

## 5.THE INDIAN ADMINISTRATIVE SERVICE (APPOINTMENT BY PROMOTION) REGULATIONS, 1955

In pursuance of sub-rule (1) of rule 8 of the Indian Administrative Service (Recruitment) Rules, 1954, the Central Government in consultation with the State Governments and the Union Public Service Commission hereby makes the following regulations, namely:-

- 1. Short title.-** These regulations may be called the Indian Administrative Service (Appointment by Promotion) Regulations, 1955.
- 2. Definitions.-** 2(1) In these regulations unless the context otherwise requires -
  - (a) "Cadre Officer" means a member of the Service;
  - (b) "Cadre Post" means any of the posts specified as such in the regulations made under sub-rule (1) of rule 4 of the Cadre Rules;
  - (c) "Cadre Rules" means the Indian Administrative Service (Cadre) Rules, 1954;
  - (d) "Committee" means the Committee set up in accordance with regulation 3;
  - (e) "Commission" means the Union Public Service Commission;
  - (f) "Recruitment Rules" means the Indian Administrative Service (Recruitment) Rules, 1954;
  - (g) "Schedule" means a Schedule appended to these regulations;
  - (h) "Service" means the Indian Administrative Service;
  - (i) <sup>1</sup>[State means a State specified in the First Schedule to the Constitution and includes a Union Territory];
  - <sup>2</sup>(j) "State Civil Service" means,
    - <sup>3</sup>(i) for the purpose of filling up the vacancies in the Indian Administrative Service Cadre of the Arunachal Pradesh-Goa-Mizoram-Union Territories under rule 9 of the Recruitment Rules, any of the following services, namely:-
      - (a) the Delhi and Andaman and Nicobar Islands Civil Service;
      - (b) the Goa Civil Service;
      - (c) the Pondicherry Civil Service;
      - (d) the Mizoram Civil Service;
      - (e) the Arunachal Pradesh Civil Service;
      - (f) <sup>3A</sup>the Jammu and Kashmir Civil Service.
    - (ii) in all other cases, any service or services, approved for purposes of the Recruitment Rules by the Central Government in consultation with the State Government, a member of which normally holds, for purposes of revenue and general administration, charge of a sub-division of a district or a post of higher responsibility.
  - (k) <sup>4</sup> "State Government" means –

<sup>1</sup> Substituted/Added vide MHA Notification No. 5/2/60-AIS(I), dated 29/7/60.

<sup>2</sup> Substituted vide D.P. Notification No. 16/5/70-AIS(III)-A, dated 20.9.71.

<sup>3</sup> Substituted vide D.P. Notification No. 13013/1/89-AIS(I), dated 24/1/89.

<sup>3A</sup> Inserted vide DOPT Notification No. 14015/40/2021-AIS-I (4) dated 09.03.2022

<sup>4</sup> Substituted vide D.P. Notification No. 13/4/71-AIS(I), dated 11/1/72.

- (i) in relation to a State in respect of which a separate cadre of the Service exists, the Government of such State; and
- (ii) in relation to a group of States in respect of which a Joint Cadre of the Service is constituted, the Joint Cadre Authority.
- (iii) in relation to a group of Union Territories, and <sup>5</sup>in respect of which a joint cadre of the Service is constituted, the Central Government.

(l) <sup>6</sup>“Year” means the period commencing on the first day of January and ending on the thirty first day of December of the same year.

2(2) All other words and expressions used in these regulations but not defined shall have the meanings respectively assigned to them in the Recruitment Rules.

**3 Constitution of the Committee to make Selection:-** 3(1) There shall be constituted for a State Cadre or a Joint Cadre specified in column 2 of Schedule, a committee consisting of the Chairman of the Commission or where the Chairman is unable to attend, any other member of the Commission representing it and other members specified in the corresponding entry of column 3 of the said Schedule:

Provided that -

- (i) no member of the Committee other than the Chairman or the member of the Commission shall be a person who is not a member of the Service;
- <sup>7</sup>(iA) the nominee of the Government of India shall not belong to the cadre of the State for which the meeting of the Committee is to be held;
- (ii) the Central Government may after consultation with the State Government concerned amend the Schedule.

3(2) The Chairman or the member of the Commission shall preside at all meetings of the Committee at which he is present.

<sup>8</sup>3(3) The absence of a member, other than the Chairman or member of the Commission, shall not invalidate the proceedings of the Committee if more than half the members of the Committee had attended its meetings.

