

APPOINTMENTS

- 2.1 All appointments except casual appointments in the Central Government Departments/Offices, are made on the basis of the Recruitment Rules framed under Article 309 of the Constitution of India.
- 2.1.1 Separate Recruitment Rules^[1] are framed for each post. These rules contain the classification of the post, conditions of service, method of appointment and pay scales attached to the posts.
- 2.1.2 Appointments to all Group - 'A' posts are made by the President of India in consultation with the U.P.S.C. Appointments to all Group - 'B' posts in the Central Bureau of Investigation, are made by the Director, CBI in consultation with the U.P.S.C., wherever necessary. Appointments to all Group - 'C' posts, except the posts of Senior Clerk Stenos, L.D.Cs, Head Constables and Constables in C.B.I., are made by the Dy. Inspector General of Police. Appointments in the posts of Senior Clerk Stenos, Lower Division Clerks, Head Constables and constables in Group - 'C' and all posts in Group - 'D' in the CBI, are made by the Superintendent of Police.
- 2.2 **Regular appointment**
- 2.2.1 All direct recruitment for filling up the regular vacancies in Group 'C' posts (Sub Inspector, Lower Division Clerk and Stenographer Grade 'D') are made through Staff Selection Commission.
- 2.2.2 A requisition in the prescribed form (Revised form circulated in Department of Personnel & Training letter No. F.2-46/86-P&P, dated 04.09.1991 [Annexure-IV](#)) is to be placed on the Commission by the authorized officer of the government department. Before placing requisition, the required formalities like obtaining No Objection Certificate from the Central (Surplus Staff) Cell should be completed.
- 2.2.3 All vacancies in the central government establishment other than those filled through the U.P.S.C. or the Staff Selection Commission should be notified to the nearest Employment Exchange. No department or office should fill up any vacancy by direct recruitment unless the Employment Exchange issues a non availability certificate.
- 2.2.4 The direct recruitment of Constables in CBI, is made on centralized basis by CBI Head Office. Their selection is made by the Committee constituted by the Director, CBI.

^[1] See [Appendix-III](#) for Recruitment Rules.

- 2.2.5 Oath of Allegiance : Every person entering government service shall take an oath of allegiance to the Constitution of India either in English or Hindi, before Head of Department/Office or a gazetted officer nominated by him.
- 2.2.6 Medical Examination : Every candidate for appointment to a post (including appointment on part-time basis) under government is required to produce a medical certificate of fitness from the appropriate medical authority.
- 2.2.7 Verification of Character and Antecedents :
- (a) The appointing authority should satisfy itself that the character and antecedents of the person proposed to be appointed are such that they do not render him/her unsuitable for appointment to government service.
- (b) Persons dismissed from service of the Central or a State government including the administration of Union Territories, should be deemed ineligible for appointment.
- (c) While normally a person convicted for an offence involving moral turpitude should be regarded as ineligible for government service, in cases where the appointing authority feels that there are redeeming features and reasons to believe that such a person has cured himself of the weakness, he can be considered for appointment after obtaining specific approval of the government.
- 2.3 **Appointment on deputation basis^{2[2]}**
- 2.3.1 One of the modes of appointments in the CBI is by inducting officers/personnel on deputation from various State/Central Government/Public Sector Undertakings/Autonomous Bodies. Such appointments are governed by the provisions contained in the relevant Recruitment Rules of the concerned posts/ranks.
- 2.3.2 Appointment on deputation is for a limited period and the officer concerned is to be reverted to his/her parent cadre after expiry of the same.
- 2.3.3 When the field of consideration for Group 'A' posts consists of Central Government Group 'A' officers only, prior consultation with U.P.S.C. is not necessary for selection. When the field of consideration includes State Government officers also, prior consultation with the Commission is necessary before appointing a State Government officer. When the field of consideration is made more broad-based and consists of not only Central/State Government officers but also officers of non-governmental institutions, such selection shall also be made in consultation with U.P.S.C. Consultation with U.P.S.C. is also necessary for appointment of a Central Government officer who is not group 'A' on deputation to Group 'A' post.
- 2.3.4 According to the provisions of Recruitment Rules, 20% posts of Addl. SP, 50% of Dy.SP and 50% of Inspector are to be filled through deputation/transfer.

