi) Detailed statement showing the year wise availability of ACRs/PARs for the relevant years as per the format at *Annexure-III*.

- b) The correctness of the agenda papers/proposals to be placed before the Departmental Promotion Committee shall be checked using the Check List at *Annexure-IV*.

8. CONSIDERATION OF CERTAIN SPECIAL CASES FOR PROMOTION:

- a) **Consideration of officers on deputation to an ex-cadre post:** The names of the officers who are on deputation should also be included in the list submitted to the Departmental Promotion Committee for consideration for promotion in case they come within the field of choice for promotion and fulfill the prescribed eligibility conditions.
- b) **Eligibility service-Counting of service rendered on deputation/foreign service:** Very often a certain number of years of service in the lower grade is prescribed as a condition for becoming eligible for consideration for promotion to a higher post/grade. In such cases, the period of service rendered by an officer on deputation/foreign service should be treated as comparable service in his parent department for the purpose of promotion. This is subject to the condition that the deputation/foreign service is with the approval of the Competent Authority
- c) **Officers on Study Leave/Special Leave for Training to be treated at par with Deputationists:** An officer proceeding on study leave should be treated on the same basis as an officer proceeding on deputation if the study leave was duly sanctioned by the Competent Authority. These instructions would also apply in the cases of officers who are granted special leave for training abroad under various training schemes.

- d) **Consideration of officer already recommended for Direct Recruitment:** It may happen that an officer who is recommended for appointment to a post/grade as a direct recruit may also be among those eligible for consideration for promotion to the same post/grade. An officer does not lose his right of consideration for such promotion merely because he has been recommended for appointment against the direct recruitment quota. Therefore, such officers, if they are within the field of eligibility should be included in the list of officers for consideration by the Departmental Promotion Committee excepting where an officer was holding the lower post/grade in a temporary capacity and has been appointed to the higher post/grade as a direct recruit before the date of the meeting of the Departmental Promotion Committee.

9. CRUCIAL DATE FOR DETERMINING ELIGIBILITY:

- a) The crucial date for determining the eligibility of officers for promotion would be the 1st April of the vacancy year. For instance, the crucial date for the vacancy year 2018-2019 would be 1st April, 2018.
- b) The crucial date indicated above would be applicable to only such service and posts for which statutory Service Rules/Recruitment Rules do not prescribe a crucial date.

PART – IV PROCEDURE TO BE OBSERVED BY DEPARTMENTAL PROMOTION COMMITTEE

10. NO INTERVIEW IN PROMOTION: Each Departmental Promotion Committee should apply its own method and procedure for objective assessment of the suitability of the officers for promotion. No interview should be held unless it has been specifically provided for in the Recruitment Rules/Service Rules for the post/grade. Whenever promotions are to be made by the method of 'Selection' by Departmental Promotion Committee and the Administrative Department desires that an interview should form part of the selection process, necessary provisions should be made in the Recruitment Rules/Service Rules.

SELECTION METHOD:

11. ZONE OF CONSIDERATION: Where promotion are to be made by selection method as prescribed in the Recruitment Rules/Service Rules, the Departmental Promotion Committee shall, for the purpose of determining the number of officers who will be considered from out of those eligible officers in the feeder post(s)/grade(s), restrict the field of choice as under with reference to the number of clear regular vacancies including anticipated ones within the year proposed to be filled.

Number of vacancy (ies)	Number of officers to be placed in the zone of consideration
1	3
2	5
3 and above	Number of vacancies + 3

12. GUIDELINES FOR DEPARTMENTAL PROMOTION COMMITTEE:

- a) The Departmental Promotion Committees enjoy full discretion to devise their own methods and procedure for objective assessment of the suitability of officers who are to be considered by them.
- b) While merit has to be recognized and rewarded, advancement in the officer's career should not be regarded as a matter of course but should be earned by dint of hard work, good conduct and result oriented performance as reflected in the Annual Confidential Reports (ACRs)/ Performance Appraisal Reports (PARs) and based on strict and rigorous selection process.

- c) **Consideration of Annual Confidential Reports/Performance Appraisal Reports:** ACRs/PARs are the basic inputs on the basis of which assessment is to be made by each Departmental Promotion Committee. The evaluation of ACRs/PARs should be fair, just and non-discriminatory. Hence,

- 1) The Departmental Promotion Committee should consider ACRs/PARs for equal number of years in respect of all officers considered for promotion subject to sub-para (4) below.
- 2) The Departmental Promotion Committee should assess the suitability of the officers for promotion on the basis of their service records and with particular reference to the ACRs/PARs for 5 (five) preceding years, irrespective of the qualifying service prescribed in the Recruitment Rules/Service Rules. The “five preceding years” for the aforesaid purpose shall be in line with the instructions contained in Para 4(c) of this O.M. (If more than one ACRs/PARs have been written in a particular year, all the ACRs/PARs for the relevant years shall be considered together as the ACR/PAR for one year).

Provided that for officers recruited directly who have attained qualifying service of 5 (five) years on the crucial date of vacancies/vacancy year but do not have ACRs/PARs for 5 (five) preceding years, the ACRs/PARs for the 3 (three) preceding years, which should not be below bench mark, should be taken into consideration.

- 3) In the case of an officer directly recruited to a Group ‘A’ post whose Recruitment Rules/Service Rules prescribe a qualifying service of less than 5 years for promotion to the next higher post/grade, his ACRs/PARs for the period he served in that post/grade will be taken into consideration even if he does not have ACRs/PARs for last 5 years provided the officer concerned possesses ACRs/PARs for the number of years of qualifying service prescribed in the respective Recruitment Rules/Service Rules.
- 4) When a ACR/PAR has not been written by the Reporting Authority despite submission of the self appraisal to the Reporting Authority by the officer reported upon during the relevant period, the Departmental Promotion Committee should consider the ACR/PAR of one preceding year beyond the relevant period.
- 5) **Assessment where an officer working in the next higher post/grade on officiating/ad hoc basis:** Where an officer is holding a post/grade in the next higher post/grade on officiating/ad hoc basis and has earned ACRs/PARs in that post/grade, his ACRs/PARs in the grade/post may be considered by the Departmental Promotion Committee in order to assess his work, conduct and performance, but no extra weightage should be given merely on the ground that he has been holding post/grade in the next higher post/grade on officiating/ad hoc basis
- 6) **Own assessment by Departmental Promotion Committee:** The Departmental Promotion Committee should not be guided merely by the overall grading that may be recorded in the ACRs/PARs, but should make its own assessment on the basis of the entries in the ACRs/PARs, because it has been noticed that, sometimes, the grading in a ACR/PAR may be inconsistent with the assessments under various parameters or attributes. In cases where the assessment by Departmental Promotion Committees are apparently not in line with the grades in the ACRs/PARs, the Departmental Promotion Committee should appropriately substantiate its assessment by giving justifiable and sustainable reasons,

so that the Appointing Authority could factor these while taking a view on the suitability of the officers for promotion