3(4) <sup>9</sup>[ ]

#### **4 <sup>10</sup>Deleted**

<sup>11</sup>**5 Preparation of a list of suitable officers:-** 5(1) <sup>12</sup>Each Committee shall ordinarily meet every year and prepare a list of such members of the State Civil Service as are held by them to be suitable for promotion to the Service. The number of members of the State Civil Service to be included in the list shall be determined by the Central Government in consultation with the State Government concerned and shall not exceed the number of substantive vacancies as on the first day of January of the year in which the meeting is held, in the posts available for them under rule 9 of the recruitment rules. The date and venue of the meeting of the Committee to make the selection shall be determined by the Commission:

<sup>5</sup> Omitted vide D.P. Not No. 1/1/72-AIS(I)-A, dated 12/10/72 and substituted vide Not No. 11/1/72-AIS(I)-A, dated 22/5/73

<sup>6</sup> Amended vide Not. No. 14015/52/96-AIS(I)-A, dated 31.12.97

<sup>7</sup> Amended vide Notification No. 14015/08/2001-AIS(I)-A dated 31.01.2005 – GSR No. 51 dt. 12.02.2005.

<sup>8</sup> Added vide MHA Not. No. 17/19/68-AIS(III)-A, dated 2/6/69

<sup>9</sup> Added vide MHA Not. No. 16/6/68-AIS(III)-A, dated 4/12/69 and deleted vide DP&T Not. No. 14015/4/88-AIS(I), dated 1/8/89.

<sup>10</sup> Deleted vide MHA Not. No. 16/1/68-AIS(III)-A, dated 3/4/70.

<sup>11</sup> Ibid. Note.9.

<sup>12</sup> Ibid note 6

Provided that no meeting of the Committee shall be held, and no list for the year in question shall be prepared when,

- (a) there are no substantive vacancies as on the first day of January of the year in the posts available for the members of the State Civil Service under rule 9 of the recruitment rules; or
- (b) the Central Government in consultation with the State Government decides that no recruitment shall be made during the year to the substantive vacancies as on the first day of January of the year in the posts available for the members of the State Civil Service under rule 9 of the recruitment rules:

<sup>13</sup>Provided further that where no meeting of the Committee could be held during a year for any reason other than that provided for in the first proviso, as and when the Committee meets again, the select list shall be prepared separately for each year during which the Committee could not meet, as on the 31<sup>st</sup> December of each year;

<sup>14</sup>(c)

**Explanation-** In the case of joint cadres, a separate select list shall be prepared in respect of each State Civil Service;

5(2) The Committee shall consider for inclusion to the said list, the cases of members of the State Civil Services in the order of a seniority in that service of a number which is equal to <sup>15</sup>three times the number referred in sub-regulation (1):

Provided that such restriction shall not apply in respect of a State where the total number of eligible officers is less than <sup>16</sup>three times the maximum permissible size of the Select List and in such a case the Committee shall consider all the eligible officers:

Provided further that in computing the number for inclusion in the field of consideration, the number of officers referred to in sub-regulation (3) shall be excluded:

Provided also that the Committee shall not consider the case of a member of the State Civil Service unless, on the first day of January of the year for which the Select List is prepared <sup>17</sup>he is substantive in the State Civil Service and has completed not less than eight years of continuous service (whether officiating or substantive) in the post of DeputyCollector or in any other post or posts declared equivalent thereto by the State Government.

<sup>18</sup>Provided also that in respect of any released Emergency Commissioned or Short Service Commissioned Officers appointed to the State Civil Service, eight years of continuous service as required under the preceding proviso shall be counted from the deemed date of their appointment to that service, subject to the condition that such officers shall be eligible for consideration if they have completed not less than four years of actual continuous service, on the first day of the January of the year for which the select list is prepared, <sup>19</sup>in the post of Deputy Collector or in any other post or posts declared equivalent thereto by the State Government.

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<sup>13</sup> Added vide notification No. 14015/27/99-AIS(I)-A dt. 25.07.2000 – GSR 633(E)

<sup>14</sup> [Deleted] ibid

<sup>15</sup> Amended vide Not. No. 11039/2/76-AIS(I) dated 20.4.1976

<sup>16</sup> Amended vide Not. No. 11039/2/76-AIS(I) dated 20.4.1976

<sup>17</sup> Amended ibid

<sup>18</sup> Inserted vide DP&AR Not. No. 11039/21/76-AIS(III), dated 1/6/78

<sup>19</sup> Amended ibid

**Explanation:-** The powers of the State Government under the third proviso to this sub-regulation shall be exercised in relation to the members of the State Civil Service of a constituent State, by the Government of that State.