^{2[2]}Also see D.P.&T. OM No. 2/29/91-Estt (Pay II) dated 5.1.1994 & D.P.&T. OM No. 2/8/97-Estt (Pay II) dated 11.3.1998.

In prosecution ranks, 25% posts of Sr. Public Prosecutor and Public Prosecutor are required to be filled on deputation/transfer basis.

2.3.5 The Officers holding analogous posts on regular basis or with six years regular service in the posts having Pay Scale of Rs. 8000-13500 or equivalent and possessing degree of recognized University or equivalent with 5 years experience in investigation of criminal cases, are considered for deputation to CBI as Addl. SP.

2.3.6 Similarly, the Officers holding analogous posts on regular basis or with 5 years regular service in the posts having Pay Scale of Rs.6500-10500 or equivalent and possessing degree of recognized University or equivalent with 3 years experience in investigation of criminal cases, are considered for deputation to CBI as Dy. SP.

2.3.7 The Officers holding analogous post on regular basis or officers with 5 years regular service in the pay scale of Rs. 8000-13500 with Degree in Law from a recognized University or equivalent and 8 years bar experience in conducting criminal cases are considered for induction as Sr. PP in CBI.

2.3.8 The Officers holding analogous post on regular basis or officers with 5 years regular service in the pay scale of Rs. 6500-10500 with Degree in Law from a recognized University or equivalent and 7 years bar experience in conducting criminal cases are considered for induction as Public Prosecutor in CBI.

2.3.9 The CBI branches may also identify suitable and willing officers from State Police Forces/CPMFs and send their nominations along with their service particulars to CBI, Head Office to consider their suitability for induction in CBI.

2.3.10 An employee appointed on deputation may elect to draw either the scale of pay of the post to which he has been appointed on deputation or the basic pay in the parent cadre plus deputation allowance.

2.3.11 **Tenure of Deputation**

(a) The period of deputation shall be subject to a maximum of three years in all cases except for those posts where a longer period of tenure is prescribed in the Recruitment Rules.

(b) The Administrative Ministry/borrowing organization may grant extension beyond this limit up to one year, after obtaining orders of their Secretary (in the Central Government and Chief Secretary in the State Government), equivalent level officer in other cases where such extension is considered necessary in public interest.

- (c) The borrowing Ministries/Departments/Organizations may extend the period of deputation for the fifth year or for the second year in excess of the period prescribed in the Recruitment Rules where absolutely necessary, subject to the following conditions:
- (i) While according extension for the fifth year, or the second year in excess of the period prescribed in the Recruitment Rules the directive issued for rigid application of the tenure rules should be taken into consideration and only in rare and exceptional circumstances such extension should be granted.
 - (ii) The extension should be strictly in public interest and with the specified prior approval of the concerned Minister of the borrowing Ministry/Department and in respect of other organization, with the approval of the Minister of Ministry/Department with which they are administratively attached.
 - (iii) Where such extension is granted it would be on the specific understanding that the officer would not be entitled to draw deputation (duty) allowance.
 - (iv) The extension would be subject to the prior approval of the lending organization, the officer on deputation, and wherever necessary, the U.P.S.C/State Public Service Commission and Appointments Committee of the Cabinet (ACC).
- (d) In cases where extension is beyond the fifth year or second year in excess of the period prescribed in the Recruitment Rules, the same would be allowed only after obtaining the approval of the Department of Personnel and Training whether Central Government is the lending organization or the borrowing organization.
- (e) For computing the total period of deputation the period of deputation in another ex-cadre post(s) held preceding the current appointment without break in the same or some other organization should also be taken into account.
- (f) If during the period of deputation the basic pay of an employee exceeds the maximum of the scale of pay of the post or the fixed pay of the post, on account of proforma promotion in his cadre under the Next Below Rule or otherwise, the deputation of the employee should be restricted to a maximum period of six months from the date on which his pay exceeds such maximum and he should be reverted to his parent department within the said period.
- (g) If during the period of deputation, on account of proforma promotion in the parent cadre under the Next Below Rule, the employee becomes entitled to a scale of pay higher than the scale of pay attached to the ex-cadre post, he

may be allowed to complete the normal tenure of deputation subject to (f) above but no further extension of the period of deputation should be allowed in such cases.