- 7) If the Reviewing Authority or the Accepting Authority, as the case may be, has overruled the Reporting Authority or the Reviewing Authority, as the case may be, the remarks of the latter authority should be taken as the final remarks for the purpose of assessment, provided it is apparent from the entries that the higher authority has come to a different assessment consciously after due application of mind. If the assessment of the Reporting Authority, Reviewing Authority and Accepting Authority are complimentary to each other and one does not have the effect of overruling the other, then the remarks should be read together and the final assessment made by the Departmental Promotion Committee.
 - 8) Before making the overall grading after considering the ACRs/PARs for the relevant years, the Departmental Promotion Committee should take into account whether the officer has been awarded any major or minor penalty or whether any displeasure of any superior officer or authority has been conveyed to him as reflected in the ACRs/PARs. The Departmental Promotion Committee should also have regard to the remarks against the column on integrity.
- d) **Benchmark for promotion:** Having regard to the level; nature and importance of duties attached to the posts/grade to which promotions are to be made, the bench mark will be as follows

Category of posts	Benchmark
For promotion to all Group 'A' and Group 'B' Gazetted posts	Very Good
For promotion to all Group 'B' Non-Gazetted and Group 'C' posts	Good

- e) The Departmental Promotion Committee shall determine the merit of those being assessed for promotion with reference to the prescribed bench mark and accordingly grade the officers as 'FIT' or 'UNFIT' only. Those officers who get at least four prescribed benchmarks out of ACRs/PARs for five years will be graded 'FIT' by the Departmental Promotion Committee. In the case of those officers covered by Para 12(c)(2) and 12(c)(3) of this O.M, only those officers who get the prescribed bench marks in all the ACRs/PARs of the relevant period will be graded 'FIT' by the Departmental Promotion Committee.
- f) **No supersession in promotion:** Only those officers who are graded FIT by the Departmental Promotion Committee shall be included in the Select List for promotion to the extent of the number of vacancies. They will be arranged in the order of their inter-se-seniority in the feeder grade. Those officers who are graded UNFIT (in terms of the prescribed bench marks) by the Departmental Promotion Committee shall not be included in the Select List. Thus, there shall be no supersession in promotion among those who are graded FIT (in terms of the prescribed bench mark) by the Departmental Promotion Committee.
- g) Although among those who meet the prescribed bench-mark, inter-se seniority of the feeder grade shall remain intact, eligibility for promotion will no doubt be subject to fulfilment of all the conditions laid down in the relevant Recruitment Rules/Service Rules, including the conditions that one should be the holder of the relevant feeder post on regular basis and that he should have rendered the prescribed eligibility service in the feeder post/grade

- h) Where sufficient number of officers with the required bench mark are not available within the zone of consideration, only officers with the required bench mark will be placed on the Select List. For the unfilled vacancies, the Appointing Authority should hold a fresh Departmental Promotion Committee by considering the required number of officers beyond the original zone of consideration
- i) **Preparation of year-wise Select List where Departmental Promotion Committee have not met for a number of years:** Where for reasons beyond control, the Departmental Promotion Committee could not be held in a year(s), even though the vacancies arose during that year (or years), the first Departmental Promotion Committee that meets thereafter should follow the following procedure-
- 1) Determine the actual number of regular vacancies that arose in each of the previous year(s) immediately preceding and the actual number of regular vacancies proposed to be filled for each of the vacancy years separately.
 - 2) Consider in respect of each of the years those officers only who would be within the field of choice with reference to the vacancies starting with the earliest year onwards.
 - 3) Prepare a 'Select List' by placing the select list of the earlier year above the one for the next year and so on.
- j) **Cases of occurrence of additional vacancies in a year after convening of Departmental Promotion Committee meeting:** Where a Departmental Promotion Committee has already been held in a year and further vacancies arise during the same year due to death, resignation, voluntary retirement, etc or because the vacancies were not intimated to the Departmental Promotion Committee due to error or omission on the part of the Department concerned, the following procedure should be followed:-
- 1) In case of vacancies belonging to the category which could not be foreseen at the time of placing facts and materials before the Departmental Promotion Committee, another meeting of the Departmental Promotion Committee should be held for drawing up a Select List for these vacancies as these vacancies could not be anticipated at the time of holding the earlier Departmental Promotion Committee. If, for any reason, the Departmental Promotion Committee cannot meet for the second time, the procedure of drawing up of year-wise Select Lists may be followed when it meets next for preparing Select List in respect of vacancies that arise in subsequent year(s).
 - 2) In case of non-reporting of vacancies due to error or omission (i.e. though the vacancies were there at the time of holding of Departmental Promotion Committee meeting they were not reported to it) which results in injustice to the officers concerned by artificially restricting the zone of consideration, the wrong done cannot be rectified by holding a second Departmental Promotion Committee or preparing year-wise Select List. In all such cases, a Review Departmental Promotion Committee should be held keeping in mind the total vacancies of the year.
- k) **Reckoning of ACRs/PARs while preparing year-wise Select List:** For the purpose of evaluating the merit of the officers while preparing year-wise Select List, scrutiny of the ACRs/PARs of the officers should be limited to the records that would have been available had the Departmental Promotion Committee

met at the appropriate time. However, if on the date of the meeting of the Departmental Promotion Committee, Departmental Proceedings are in progress and under the existing instructions sealed cover procedure is to be followed, such procedure should be observed even if Departmental Proceeding were not in existence in the year to which the vacancy is related. The officer's name should be kept in the sealed cover till the proceedings are finalised.

- l) **Promotion to have prospective effect only:** While promotions will be made in the order of the consolidated Select List, each promotion will have only prospective effect even in cases where the vacancies relate to earlier year(s).