<sup>20</sup>5(2A) [omitted]

5(3) The Committee shall not <sup>21</sup>consider the cases of the members of the State Civil Service who have attained the age of <sup>22</sup> -<sup>22A</sup> fifty-six years on the first day of January of the year for which the Select List is prepared<sup>23</sup>:

<sup>24</sup>Provided that a member of the State Civil Service whose name appears in the Select List [prepared for the earlier year] <sup>25</sup> before the date of the meeting of the Committee and who has not been appointed to the Service only because he was included [provisionally in that Select List]<sup>26</sup> shall be considered for inclusion in the fresh list to be prepared by the Committee, even if he has in the meanwhile attained the age of <sup>22A</sup> fifty six years:

<sup>27</sup>Provided further that a member of the State Civil Service who has attained the age of <sup>22A</sup> fifty-six years on the first day of January of the year for which the select list is prepared<sup>28</sup> shall be considered by the Committee, if he was eligible for consideration on the first day of January of the year or of any of the years immediately preceding the year in which such meeting is held but could not be considered as no meeting of the Committee was held during such preceding year or years under item (b) of the proviso to sub-regulation (1)<sup>29</sup>.

<sup>30</sup>5(3A) The Committee shall not consider the case of such member of the State Civil Service who had been included in an earlier Select List and –

(a) had expressed his unwillingness for appointment to the Service under regulation 9:

Provided that he shall be considered for inclusion in the Select List, if before the commencement of the year, he applies in writing, to the State Government expressing his willingness to be considered for appointment to the service;

(b) was not appointed to the Service by the Central Government under regulation 10.

5(4) <sup>31</sup>The Selection Committee shall classify the eligible officers as 'Outstanding', 'Very Good', 'Good' or 'Unfit', as the case may be, on an overall relative assessment of their Service records.

5(5) <sup>32</sup>The list shall be prepared by including the required number of names, first from amongst the officers finally classified as 'Outstanding' then from amongst those similarly classified as 'Very Good' and thereafter from amongst those similarly classified as 'Good' and the order of names *inter-se* within each category shall be in the order of their seniority in the State Civil Service.

<sup>20</sup> Omitted vide Not.No.14015/4/88-AIS(I),dt.1.8.89

<sup>21</sup> Deleted vide 28013/20/76-AIS(I)-A, dated 5/10/79.

<sup>22</sup> Substituted vide DP&AR Not. No. 11039/2/76-AIS(I)-A, dated 20/4/76

<sup>22A</sup> Substituted vide DOPT Notification No. 14015/30/2015-AIS-I dated 17.03.2015

<sup>23</sup> Amended vide notification No. 14015/27/99-AIS(I)-A dated 25.07.2000- GSR 633(E)

<sup>24</sup> Ibid. Note 6.

<sup>25</sup> Amended vide Notification No. 14015/19/2001-AIS(I)-A dt. 13.10.2005 – GSR No. dt.

<sup>26</sup> Amended vide Notification No. 14015/19/2001-AIS(I)-A dt. 13.10.2005 – GSR No. dt.

<sup>27</sup> Inserted vide 28013/20/76-AIS(I)-A, dated 5/10/79

<sup>28</sup> Amended vide Notification No. 14015/27/99-AIS(I)-A dt. 25.7.2000 – GSR 633(A)

<sup>29</sup> Added *ibid*.

<sup>30</sup> Ibid. Note 6.

<sup>31</sup> Substituted vide DP&AR Not.No. 11039/6/76-AIS(I)-A, dated 3/6/77.

<sup>32</sup> Substituted vide DP&AR Not.No. 11039/6/76-AIS(I)-A, dated 3/6/77.

<sup>33</sup>Provided that the name of any officer so included in the list, shall be treated as provisional, if the State Government, withholds the integrity certificate in respect of such an officer or any proceedings, departmental or criminal, are pending against him or anything adverse against him which renders him unsuitable for appointment to the service has come to the notice of the State Government.