2.3.12 **Deputation (Duty) Allowance**

The Deputation (Duty) Allowance shall be admissible at the following rates :

- (i) 5% of the employee's basic pay subject to a maximum of Rs.500/- per month when the deputation is within the same station.
- (ii) 10% of the employee's basic pay subject to a maximum of Rs.1000/- per month in all other cases.

The Deputation (Duty) Allowance as above shall be further restricted as under:

- (i) Pay + Deputation (Duty) Allowance does not exceed the maximum of the scale of ex-cadre post.
- (ii) Pay + Deputation (Duty) Allowance as above shall at no time exceed Rs.22,400/- per month.

2.3.13 **Premature Reversion of Deputationist to Parent Cadre**

Normally when an employee is appointed on deputation, his/her services are placed at the disposal of the parent department at the end of the tenure. However, as and when a situation arises for premature reversion to the parent cadre of the deputationist, his/her services could be so returned after giving advance intimation of reasonable period to the lending department and the employee concerned.

2.4 **Appointment by absorption**

Recruitment Rules for some posts prescribe, inter alia, 'Absorption' (also 'transfer') as a mode of recruitment. 'Absorption' means permanent absorption in the post.

The service rendered on deputation basis cannot be taken into account for the purpose of deciding eligibility for appointment to another post in the higher pay scale on deputation basis. The eligibility for appointment on deputation basis would continue to be determined with reference to the regular service in the parent cadre/department.

2.5 **Ad hoc Appointment**^{3[3]}

- 2.5.1 The Government has issued instructions to the Ministries/Departments not to make any appointments on ad-hoc basis including transfer on deputation etc. The ad hoc appointments could, however, be made in the following circumstances:

^{3[3]}Also see D.P.&T. O.M. No. 28036/8/87-Estt.(D) dated 30-3-1988

- (a) Where there is an injunction by the Court/Tribunal directing that the post may not be filled on regular basis and if the final judgement of the Court/Tribunal is not expected early and the post also cannot be kept vacant.
- (b) Where the Direct Recruitment Quota has not been filled and the Recruitment Rules also do not provide for filling it up on transfer or deputation temporarily and the post cannot also be kept vacant.
- (c) In short term vacancies due to regular incumbents being on leave/deputation etc. and the officer is not available on the approved panel and the post cannot also be kept vacant.

2.5.2 The ad hoc appointments in the Central Government Departments are, therefore, generally made on the following grounds :-

- (a) The Recruitments Rules for the posts, are in the process of being framed,
- (b) The proposals are under consideration to amend the existing Recruitment Rules,
- (c) The Seniority position of the officers holding the post in the feeder grade, is disputed,
- (d) Adequate number of qualified candidates are not available for filling the vacancies through Direct Recruitment Quota prescribed in the Recruitment Rules.

2.5.3 **Conditions for making ad hoc appointments/promotions:**

- (a) The total period for which the appointment/promotion may be made on ad hoc basis is limited to one year only. The practice of giving a break periodically and appointing the same person on ad-hoc basis, may not be permitted. In case of compulsions for extending any ad hoc appointment/promotion beyond one year, the approval of the Department of Personnel and Training is to be sought in at least two months in advance, before the expiry of one year period. If the approval for continuance of the ad hoc arrangements beyond one year is not received before the expiry of one year period, the ad hoc appointment/ promotion shall automatically cease on the expiry of one year term.
- (b) It should be ensured that the persons appointed are those nominated by the Employment Exchange concerned and they also fulfill the stipulation of the educational qualification/experience and the upper age limit prescribed in the Recruitment Rules.

- (c) Where the ad hoc appointment is by promotion of the officer in feeder grade, it may be done on Seniority-cum-Fitness basis.
- (d) (d) The authority competent to approve ad hoc appointments should be one level higher than the appointing authority prescribed for the post.