13. PREPARATION OF RESERVED SELECT LIST FOR PROMOTION:

- a) Departmental Promotion Committee can prepare a Reserved Select List for promotion only on the following contingencies (and not for filling up vacancies which have arisen subsequent to the meeting of the Departmental Promotion Committee or during currency of the Select List):
 - i) When officers included in the Select List are already on deputation or whose orders of deputation have been issued and will be proceeding on deputation shortly for more than a year, OR
 - ii) When officers included in the Select List have refused promotion on earlier occasions and are under debarment for promotion, OR
 - iii) When officers included in the Select List are retiring within the same year provided there is no change in the zone of consideration by the expected date of their retirement.
- b) While making the Reserved Select List, the Departmental Promotion Committee should stipulate a condition against the additional names to the effect that they will be promoted only in the event of the officer(s) in the regular Select List not being available for promotion/appointment for the reason(s) given by the Department.

14. NON-SELECTION METHOD: Where the promotions are to be made on "Non-selection" method according to Recruitment Rules/Service Rules, the Departmental Promotion Committee need not make a zone or a comparative assessment of the records of officers and it should categorise the officers 'FIT' or 'UNFIT' for promotion on the basis of assessment of their record of service. The officers categorised as 'FIT' should be included in the Select List in the order of their seniority made from which promotions are to be made.

15. PROCEDURE TO BE FOLLOWED IN RESPECT OF OFFICERS UNDER CLOUD:

- a) At the time of consideration of the cases of officers for promotion, details of the officers in the zone of consideration for promotion falling under the following categories should be specifically brought to the notice of the Departmental Promotion Committee:
 - i) Officers under suspension;
 - ii) Officers in respect of whom a chargesheet has been issued and the disciplinary proceedings are pending; and
 - iii) Officers in respect of whom prosecution for a criminal charge is pending
- b) As regards the stage when prosecution for a criminal charge can be stated to be pending, the definition of pendency of judicial proceedings in criminal cases given in Rule 9 (6)(b)(i) of CCS (Pension) Rules, 1972 as under is adopted for the purpose:

"(b) judicial proceedings shall be deemed to be instituted –

(i) in the case of criminal proceedings, on the date on which the complaint or report of a Police Officer, of which the Magistrate takes cognizance, is made"

- c) The Departmental Promotion Committee shall assess the suitability of officers coming within the purview of the circumstances mentioned above along with other eligible officers without taking into consideration the disciplinary case/criminal prosecution pending. The assessment of the Departmental Promotion Committee including "Unfit for promotion" and the grading awarded by it will be kept in a sealed cover. The cover will be superscribed "*Findings regarding suitability for promotion to the post/grade of _____ in respect of Shri _____ (name of officer). Not to be opened till the termination of the disciplinary case/criminal prosecution against Shri _____*". The proceedings of the Departmental Promotion Committee need only contain the note "The findings are contained in the attached sealed cover". The authority competent to fill the vacancy should be separately advised to fill the vacancy in the higher post/grade only in an officiating capacity when the findings of the Departmental Promotion Committee in respect of the suitability of the officer for his promotion are kept in a sealed cover.
- d) The same procedure outlined in Para 15(c) above shall be followed by the subsequent Departmental Promotion Committee convened till the disciplinary case/criminal prosecution against the officer is concluded.

16. ADVERSE REMARKS IN PERFORMANCE APPRAISAL REPORT/ANNUAL CONFIDENTIAL REPORT:

- a) Where the Departmental Promotion Committee find that the adverse remarks in the ACRs/PARs of an officer have not been communicated to him but the adverse remarks are of sufficient gravity to influence their assessment of the officer concerned, then the Departmental Promotion Committee shall defer consideration of the case of the officer and direct the Appointing Authority concerned to communicate the adverse remarks to the officer concerned so that he may have an opportunity to make a representation against the same. Where the remarks are not considered of sufficient gravity to influence the assessment of the officer concerned, the Departmental Promotion Committee may proceed with the consideration of the case but may ignore the remarks while making the assessment.
- b) After a decision is taken by the competent authority on the representation made by the officer or in the event of the officer not making any such representation after the period therefore has expired, the Departmental Promotion Committee shall assess the suitability of the officer on the basis of the entries now contained in the ACR/PAR. While considering the deferred case as above, if the Departmental Promotion Committee find the officer fit for promotion, the procedure prescribed in paragraphs 37(b) and (c) shall be followed
- c) In a case where a decision on the representation of an officer against adverse remarks has not been taken or the time allowed for submission of representation is not over, the Departmental Promotion Committee may, in their discretion, defer the consideration of the case until there is a decision on the representation.
- d) In both the cases referred to in sub-para (a) and (c) above, where the consideration of a case is deferred on account of adverse remarks contained in the ACRs/PARs, the concerned authority should intimate the result of the

representation of the officer against the adverse remarks within a period of three months from the date of submission of the said representation, if any.

17. CONSIDERATION OF OFFICERS UNDERGOING PENALTY:

- a) The Departmental Promotion Committees enjoy full discretion to devise their own methods and procedures for objective assessment of the suitability of officers who are to be considered by them, including those officers on whom penalty has been imposed. The Departmental Promotion Committee should, therefore, take into account whether the officer has been awarded any major or minor penalty before making its recommendation after considering the ACRs/PARs for the relevant years.
- b) In case disciplinary/criminal proceedings is in the preliminary stage and the officer is not yet covered under any of the circumstances mentioned at Para 15(a) of this O.M, the Departmental Promotion Committee will assess the suitability of the officer and if found fit, the officer will be promoted along with other officers. The onus to ensure that only officers with unblemished records are considered for promotion and disciplinary proceedings, if any, against any officer coming in the zone of consideration are expedited, is that of the concerned Department.
- c) If the officer under consideration is covered under any of the circumstances mentioned at Para 15(a) of this O.M, the Departmental Promotion Committee will assess the suitability of the officer along with other eligible officers without taking into consideration the disciplinary case/criminal prosecution pending. The assessment of the Departmental Promotion Committee including “unfit for promotion” and the grading awarded must be kept in a sealed cover.
- d) An officer who is recommended for promotion by the Departmental Promotion Committee but in whose case any of the circumstances mentioned at Para 15(a) of this O.M for denial of Vigilance Clearance arises after the recommendation of the Departmental Promotion Committee are received but before he is actually promoted, his case will be deemed to be placed in a sealed cover by the Departmental Promotion Committee. He shall not be promoted until he is completely exonerated of the charges.
- e) If any penalty is imposed on the officer as a result of the disciplinary proceedings or if he is found guilty in the criminal prosecution against him, the findings of the sealed cover shall not be acted upon. His case for promotion may be considered by the next Departmental Promotion Committee in the normal course having regard to the penalty imposed upon him.
- f) In assessing the suitability of the officer on whom a penalty has been imposed, the Departmental Promotion Committee will take into account the circumstances leading to the imposition of penalty and decide whether in the light of the general service record of the officer and the fact of imposition of penalty, the officer should be considered for promotion. The Departmental Promotion Committee, after due consideration, has the authority to assess the officer as “unfit” for promotion. However, where the Departmental Promotion Committee considered that despite the imposition of penalty the officer is suitable for promotion, the officer will be actually promoted after the currency of the penalty is over.
- g) All relevant records including penalty imposed, chargesheet issued, if any, to the concerned officer must be duly placed before the Departmental Promotion Committee by the concerned Department who shall assess the suitability of the officer for promotion keeping in view the general service record of the officer and