Provided further that while preparing year-wise select lists for more than one year pursuant to the second proviso to sub-regulation (1), the officer included provisionally in any of the select list so prepared, shall be considered for inclusion in the select list of subsequent year in addition to the normal consideration zone and in case he is found fit for inclusion in the suitability list for that year on a provisional basis, such inclusion shall be in addition to the normal size of the select list determined by the Central Government for such year.<sup>34</sup>

**Explanation I:** The proceedings shall be treated as pending only if a charge-sheet has actually been issued to the officer or filed in a Court, as the case may be.

**Explanation II:** The adverse thing which came to the notice of the State Government rendering him unsuitable for appointment to the Service shall be treated as having come to the notice of the State only if the same have been communicated to the Central Government and the Central Government is satisfied that the details furnished by the State Government have a bearing on the suitability of the officer and investigation thereof is essential.

5(6) <sup>35</sup>Omitted.

5(7) <sup>36</sup>[ Deleted ]

**6. Consultation with the Commission:-** This list prepared in accordance with regulation 5 shall then be forwarded to the Commission by the State Government along with-

- (i) the records of all members of the State Civil Service included in the list;
- (ii) the records of all members of the State Civil Service who are proposed to be superseded by the recommendations made in the list;
- (iii) <sup>37</sup>[deleted].
- (iv) the observations of the State Government on the recommendations of the Committee.

<sup>38</sup>6A The State Government shall also forward a copy of the list referred to in regulation 6 to the Central Government and the Central Government shall send their observations on the recommendations of the Committee to the Commission.

**7. Select List:-** <sup>39</sup>(1) The Commission shall consider the list prepared by the Committee along with-

- (a) the documents received from the State Government under regulation 6;
- (b) the observations of the Central Government and, unless it considers any change necessary, approve the list.

<sup>33</sup> Inserted vide DP&AR Not. No. 14015/4/88-AIS(I), dated 30/3/89

<sup>34</sup> Amended vide notification No. 14015/27/99-AIS(I)-A dt. 25.7.2000 – GSR 633(E)

<sup>35</sup> Ibid. Note 6.

<sup>36</sup> Deleted vide DP&AR Not. No. 11039/6/76-AIS(I)-A, dated 3/6/77

<sup>37</sup> Deleted vide DP&AR No. No. 11039/3/78-AIS(I), dated 2/6/79

<sup>38</sup> Inserted vide DP&AR Notification No.14015/4/88-AIS-I dated 30.03.1989

<sup>39</sup> Ibid. Note 20.

7(2) If the Commission considers it necessary to make any changes in the list received from the State Government, the Commission shall inform the State Government <sup>40</sup>[and the Central Government] of the changes proposed and after taking into account the comments, if any, of the State Government <sup>41</sup>[and the Central Government], may approve the list finally with such modification, if any, as may, in its opinion, be just and proper.

7(3) The list as finally approved by the Commission shall form the Select List of the members of the State Civil Service.

Provided that if an officer whose name is included in the Select List is, after such inclusion, issued with a charge-sheet or a charge-sheet is filed against him in a Court of Law, his name in the Select List shall be deemed to be provisional.

7(4) <sup>42</sup>The Select List shall remain in force till the 31<sup>st</sup> day of December of the year in which the meeting of the selection committee was held with a view to prepare the list under sub-regulation (1) of regulation 5 or upto sixty days from the date of approval of the select list by the Commission under sub-regulation (1) or, as the case may be, finally approved under sub-regulation (2), whichever is later:

<sup>43</sup>Provided that where the State Government has forwarded the proposal to declare a provisionally included officer in the select list as “unconditional”, to the Commission during the period when the select list was in force, the Commission shall decide the matter within a period of forty-five days or before the date of meeting of the next selection committee, whichever is earlier and if the Commission declares the inclusion of the provisionally included officer in the select list as unconditional and final, the appointment of the concerned officer shall be considered by the Central Government under regulation 9 and such appointment shall not be invalid merely for the reason that it was made after the select list ceased to be in force.

Provided further that in the event of any new Service or Services being formed by enlarging the existing State Civil Service or otherwise being approved by the Central Government as the State Civil Service under Clause (j) of sub-regulation (1) of regulation 2, the Select List in force at the time of such approval shall continue to be in force until a new select list prepared under regulation 5 in respect of the members of the new State Civil Service, is approved under sub-regulation (1) or, as the case may be, finally approved under sub-regulation (2).