2.6 **Casual Appointments**^{4[4]}

2.6.1 Casual appointments are generally made in the Central Government departments for meeting the seasonal/intermittent increase in the workload. The policy regarding engagement of casual workers in the Central Government Offices has been reviewed by Government keeping in view the judgement of Hon'ble Supreme Court delivered on 17th January, 1986, in the Writ Petition filed by Shri Surinder Singh and others vs. Union of India. It has been decided to lay down the following guidelines in the matter of recruitment of casual workers on daily wage basis:

- (a) Persons on daily wages should not be recruited for work of regular nature. It should be for work which is of casual or seasonal or intermittent nature or for the work which is not of full time nature or for which regular post cannot be created.
- (b) The Casual Workers may be paid only the minimum wages notified by the State Government/Union Territories administration as per Minimum Wages Act 1948.
- (c) The Casual Worker may be given one paid weekly off after six days continuous work.
- (d) The payment to the Casual Workers may be restricted only to the days on which they actually performed duties under the government with a paid weekly off. In addition, wages may also be paid for a national holiday if it falls on the working day.
- (e) While considering regularization of the services of casual workers, they may be given relaxation in the upper age limit only if, at the time of initial recruitment as a casual worker they had not crossed the upper age limit for the relevant post. For any further relaxation, prior concurrence of the Ministry of Finance and the Department of Personnel and Training, should be obtained.
- (f) Employment of the same casual labourer beyond 200 days in a year, is not permitted.

2.6.2.1 2.6.2.1 **Ban on engagement of Casual Worker for duties of Group 'C' post**

^{4[4]}Also see D.P.&T. O.M. No. 49014/2/86-Estt.(C) dated 7-6-1988 and Ministry of Labour O.M. No. 53202/16/86-WC(MW) dated 23-8-1988

There is complete ban on engagement of Casual workers for performing the duties of Group 'C' posts and hence no appointment of Casual Worker, should be made for performing the duties of Group 'C' posts^{5[5]}. If any deviation in this regard is committed, the Administrative officer, in charge in the rank of Joint Secretary or equivalent will be held responsible for the same.

2.6.3 **Scheme for grant of Temporary Status and regularization of Casual Workers in Group 'D' posts**^{6[6]}

Temporary status would be conferred on all Casual Labourers who are in employment on 01.09.1993 and who have rendered a continuous service of one year which means they must have been engaged for a period of at least 206 days in case of offices observing 5 days week. Such confirmation of temporary status would be without reference to the creation/availability of regular Group 'D' post. Such Casual Labourers who acquired temporary status will not, however, be brought on to the permanent establishment unless they are selected through regular selection process for Group 'D' post.

2.6.4 **Procedure for filling up of Group 'D' posts:**

- (i) Two out of every three vacancies in the Group 'D' posts in respective offices where the casual labourers have been working, would be filled up as per existing Recruitment Rules and in accordance with the instructions issued by the Department of Personnel and Training from amongst the casual labourers with the temporary status and the third post will be filled from amongst other than casual labourers.
- (ii) In case of illiterate casual labourer or those who fail to fulfill the minimum qualification prescribed for the post, regularization will be considered only against those posts in respect of which literacy or lack of minimum qualification, is not a requisite qualification.
- (iii) They would be allowed age relaxation equivalent to the period for which they have worked continuously as Casual Labourers.
- (iv) No age has been prescribed for grant of temporary status to the Casual Labourers. However, for the purpose of subsequent regularization, the conditions regarding age and educational qualifications prescribed in the relevant Recruitment Rules, will apply.
- (v) The Casual Labourer being considered for regularisation in Group 'D' post, should have been engaged through Employment Exchange. They should not be considered for appointment to regular establishment unless they get themselves registered with the Employment Exchange and render from the

^{5[5]} Also see Ministry of Finance O.M. No. 49014/16/89-Estt.(C) dated 26-2-1990

^{6[6]} Also see D.P.&T. O.M. No. 51016/2/90-Estt. (C) dated 10-9-1993

date of such registration, a minimum of 2 years continuous service as Casual Labourer.