the fact of imposition of penalty or the circumstances leading to the framing of the chargesheet against him.

- h) Any proposal for promotion has to be assessed by the Departmental Promotion Committee on a case to case basis and downgradation of gradings in ACRs/PARs, by one level where a penalty has been imposed in the relevant years or till the date of Departmental Promotion Committee, should not be resorted to by the Departmental Promotion Committee since it is legally non-sustainable.
- i) While there is no illegality in denying promotion during the currency of the penalty, denying promotion in such cases after the period of penalty is over would amount to violation of the provisions of Article 20 of the Constitution of India.

18. VALIDITY OF THE PROCEEDINGS OF THE DEPARTMENTAL PROMOTION COMMITTEE WHEN ONE MEMBER IS ABSENT: The proceedings of the Departmental Promotion Committee shall be legally valid and can be acted upon notwithstanding the absence of any of its members other than the Chairman provided that the member was duly invited but he absented himself for one reason or the other and there was no deliberate attempt to exclude him from the deliberation of the Departmental Promotion Committee and provided further that the majority of the members constituting the Departmental Promotion Committee are present in the meeting.

19. PROCEDURE IN RESPECT OF RETIRED EMPLOYEES: The case of eligible officers who have already retired at the time of meeting of the Departmental Promotion Committee but who would have been considered for promotion if the Departmental Promotion Committee for the relevant year had been held in time should also be included in the zone of consideration for promotion for the relevant vacancy year. The names of such retired officers may also be placed in the Select List for promotion by the Departmental Promotion Committee but such retired officers would have no right for actual promotion. The Departmental Promotion Committee may, if necessary, prepare a Reserved Select List in accordance with the principles for preparation of Reserved Select List in Para 13.

PART – V PROCESSING AND IMPLEMENTATION OF THE RECOMMENDATION OF DEPARTMENTAL PROMOTION COMMITTEE

20. PROCESSING OF DEPARTMENTAL PROMOTION COMMITTEE RECOMMENDATION: The recommendations of the Departmental Promotion Committee are advisory in nature and should be duly approved by the Appointing Authority

21. PROCEDURE TO BE FOLLOWED FOR DISAGREEMENT WITH DEPARTMENTAL PROMOTION COMMITTEE: There may be certain occasions when the Appointing Authority may find it necessary to disagree with the recommendations of the Departmental Promotion Committee. The procedure to be followed in such cases is indicated below:

- a) If it is so considered necessary by the Appointing Authority to vary or disagree with the recommendations of the Mizoram Public Service Commission, such Appointing Authority may refer the matter again to the Mizoram Public Service Commission (MPSC) for reconsideration of its earlier recommendations. If the Mizoram Public Service Commission reiterates its earlier recommendations giving also reasons in support thereof, the matter should be placed before the Council of Ministers for decision. The decision taken by the Council of Ministers

either to accept or to vary the recommendations of the Mizoram Public Service Commission shall be final.

b) The recommendations of the duly constituted Departmental Promotion Committee other than MPSC should be dealt with as under: -

i) Where the Appointing Authority, being lower than the Governor, does not agree with the recommendations of the Departmental Promotion Committee, such Appointing Authority should indicate the reasons for disagreeing and refer the entire matter to the Departmental Promotion Committee for reconsideration of its earlier recommendations. In case the Departmental Promotion Committee reiterates its earlier recommendations, giving also reasons in support thereof, the Appointing Authority may accept the recommendations, if the reasons adduced by the Departmental Promotion Committee are convincing. If that authority does not accept the recommendations of the Departmental Promotion Committee, it shall submit the papers to the next higher authority with its own recommendations. The decision of the next higher authority shall be final.

ii) Where the Appointing Authority is the Governor, the recommendations of the Departmental Promotion Committee should be submitted to the Minister in charge of the Department concerned for acceptance or otherwise of the recommendations. In case the circumstances so necessitate, the Minister may refer the matter again to the Departmental Promotion Committee for reconsideration of its earlier recommendations. If the Departmental Promotion Committee reiterates its earlier recommendations giving also reasons in support thereof, the matter should be placed before the Minister for his decision. The decision taken by the Minister either to accept or to vary the recommendations of the Departmental Promotion Committee shall be final.

22. TIME LIMIT FOR TAKING DECISION ON THE RECOMMENDATION OF DEPARTMENTAL PROMOTION COMMITTEE: An Appointing Authority shall take decision on the recommendation of Departmental Promotion Committee, either to accept the recommendation or disagree with it, within 3 months from the date of meeting of the Departmental Promotion Committee.

23. VIGILANCE CLEARANCE BEFORE ACTUAL PROMOTION: A Clearance from the Vigilance Department should also be obtained before making actual promotion, if the Appointing Authority has reasons to believe that certain officers in the Select List are coming under any of the circumstances mentioned in Para 15(a) of this O.M after being recommended by the Departmental Promotion Committee.

24. ORDER IN WHICH PROMOTIONS TO BE MADE: Promotion should as far as possible be made in the order in which the names of officers appear in the Select List.