Provided also that where the select list is prepared for more than one year pursuant to the second proviso to sub-regulation (1) of regulation 5, the select lists shall remain in force till the 31<sup>st</sup> day of December of the year in which the meeting was held to prepare such lists or upto sixty days from the date of approval of the select lists by the Commission under this regulation, whichever is later. <sup>44</sup>

7(5) <sup>45</sup>[Omitted]

<sup>46</sup>8. [Omitted]

**9. Appointments to the Service from the Select List.-** 9(1) Appointment of a member of the State Civil Service, who has expressed his willingness to be appointed to the Service,

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<sup>40</sup> Ibid. Note 6.

<sup>41</sup> Ibid. Note 6.

<sup>42</sup> Ibid. Note 6.

<sup>43</sup> Amended vide notification no. 14015/19/2001-AIS(I)-A dt. 13.10.2005 – GSR No. dt

<sup>44</sup> Added vide notification No. 14015/27/99-AIS(I)-A dt. 25.7.2000 – GSR 633(E).

<sup>45</sup> Ibid. Note 6.

<sup>46</sup> Ibid. Note 6.

shall be made by the Central Government in the order in which the names of the members of the State Civil Service appear in the Select List for the time being in force during the period when the select list remains in force:

<sup>47</sup> Provided that the appointment of members of the State Civil Service shall be made in accordance with the agreement arrived at under clause (b) of sub-rule (3) of rule 8 of the Recruitment Rules in the order in which the names of the members of the State Civil Service occur in the relevant parts of the Select List for the time being in force.

Provided further that the appointment of an officer, whose name has been included or deemed to be included in the select list provisionally under the proviso to sub-regulation (5) of regulation 5 or under the proviso to sub-regulation (3) of regulation 7, as the case may be, shall be made within sixty days after the name is made unconditional by the Commission in terms of the first proviso to sub-regulation (4) of regulation 7:

Provided also that in case a select list officer has expressed his unwillingness for appointment to the service, he shall have no claim for appointment to the service from that select list unless he informs the Central Government through the State Government before the expiry of the validity period of the select list, revoking his earlier expression of unwillingness for appointment to the service.

<sup>48</sup>g(2) [Omitted]

<sup>49</sup>**10. Power of the Central Government not to appoint in certain cases:-**

Notwithstanding anything contained in these Regulations [ ] <sup>37?</sup> the Central Government may not appoint any person whose name appears in the Select List, if it is of opinion that it is necessary or expedient so to do in the public interest.

Provided that no such decision shall be taken by the Central Government without consulting the Union Public Service Commission.

**11. <sup>50</sup>[Omitted]**

<sup>51</sup>**Schedule (See Regulation 3)**

Sl. No.	Name of the State Cadre/Joint Cadre	Other members of the Committee
1.	Arunachal Pradesh, Goa, Mizoram and Union territories	<p>a) Chief Secretary of the constituent State for which the meeting is held and in respect of Union territory segment, the senior-most Chief Secretary amongst the Chief Secretaries to the Union territory administrations;</p> <p>b) senior-most Chief Secretary of the remaining constituents of the Cadre;</p> <p>c) the senior-most officer of the constituent segment serving in cadre, for which the meeting is held, other than the Chief</p>

<sup>47</sup> Ibid. Note 6.

<sup>48</sup> Ibid. Note 6.

<sup>49</sup> Ibid. Note 20.

<sup>50</sup> Ibid. Note 6.

<sup>51</sup> Amended vide Notification No. 14015/08/2001-AIS(I)-A dt. 31.01.2005 – GSR No. 51 dt. 12.02.2005.

		<p>Secretary;</p> <p>d) Special Secretary/Additional Secretary, Government of India dealing with AGMUT Cadre in Ministry of Home Affairs; and</p> <p>e) two nominees of Government of India not below the rank of Joint Secretary.</p>
2.	Assam-Meghalaya and Manipur-Tripura Joint Cadres	<p>a) Chief Secretaries of the constituent States;</p> <p>b) the senior-most officer of the constituent segment serving in the State for which the meeting is held, other than the Chief Secretary; and</p> <p>c) two nominees of Government of India not below the rank of Joint Secretary.</p>
3.	Other State Cadres not included in Sl. No. 1 and 2 above	<p>a) Chief Secretary of the State Government;</p> <p>b) the senior-most officer of the Cadre serving in the State, other than the Chief Secretary;</p> <p>c) Head of General Administration Department/Personnel /Revenue Department of the State Government not below the rank of Secretary to the State Government; and</p> <p>d) two nominees of Government of India not below the rank of Joint Secretary."</p>



## Govt. of India Decisions

### Government of India's Decisions under Reg. 3

1.1. On the basis of the recommendations of the Committee on the Prevention of Corruption, it has been decided that the following certificate should be recorded by the Chief Secretary to the State Government who is the sponsoring authority in respect of all eligible officers whose case are placed before the Selection Committee for consideration:

"The State Government certify the integrity of Shri-----with reference to the entries in his annual confidential reports."