- (vi) On regularization in Group 'D' post, their pay will be fixed at the minimum of the time scale attached to the post.

2.6.5 Hon'ble Supreme Court of India in its judgement dated 29.04.2002 in SLP (Civil) No. 2224/2000 in the case of Union of India & another vs. Mohan Pal etc. decided that the scheme of 01.09.93 is not an ongoing scheme and the temporary status can be conferred on the casual labourers under that scheme only on fulfilling the conditions incorporated in Clause 4 of the scheme, namely they should have been casual labourers in employment on the date of commencement of the scheme i.e. 01.09.1993 and they should have rendered continuous service of at least one year i.e. at least 240 days in a year or 206 days (in case of offices having 5 days a week) on 01.09.1993. Those who have already been given 'temporary' status on the assumption that it is an ongoing scheme shall not be stripped of the 'temporary' status pursuant to this decision. The Supreme Court in the above case had also considered the question as to whether the services of casual labourers who had been given 'temporary' status could be dispensed with as per clause 7 as if they were regular casual labourers and observed that - "The casual labourers who acquire 'temporary' status cannot be removed merely on the whims and fancies of the employer. If there is sufficient work and other casual labourers are still to be employed by the employer for carrying out the work, the casual labourers who have acquired 'temporary' status shall not be removed from service as per clause 7 of the scheme. If there is serious misconduct or violation of service rules, it would be open to the employer to dispense with the services of a casual labourer who had acquired the temporary status".^{7[7]}

2.7 **Compassionate Appointments**^{8[8]}

2.7.1 **Object** : The object of the Scheme is to grant appointment on compassionate grounds to a dependent family member of a government servant dying in harness or who is retired on medical grounds, thereby leaving his family in penury and without any means of livelihood, to relieve the family of the government servant concerned from financial destitution and to help it to get over the emergency.

2.7.2 **To Whom Applicable**

- A. To a dependent family member of a government servant who:

^{7[7]} On the basis of the above decision of the Hon'ble Supreme Court, Department of Personnel & Training vide O.M. No. 40011/6/2002 (Estt) (C) dated 06.06.2002 issued clarification to all Ministries/Departments of Central Government.

^{8[8]} (Notified by DP&T OM No. 14014/6/94-Estt(D) dated 9.10.1998)

- (i) Dies while in service (including death by suicide); or
- (ii) Is retired on medical grounds under Rule 38 of the CCS (Pension) Rules, 1972 or the corresponding provision in the Central Civil Services Regulations before attaining the age of 55 years (57 years for Group 'D' Government servants).

B. Missing Government Servants: Cases of missing government servants are also covered under the scheme for compassionate appointment subject to the following conditions:

- (a) A request to grant the benefit of compassionate appointment can be considered only after a lapse of at least 2 years from the date from which the government servant has been missing, provided that:
 - (i) An FIR to this effect has been lodged with the Police,
 - (ii) The missing person is not traceable, and
 - (iii) The competent authority feels that the case is genuine;
- (b) This benefit will not be applicable to the case of a government servant:
 - (i) Who had less than two years to retire on the date from which he has been missing; or
 - (ii) Who is suspected to have committed fraud, or suspected to have joined any terrorist organization or suspected to have gone abroad.

Note I : Dependent family member means:

- (a) Spouse; or
- (b) Son/daughter (including adopted son/daughter); or
- (c) Brother/sister in case of unmarried government servant who are wholly dependent on him/her.

2.7.3 **Authority Competent to make Compassionate Appointments:**

The Director, CBI being Head of the Department is competent to make such appointment.

2.7.4 **Posts to which such appointment can be made :**

Group 'C' and 'D' posts against the direct recruitment quota.

2.7.5 **Determination/Availability of Vacancies**

- (a) Appointment on compassionate grounds should be made only on regular basis and that too only if regular vacancies meant for that purpose are available.

- (b) Compassionate appointments can be made upto maximum of 5% of vacancies falling under direct recruitment quota in any Group 'C' or Group 'D' posts.

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