25. OFFICERS ELIGIBLE BY PROMOTION AND DIRECT RECRUITMENT: If an officer's name is included in the Select List for promotion to the higher post/grade (to which appointment can be made by promotion as well as by direct recruitment) and if the name is also in the Select List for direct recruitment to the said higher post/grade, he should be appointed as a direct recruit or as a promotee, having regard to the fact whether his turn for appointment comes earlier from the direct recruitment list or from the promotion list, as the case may be.

26. PROMOTION OF OFFICERS ON DEPUTATION/FOREIGN SERVICE IN PUBLIC INTEREST AND ON STUDY LEAVE

- a) If the Select List contains the name of an officer who has gone on deputation or on foreign service in the public interest, including an officer who has gone on study leave, he may be allowed to regain the temporarily lost seniority in the higher post/grade on his return to the cadre. Therefore, such an officer need not be reconsidered by a fresh Departmental Promotion Committee, if any, subsequently held, while he continues to be on deputation/foreign service, study leave so long as any officer junior to him in the Select List is not required to be so considered by a fresh Departmental Promotion Committee irrespective of the fact whether he might or might not have got the benefit of proforma promotion under the Next Below Rule. The same treatment will be given to an officer included in the Select List who could have been promoted within the currency of the Select List but for his being away on deputation
- b) If the Select List contains the name of an officer on study leave, he should be promoted to the higher post/grade on return from the study leave. He should also be given seniority according to his position in the Select List and not on the basis of the date of promotion.

27. SEALED COVER CASES - ACTION ON COMPLETION OF DISCIPLINARY PROCEEDINGS/CRIMINAL PROSECUTION:

- a) If the proceedings of a Departmental Promotion Committee for promotion contain findings in a sealed cover, on the conclusion of the disciplinary case/criminal prosecution, the sealed cover or covers shall be opened. In case the officer is completely exonerated/acquitted, the due date of his promotion will be determined with reference to the position assigned to him in the findings kept in the sealed cover/covers and with reference to the date of promotion of his next junior on the basis of such position. The officer may be promoted, if necessary, by reverting the junior most officiating officer. He may be promoted notionally with reference to the date of promotion of his junior. Whether the officer concerned will be entitled to any arrears of pay for the period of notional promotion preceding the date of actual promotion, and if so, to what extent, will be decided by the Appointing Authority by taking into consideration all the facts and circumstances of the disciplinary proceedings/criminal prosecution. Where the authority denies arrears of salary or part of it, it will record its reasons for doing so. It is not possible to anticipate and enumerate exhaustively all the circumstances under which such denials of arrears of salary or part of it may become necessary. However, there may be cases where the proceedings, whether disciplinary or criminal proceedings, are for example, delayed at the instance of the employee or the exoneration in the disciplinary proceedings or acquittal in the criminal proceedings is with benefit of doubt or on account of non-availability of evidence due to the acts attributable to the employee etc. These are only some of the circumstances where such denial can be justified.
- b) If any penalty is imposed on the officer as a result of the disciplinary proceedings or if he is found guilty in the criminal prosecution against him, the findings of the sealed cover/covers shall not be acted upon. His case for promotion may be considered by the next Departmental Promotion Committee in the normal course and having regard to the penalty imposed on him. If he is considered fit for promotion by the Departmental Promotion Committee which meets after the imposition of the said penalty, the promotion may be given effect to after the expiry of currency of the penalty. His seniority would be fixed according to his position in that Select List. Since the promotion is to take effect only from a date subsequent to the expiry of the currency of the penalty, the officer would be entitled to pay fixation in the promotional post/grade with effect

from the date of actual promotion only. Even if a person junior to him in the Select List is promoted earlier, it will have no bearing on the pay to be allowed on promotion to the officer on whom a penalty was imposed, and there shall be no stepping up of his pay. Similarly, as the officer undergoing penalty is not to be promoted during the currency of the penalty, the eligibility service in the promotional post/grade for further promotion shall commence only from the date of actual promotion and in no case, it may be related, even notionally, to the date of promotion of the junior in the Select List.

28. SEALED COVER PROCEDURE – ACTION TO BE TAKEN WHERE AN OFFICER HAS BEEN ACQUITTED BUT APPEAL IS CONTEMPLATED OR PENDING: In case an officer whose case is kept in a sealed cover is acquitted by a trial court but an appeal against the judgement is either contemplated or has been filed, the procedure to be followed is laid down as shown below:

- a) If the recommendation of the Departmental Promotion Committee has been kept in sealed cover solely on account of the pendency of the criminal case, the sealed cover may be opened in case of acquittal of the officer provided it has not been stayed by a superior court
- b) In the order of promotion, mention may however be made that the promotion is provisional subject to the outcome of an appeal that may be filed against the acquittal of the officer. The promotion, thus, will be without prejudice to the action that may be taken if the judgement of the trial court acquitting the officer is set aside.
- c) In case of an appeal, if the officer stands convicted, the following action will be taken:
 - i. The provisional promotion shall be deemed *non est*, and the officer shall stand reverted
 - ii. In case of the officer being sentenced to imprisonment exceeding 48 hours, he will be deemed to be under suspension in terms of rule 10(2)(b) of the CCS (CCA) Rules, 1965 from the date of conviction

29. SIX MONTHLY REVIEWS OF SEALED COVER CASES: It is necessary to ensure that the disciplinary case/criminal prosecution instituted against any officer is not unduly prolonged and all efforts to finalise expeditiously the proceedings should be taken so that the need for keeping the case of an officer in a sealed cover is limited to the barest minimum. The Appointing Authorities concerned should review comprehensively the case of an officer whose suitability for promotion to a higher post/grade has been kept in a sealed cover on the expiry of 6 months from the date of convening the first Departmental Promotion Committee, which had adjudged his suitability and kept its findings in the sealed cover. Such a review should be done subsequently also every six months. The review should, inter-alia, cover the progress made in the disciplinary proceedings/criminal prosecution and the further measures to be taken to expedite their completion

30. SEALED COVER PROCEDURE APPLICABLE TO OFFICERS COMING UNDER CLOUD AFTER RECOMMENDATIONS OF THE DEPARTMENTAL PROMOTION COMMITTEE BUT BEFORE ACTUAL PROMOTION:

- a) An officer, who is recommended for promotion by the Departmental Promotion Committee but in whose case any of the circumstances mentioned in Para 15(a) of this O.M arise after the recommendations of the Departmental Promotion Committee are received but before he is actually promoted, will be considered as if his case had been placed in a sealed cover by the Departmental Promotion Committee. He shall not be promoted until he is completely exonerated of the charges against him and the provisions contained in this part of the Departmental Promotion Committee guidelines will be applicable in his case also.