1.2. The Selection Committee should also consider the question of suitability of the officers for selection with reference to their integrity and should specifically record in their proceedings that they were satisfied from the remarks in the confidential reports of the officers, selected by them for inclusion in the Select List, that there was nothing against their integrity.

*[G.I., M.H.A. letter No. 14/23/65-AIS(III), dated 8/6/1965, read with MHA letter No. 14/23/65-AIS(III), dated 28th July, 1965.]*

2.1 A State Government is competent to declare any duly constituted Police Service in the State as equivalent to the Principal Police Service of the State for the purpose of regulation 2(i) and rule 2(g) of the I.P.S. (Recruitment) Rules, 1954. Where equivalence so declared, it is for the State Government to determine the service in ranks or categories of the posts which will be equivalent in service to the post of Deputy Superintendent of Police.

2.2 Equivalent posts in non-police departments are intentionally excluded from the scope of the eligibility clause (regulation 4), the reason being that experience not involving police duties should not be reckoned for this purpose. In the case of the I.A.S. however, service in equivalent posts is taken into consideration and the State Government have been given discretion to declare any post as equivalent to that of Deputy Collector for the purpose of determining the eligibility of an officer for consideration for inclusion in the Select List. This is because for holding posts in the I.A.S. experience in revenue and general administration is required and in some of the departments (other than police and revenue) the duties involved in the higher posts are of administrative nature.

2.3 As service in equivalent posts is not taken into account for determining the eligibility of a State Police Service officer for inclusion in the Select List, the State Governments would be well-advised not to send them on deputation to posts which are in non-police departments and which cannot be declared by them as equivalent to Principal Police Service of the State.

*[G.I., M.H.A. letter No. 28/38/64-AIS(III), dated 5/1/1965.]*

3.1 It is open to the State Government to depute their officers in the State Police Service to the post of A.D.C. to Governor or a Security Officer in a Public Sector Undertaking which essentially requires the services of a police officer for the discharge of duties against the deputation reserve provided in the State Police Service cadre or in any other manner without declaring the non-police department as such in which these posts exist as equivalent to the Principal Police Service of the State. In these cases, service or deputation as A.D.C. or Security Officer in non-police department will count as State Police Service under this regulation.

3.2 In case where a State Police Service Officer goes on deputation to such a post in a non-police department/police department before the inclusion of his name in the Select List and is remunerated at that stage on a scale of pay identical or nearly identical to the senior

scale of the I.P.S. he would not be allowed to count his officiation in such posts towards his eventual fixation of seniority if and when he is subsequently appointed to the I.P.S .

*[G.I., M.H.A. letter No. 15/13/65-AIS(I), dated 7/7/1965.]*

#### **Government of India's Decisions under Reg 5:**

1. Having regard to the provision contained in the proviso to the sub-regulation (4) of Regulations 7 of the IAS (Appointment by Promotion), Regulation, 1955 the State Government/the Joint Cadre Authority, while making recommendations for the appointment of a member of the State Civil Service to the Indian Administrative Service, may forward a certificate on the following lines:

"The State Government/the Joint Cadre Authority certifies that subsequent to the inclusion of the name of Shri -----in the Select List, there has been no deterioration in his work as to render him unsuitable for appointment to the Indian Administrative Service nor has any lapse in his conduct or performance of duties in his part come to the notice of the State Government/the Joint Cadre Authority."

*[DP & AR letter No. 11/4/73-AIS(I), dt. 22/5/73.]*

2. It has come to the notice of the Central Government recently where officers not specified in the relevant Schedule to the Promotion Regulation to participate in the Selection Committee meetings as members had participated in such meetings and this had the effect of vitiating the proceedings of the said Selection Committee. In order to avoid such a situation, the State Governments have been requested to ensure that their officers, who attend the meetings of the Selection Committees, are invariably those specified in column 3 of the Schedule to Regulation 3 of the I.A.S./I.P.S. (Appointment by Promotion) regulation, 1955 and in sub-regulation (1) of Regulation 3 of the I.F.S. (Appointment by Promotion) Regulation, 1966.