- b) In cases where by the time the Departmental proceedings are concluded and the officer is fully exonerated but another chargesheet has been issued, the second chargesheet will not come in the way of opening of sealed cover and granting promotion notionally from the date of promotion of the junior

31. PROCEDURE FOR AD-HOC PROMOTION WHERE CONCLUSION OF PENDING CASE IS PROLONGED FOR MORE THAN TWO YEARS:

- a) In spite of the six monthly review of sealed cover cases referred to in Para 29 of this O.M, there may be some cases where the disciplinary case/criminal prosecution against an officer are not concluded even after the expiry of two years from the date of the meeting of the first Departmental Promotion Committee, which kept its findings in respect of the officer in a sealed cover. In such a situation, the Appointing Authority may review the case of the officer, provided he is not under suspension, to consider the desirability of giving him *ad hoc* promotion keeping in view the following aspects
 - i) whether the promotion of the officer will be against public interest;
 - ii) whether the charges are grave enough to warrant continued denial of promotion;
 - iii) whether there is no likelihood of the case coming to a conclusion in the near future
 - iv) whether the delay in the finalisation of proceedings, departmental or in a court of law, is not directly or indirectly attributable to the officer concerned; and
 - v) whether there is any likelihood of misuse of official position, which the officer may occupy after ad-hoc promotion, which may adversely affect the conduct of the departmental case/criminal prosecution
- b) In case the Appointing Authority comes to a conclusion that it would not be against the public interest to allow ad hoc promotion to the officer, his case should be placed before the next Departmental Promotion Committee held in the normal course after the expiry of the two years period to decide whether the officer is suitable for promotion on ad hoc basis. Where the officer is considered for ad hoc promotion, the Departmental Promotion Committee should make its assessment on the basis of the totality of the individual's record of service without taking into account the pending disciplinary case/criminal prosecution against him
- c) After a decision is taken to promote an officer on an ad hoc basis, an order of promotion may be issued making it clear in the order itself that :-
 - i) the promotion is being made on purely ad hoc basis and the ad hoc promotion will not confer any right for regular promotion; and
 - ii) the promotion shall be "until further orders". It should also be indicated in the orders that the Government reserve the right to cancel at any time the ad hoc promotion and revert the officer to the post/grade from which he was promoted.
- d) If the officer concerned is acquitted in the criminal prosecution on the merits of the case or is fully exonerated in the departmental proceedings, the ad hoc promotion already made may be confirmed and the promotion treated as a regular one from the date of the ad hoc promotion with all attendant benefits. In case the officer could have normally got his regular promotion from a date prior to the date of this ad hoc promotion with reference to his placement in the Departmental Promotion Committee proceedings kept in the sealed cover(s) and the actual date of promotion of the officer ranked immediately junior to him by the same Departmental Promotion Committee, he would also be allowed his due seniority and benefit of notional promotion as envisaged in Para 27 of this O.M.

- e) If the officer is not acquitted on merits in the criminal prosecution but purely on technical grounds and Government either proposes to take up the matter to a higher court or to proceed against him departmentally or if the officer is not fully exonerated in the departmental proceedings, the ad hoc promotion granted to him should be brought to an end

32. VALIDITY PERIOD OF A SELECT LIST:

- a) The Select List for promotion recommended by a Departmental Promotion Committee shall be valid for a period of one year. It should therefore, cease to be in force at the expiry of a period of one year or when a fresh Select List is prepared, whichever is earlier.
- b) The date of commencement of the validity of the Select List would be the date on which the Departmental Promotion Committee meets. In case the Departmental Promotion Committee meets on more than one day, the last date of the meeting would be the date of commencement of the validity of the Select List.

33. DATE FROM WHICH PROMOTION IS TO BE TREATED AS REGULAR:

- a) The general principle is that promotion of officers included in the Select List would be regular from the date of validity of the Select List or the date of their actual promotion whichever is later.
- b) In case of time bound promotions prescribed in the respective Recruitment Rules/Service Rules, the promotion of officers included in the Select List would be treated as regular from the due date of eligibility of the officer for promotion as recommended by the Departmental Promotion Committee.

34. REFUSAL OF PROMOTION:

- a) When an officer does not want to accept a promotion which is offered to him, he may make a written request that he may not be promoted and the request will be considered by the Appointing Authority, taking relevant aspects into consideration. If the reasons adduced for refusal of promotion are acceptable to the Appointing Authority, the next officer in the Select List may be promoted.
- b) Since it may not be administratively possible or desirable to offer appointment to the officers who initially refused promotion, on every occasion on which a vacancy arises during the period of validity of the Select List, no fresh offer of appointment on promotion shall be made in such cases for a period of one year from the date of refusal of first promotion or till a next vacancy arises whichever is later. The name of the concerned officer shall not be placed in the zone of consideration before the Departmental Promotion Committee when the first vacancy arises after his refusal of promotion. On the eventual promotion to the higher post/grade, such officer will lose seniority vis-a-vis his juniors promoted to the higher post/grade earlier irrespective of the fact whether the posts/grades in question are filled by selection or otherwise.
- c) If an officer request for permanent declination of promotion and if the reasons adduced for the same are acceptable to the Appointing Authority, no fresh offer of appointment for promotion shall be made in such cases with effect from the acceptance of the permanent refusal of promotion. The name of the concerned officer shall no longer be placed in the zone of consideration before the Departmental Promotion Committee in subsequent meetings.

PART VI REVIEW DEPARTMENTAL PROMOTION COMMITTEE

35. WHEN REVIEW DEPARTMENTAL PROMOTION COMMITTEE MAY BE HELD:

The main objective of holding a Review Departmental Promotion Committee (Review DPC) is to rectify any mistake that took place at the time of holding of the original Departmental Promotion Committee. The proceedings of any Departmental Promotion Committee may, therefore, be reviewed only if the Departmental Promotion Committee has not taken into consideration all material facts or if material facts have not been brought to the notice of the Departmental Promotion Committee or if there have been grave errors in the procedure followed by the Departmental Promotion Committee. An illustrative list of reasons for holding of a Review DPC may be made as follows:

- i) where eligible officers were omitted to be placed in the zone of consideration; or
- ii) where ineligible officers were considered by mistake; or
- iii) where the seniority of an officer is revised with retrospective effect resulting in a variance of the seniority list placed before the Departmental Promotion Committee; or
- iv) where some procedural irregularity was committed by a Departmental Promotion Committee; or
- v) where adverse remarks in the ACRs/PARs were toned down or expunged after the Departmental Promotion Committee had considered the case of an officer; or
- vi) where there is a case of non-reporting of vacancies due to error or omission though the vacancies were available at the time of holding Departmental Promotion Committee meeting; or
- vii) where there is over-reporting of vacancies and if the change in the number of vacancies would result in exclusion of officer(s) recommended by the original Departmental Promotion Committee, on account of over reporting of vacancies which led to inflated zone of consideration.

36. SCOPE AND PROCEDURE OF REVIEW DPC:

- a) A Review DPC should consider only those who were eligible as on the date of the meeting of the original Departmental Promotion Committee.
- b) The Review DPC should restrict its scrutiny to the ACRs/PARs for the period relevant to the first Departmental Promotion Committee only. The ACRs/PARs written for subsequent periods should not be considered.
- c) If any adverse remarks relating to the relevant period were toned down or expunged, the Review DPC should consider the modified ACRs/PARs as if the original adverse remarks did not exist at all.
- d) A Review DPC is required to consider the case again only with reference to the technical or factual mistakes that took place earlier and it should neither change the grading of an officer without any valid reason nor change the zone of consideration nor take into account any increase in the number of vacancies which might have occurred subsequently.

37. REVIEW DPC IN RESPECT OF CASES WHERE ADVERSE REMARKS HAVE BEEN EXPUNGED OR TONED DOWN AFTER DPC MEETING:

- a) In cases where the adverse remarks were toned down or expunged subsequent to consideration by the Departmental Promotion Committee, the procedure set out herein may be followed. The Appointing Authority should scrutinize the case with a view to decide whether or not a review by the Departmental Promotion Committee is justified, taking into account the nature of the adverse remarks toned down or expunged. If review of the recommendations of the Departmental Promotion Committee is considered justified, then the Appointing Authority shall place the case before the relevant Departmental Promotion Committee for its review.
- b) While considering a deferred case, or review of the case of a superseded officer, if the Departmental Promotion Committee finds the officer fit for promotion, it would place him at the appropriate place in the relevant Select List/list of officers considered fit for promotion after taking into account the toned down remarks or expunged remarks and his promotion will be regulated in the manner indicated below.
- c) **Consequential benefits in case of retrospective promotion:** If the officers placed junior to the officer concerned have been promoted, he should be promoted immediately and if there is no vacancy the junior most officer officiating in the higher post/grade should be reverted to accommodate him. On promotion, his pay should be fixed under F.R. 27 at the stage it would have reached, had he been promoted from the date the officer immediately below him was promoted but no arrears would be admissible. The seniority of the officer would be determined in the order in which his name, on review, has been placed in the Select List by Departmental Promotion Committee. If in any such case, a minimum period of qualifying service is prescribed for promotion to higher post/grade, the period from which an officer placed below the officer concerned in the Select List was promoted to the higher post/grade, should be reckoned towards the qualifying period of service for the purpose of determining his eligibility for promotion to the next higher post/grade.

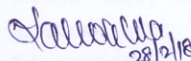
Sd/- LALMALSAWMA

Chief Secretary to the Govt. of Mizoram

Memo. No-A.32012/1/2011-P&AR(GSW) Aizawl, dated the 28th February, 2018

Copy to:

1. Secretary to Governor, Mizoram
2. Principal Secretary to Chief Minister, Mizoram
3. P.S. to Speaker/Ministers/Deputy Speaker/Ministers of State
4. Sr. P.P.S. to Chief Secretary
5. P.S. to all Principal Secretaries/Commissioners/Secretaries/Special Secretaries
6. All Administrative Departments
7. Secretary, MPSC/MSIC/MSEC/AMC
8. All Heads of Departments
9. All Deputy Commissioners
10. All wings of DP&AR
11. Website Manager, DP&AR for uploading in the official website
12. Guard File


(LALROHLUA)

Under Secretary to the Govt. of Mizoram

Deptt. of Personnel & Administrative Reforms

**PROFORMA FOR REFERRING AGENDA PAPERS/PROPOSALS FOR PROMOTION
TO DEPARTMENTAL PROMOTION COMMITTEE/MIZORAM PUBLIC SERVICE
COMMISSION**

1)	Name of Department	
2)	Name of post/grade to which promotion is to be made	
3)	Scale of pay/Pay Band and Grade Pay of the post/grade to which promotion is to be made	
4)	Number of vacancy(ies) to be filled up	
5)	Give year-wise breakup of the vacancies	
6)	Give reasons of vacancy(ies)	
7)	Name of the relevant Recruitment Rules/Service Rules for the post/grade to which promotion is to be made (Enclose a copy of the relevant Recruitment Rules/Service Rules duly certified by a Gazetted Officer)	
8)	Eligibility criteria prescribed in the Recruitment Rules/Service Rules for promotion	
9)	Feeder post/grade from which promotion is to be made with scale of pay/Pay Band and Grade Pay	
10)	Enclose post-based roster, duly certified by a Gazetted Officer, of the post/grade to which promotion is to be made in case the Recruitment Rules/Service Rules prescribe more than one method of recruitment	
11)	Enclose a copy of the order for final seniority list duly certified by a Gazetted Officer. If there is more than one feeder post/grade, enclose a copy of the final seniority list for each post/grade together with the combined seniority list (The seniority list should be duly issued by a Competent Authority and any change in the list should be duly indicated)	

12)	Indicate whether the seniority list was circulated to all concerned before finalisation	
13)	In cases where there are more than one feeder post/grade for which no specific quota have been earmarked, enclose a common eligibility list of the feeder posts/grades (The eligibility list should be duly signed by a Competent Authority and any change in the list should be duly indicated)	
14)	Enclose the list of eligible officers in the zone of consideration with the date of joining the feeder post/grade as per <i>Annexure-II</i>	
15)	Enclose the Annual Confidential Reports/Performance Appraisal Reports (ACR/PAR) of the eligible officers for the last preceding five years as per <i>Annexure-III</i> . (If ACR/PAR is not available, reasons for non-availability should be duly certified)	
16)	Enclose a valid Vigilance Clearance in original from Vigilance Department	
17)	Enclose a copy of approval of the Competent Authority for filling up of vacancies by promotion	
18)	Enclose self contained note for the DPC/MPSC explaining the proposals for promotion	
19)	Whether penalty, if any, was imposed on any of the officers in the zone of consideration during a period of 5 years preceding the year of DPC? If any, enclose a copy of the order of imposition of penalty by the Disciplinary Authority.	
20)	Any other relevant remarks	