*[DP & AR letter No. 11039/5/80-AIS(I), dated 10/11/80.]*

3.1. It has been brought to the notice of the Government of India by the Commission that the State Governments do not bring out specifically to the notice of the Selection Committee/Commission cases where decisions on representations made against adverse entries are yet to be taken by the State Government. According to the Commission, this results in the officers who are not included in the Select List filing writ petitions against the selections made by the Selection Committees and in some cases the courts passing orders accepting the writ petitions and directing the respondents to review the proceedings of the Selection Committee ignoring the adverse entries.

3.2. The State Govts. have been requested that while furnishing the material/information to the Union Public Service Commission for holding the meetings of the Selection Committees, the State Governments should invariably furnish the following certificates:-

(a) Adverse remarks in the character rolls of the following eligible officers have not been communicated by the State Government to the officers concerned.

(b) Adverse entries in respect of the following eligible officers have been communicated but no representations have been so far received from the officers concerned but the time limit to represent is not yet over.

(c) Representations against adverse entries in respect of the following officers have been received within the stipulated time but the decision of the State Government, is yet to be taken.

*[DP&AR letter No. 14015/14/81-AIS(I), dated 7/7/81.]*

4. According to the existing practice, members of the State Civil/Police/Forest Service whose suitability for promotion to the I.A.S./I.P.S./I.F.S. is considered by the Selection Committee and against whom disciplinary proceedings are pending are included in the Select List subject to clearance of enquiries pending against them. The State Governments have been requested that a list of officers against whom disciplinary proceedings are pending and a list of those in respect of whom it has been finally decided to institute disciplinary proceedings, may invariably be given to the Chairman of the Selection Committee as in the proforma enclosed at the time of the meeting of the Committee.  
[DP&AR letter No. 14015/28/81-AIS(I), dated 6/2/82.]

5. After the amendments dated 31.12.1997, the State Govts. are to forward signed declaration of marital status and consent for termination of lien in the State Service on eventual substantive appointment is the IAS from the State Civil Service officers included in the consideration zone to the Central Government separately, even while sending proposals for convening the Selection Committee to the Commission. Any adverse development in respect of the officers included in the consideration zone which is likely to render him unsuitable for appointment to the Service for the time-being (e.g.) withdrawal of integrity certificate by the State Govt. / issue of charge sheet / filing of criminal case against the officer etc. should be **immediately** brought to the notice of the Central Government and Commission by the State Govt. concerned by FAX / Speed Post and acknowledgement secured from the addressee.

[DOP&T Lr.No.F.14015/1/98-AIS(I)dt. 6.7.1998]

6. State Civil Service officers who crossed 54 years of age during 1.4.1997 and 31.12.1997 and where no selection committee met to consider their promotion to IAS during this period, are eligible to be considered by the selection committee meeting in 1998, in terms of the second proviso to Regulation 5(3) of the Promotion Regulations.

[DOP&T Lr.No.14015/5/98-AIS(I) dt. 14.9.1998]

7. Every State Civil Service officer eligible and falling in the consideration zone framed under Regulation 5(2) shall be considered and graded by the Selection Committee and the list of suitable officers drafted in accordance with Regulation 5(4) and 5(5) of the Promotion Regulations. The choice of option exercised by the State Civil Service officer for promotion to IAS shall be reckoned with by the Central Government only in case of their inclusion in the select list after its approval by the Commission, in terms of third proviso to Regulation 9(1) of the Promotion Regulations.

[DOP&T Letter .No. 14015/16/99-AIS(I) dated 22.11.1999]

### **Government of India's Decisions under Reg. 9**

1. The appointment of a State Service officer to an All India Service against the promotion quota or otherwise is appointment in a substantive capacity outside his cadre. His lien on the post in the State Service shall, therefore, be suspended under Fundamental Rule 14(a)(2) and his written consent obtained for the termination of his lien on the post in the State Service before he is confirmed in the All India Service. The written consent should be obtained by the State Government while recommending the names of State Service officers for appointment to the All India Service.

[G.I., M.H.A. letter No. 4/4/60-AIS(II), dated 15/10/1960.]