Signature of officer sending the proposal

LIST OF ELIGIBLE OFFICERS IN THE ZONE OF CONSIDERATION

Sl. No.	Name of eligible officer(s)	Date of joining the feeder post/grade on regular basis	Remarks

Certified that

- 1) all eligible officers in the zone of consideration are included in the list of eligible officers
- 2) all the officers in the zone of consideration are not awarded any penalty during a period of 5 years preceding the year of DPC OR the officer(s) at Sl. No. _____ only in the list of eligible officer(s) is/are awarded a penalty of _____(description of the penalty so awarded) within a period of 5 years preceding the year of DPC
- 3) all the officers in the zone of consideration are not coming under any of the circumstances mentioned below OR the officer(s) at Sl. No. _____ only in the list of eligible officer(s) is/are coming under one of the circumstances mentioned below (in this case, please tick the relevant option):
 - i) Officers under suspension;
 - ii) Officers in respect of whom a charge-sheet has been issued and the disciplinary proceedings are pending; and
 - iii) Officers in respect of whom prosecution for a criminal charge is pending

Signature of officer sending the proposal

Note: An additional column may be inserted in the Table mentioned above if the relevant Recruitment Rules/Service Rules prescribed a condition for training or departmental examination or date of entry into a specific post/grade, etc. for promotion to higher post/grade.

STATEMENT SHOWING YEAR WISE AVAILABILITY OF ACRs/PARs OF ELIGIBLE OFFICERS IN THE ZONE OF CONSIDERATION

Sl. No.	Name of Officer	ACR/PAR for the year _____	ACR/PAR for the year _____	ACR/PAR for the year _____	ACR/PAR for the year _____	ACR/PAR for the year _____
1.						
2.						
3.						
4.						
5.						

Signature of officer sending the proposal

Note: The grading awarded to the officer for each of the relevant years may be indicated in the above columns

CHECK LIST BEFORE SENDING THE AGENDA PAPERS/PROPOSALS FOR CONSIDERATION OF THE DEPARTMENTAL PROMOTION COMMITTEE/ MIZORAM PUBLIC SERVICE COMMISSION:

Sl. No.	Items	Remarks (Yes/No)
1)	Whether name of the Department is correct or not?	
2)	Whether name of post/grade to which promotion is to be made is correct or not?	
3)	Whether the scale of pay/pay band and grade pay of the promotional post/grade is correct or not?	
4)	Whether the number of vacant post is correct or not?	
5)	Whether the year wise break up of vacancy (ies) is correct or not?	
6)	Whether reasons for vacancy (ies) is correct or not?	
7)	Whether name of the relevant Recruitment Rules/Service Rules for the post/grade to which promotion is to be made is correct or not?	
8)	Whether a copy of the relevant Recruitment Rules/Service Rules is enclosed or not?	
9)	Whether the copy of the relevant Recruitment Rules/Service Rules is duly certified by a Gazetted Officer or not?	
10)	Whether the feeder post/grade from which promotion is to be made with scale of pay/pay band and grade pay is correct or not?	
11)	Whether the eligibility criteria prescribed in the relevant Recruitment Rules/Service Rules for promotion is entered correctly or not?	
12)	Whether post-based roster of the post/grade to which promotion is to be made duly certified by a Gazetted Officer is enclosed or not? (Roster is essential only in case the Recruitment Rules/Service Rules prescribe more than one method of recruitment)	
13)	Whether a copy of final inter se seniority list of the feeder grade/post duly issued by the Competent Authority is enclosed or not?	
14)	Whether the copy of the final inter se seniority list is duly certified by a Gazetted Officer and any change in the list duly indicated or not?	
15)	Whether the inter se seniority list was circulated to all concerned before finalisation or not?	
16)	In case where there are more than one feeder post/grade for which no specific quota have been earmarked, whether a common eligibility list of the feeder posts/grades duly certified by a Gazetted Officer enclosed or not?	
17)	Whether the list of eligible officers in the zone of consideration as per <i>Annexure-II</i> enclosed or not?	
18)	Whether the number of eligible officers placed in the zone of consideration is correct or not with reference to the number of vacancy (ies)?	
19)	Whether all officers placed in the zone of consideration are qualified or not as per the eligibility criteria prescribed in the relevant Recruitment Rules/Service Rules for promotion?	

20)	Whether the list of eligible officers is duly certified by a Gazetted Officer or not?	
21)	Whether the officers in the list of eligible officers are arranged in order of their seniority or not?	
22)	Whether complete ACRs/PARs are attached or not?	
23)	Whether ACRs/PARs attached are relevant to the vacancy year or not?	
24)	Whether the ACRs/PARs are in order or not (i.e. properly reported, reviewed and accepted by the relevant authorities)?	
25)	Whether the year wise availability of ACRs/PARs of the officers is enclosed as per <i>Annexure-III</i> or not?	
26)	Whether valid Vigilance Clearance from Vigilance Department attached or not (Vigilance Clearance is valid for a period of 3 months from the date of issue)?	
27)	Whether original copy of a valid Vigilance Clearance is attached or not?	
28)	In case photocopy of Vigilance Clearance is attached, whether the same is certified by a Gazetted Officer or not?	
29)	Whether approval of the Competent Authority for filling up of vacant posts by promotion is enclosed or not?	
30)	Whether penalty was imposed during a period of 5 years preceding the year of DPC on any of the officers in the zone of consideration or not?	
31)	In case penalty imposed on any of the officers, whether a copy of the order of imposition of penalty by the Disciplinary Authority enclosed or not?	
32)	Whether self contained note for the DPC/MPSC explaining the proposals for promotion enclosed or not?	
33)	Whether the names of officers in all the documents enclosed in the agenda papers are written in similar form or not?	
34)	In case names of the officers are written differently, whether reason(s) for the same is duly certified by a Gazetted Officer or not?	