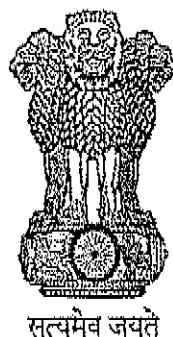


COMMITTEE ON SUBORDINATE LEGISLATION
(2018-2019)

(SIXTEENTH LOK SABHA)

THIRTY-EIGHT REPORT

**RULES/REGULATIONS GOVERNING THE SERVICE CONDITIONS OF DELHI,
ANDAMAN & NICOBAR ISLANDS CIVIL SERVICE AND CENTRAL SECRETARIAT SERVICE**



**LOK SABHA SECRETARIAT
NEW DELHI**

JANUARY, 2019/PAUSH, 1940 (Saka)

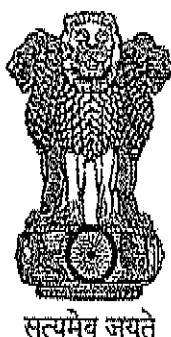
COMMITTEE ON SUBORDINATE LEGISLATION
(2018-2019)

(SIXTEENTH LOK SABHA)

DRAFT THIRTY-EIGHT REPORT

**RULES/REGULATIONS GOVERNING THE SERVICE CONDITIONS OF DELHI,
ANDAMAN & NICOBAR ISLANDS CIVIL SERVICE AND CENTRAL SECRETARIAT SERVICE**

03 JAN 2019
(PRESENTED TO LOK SABHA ON 3 January, 2019)



सत्यमेव जयते

**LOK SABHA SECRETARIAT
NEW DELHI**

JANUARY, 2019/PAUSHA, 1940 (Saka)

CONTENTS

Para No. Page No.

COMPOSITION OF THE COMMITTEE.....	(iii)
INTRODUCTION.....	(v)

REPORT

PART-I

I. Introduction-Delhi, Andaman & Nicobar Islands Civil Service (DANICS)	1-15
II. Central Secretariat Service (CSS)	16-24

PART-II

I. Observations/Recommendations	25-36
---------------------------------	-------

ANNEXURE

Secretary, Ministry of Personnel, PG and Pensions, D.O. No. 21/2/2015-CS-I (D) dated 31 st July, 2015	33
---	----

APPENDICES

1. Minutes of the Third Sitting (2016-17) of the Committee held on 23.11.2015.	34- 38
2. Extracts from the Minutes of the Third Sitting of the Committee (2018-2019) held on 20.12.2018.	

6

COMPOSITION OF THE COMMITTEE ON SUBORDINATE LEGISLATION
(16th LOK SABHA)
(2018-2019)

Shri Dilipkumar Mansukhlal Gandhi Chairperson

Members

2. Shri Idris Ali
3. Shri Birendra Kumar Choudhary
4. Shri S. P. Muddahanumegowda
5. Shri Shyama Charan Gupta
6. Shri Jhina Hikaka
7. Shri Janardan Mishra
8. Shri Prem Das Rai
9. Shri Chandul Lal Sahu
10. Shri Alok Sanjar
11. Shri Ram Prasad Sarmah
12. Adv. Narendra Keshav Sawaikar
13. Shri V. Panneer Selvam
14. Shri Ram Kumar Sharma
15. Shri Nandi Yellaiah

SECRETARIAT

1. Shri Ravindra Garimella - Joint Secretary
2. Shri Ajay Kumar Garg - Director
3. Smt. Jagriti Tewatia - Deputy Secretary

INTRODUCTION

I, the Chairperson, Committee on Subordinate Legislation having been authorised by the Committee to submit the report on their behalf, do present this Thirty-Eighth Report.

2. The matters covered by this Report were considered by the Committee on Subordinate Legislation at their sitting held on 23.11.2015 during which oral evidence of the representatives of Department of Personnel and Training, Ministry of Personnel, PG and Pensions were taken.
3. The Committee considered and adopted this Report at their sitting held on 20.12.2018.
4. Minutes of the Third Sitting of the Committee (2016-17) held on 23.11.2015 and Extracts from Minutes of Third Sitting of the Committee (2018-19) held on 20.12.2018 relevant to this Report are included in Appendix-I of the Report.

New Delhi;
December, 2018
— Agrahayana, 1940 (Saka)

DILIPKUMAR MANSUKHLAL GANDHI
Chairperson
Committee on Subordinate Legislation

CHAPTER

I. Introduction

The Civil Services refers to the permanent executive branch of the Republic of India. It is the backbone of the administrative machinery of the country. With the passing of the Government of India Act, 1919, the Imperial Services headed by the Secretary of State for India were split into two *viz.* All India Services and Central Services. The present modern Civil Service was formed after partition of India in 1947. It was Sardar Patel's vision that the Civil Service should strengthen cohesion and national unity. The values of integrity, impartiality and merit remain the guiding principles of Indian Civil Services. The Ministry of Personnel, Public Grievances and Pensions is the nodal Ministry vested with the responsibility for training, reforms and pension for the civil service system in India.

[Wikipedia]

1.2 The higher Civil Services of India can be classified into two types - the All India Services and the Central Civil Services (Group A). The All India Services comprises three services namely, the Indian Administrative Service (IAS), the Indian Forest Service (IFS) and the Indian Police Service (IPS). A common feature of the All India Services is that the members of these services are recruited through the UPSC but their services are placed under various state cadres unlike members of Central Services. The members of All India Services are obliged to serve under the State Governments to which they are allocated. They also serve the Central Government when their services are borrowed by the Central Government on deputation. The Ministry of Personnel, Public Grievances and Pensions is the cadre controlling authority for the IAS, for IPS it is the Ministry of Home Affairs while the Ministry of Environment, Forest and Climate Change is the cadre controlling authority for Indian Forest Service (IFS).

The Constitution of India under Article 312 provides for All India Civil Services branches to be set up. The Central Civil Services (Group A) are concerned with the administration of the Union Government and all appointments to this services are also made by the President of India. For Group B posts the Combined Graduate Level Examiantion is conducted by the Staff Selection Commission. The State Civil Services (Group A & B) recruitments are made by exams conducted by the individual States Public Service Commission in India. These Group 'A' services are feeder services of All India Service.

[Wikipedia, BGD Note Para 1.1, Pg 1]

Delhi, Andaman & Nicobar Islands Civil Service (DANICS)

1.3 DANICS is an acronym which refers to the "NCT of Delhi, Andaman and Nicobar Islands, Lakshadweep, Daman & Diu and Dadra & Nagar Haveli Civil Service". They usually are similar in rank with State Civil Services Officers. However, Officers of this service are responsible for the diverse administrative functions of the National Capital, Delhi and the Union Territories. The Ministry of Home Affairs is the actual Cadre Controlling Authority for DANICS. Two thirds of the strength is filled by direct recruitment and the remaining by promotion. Officers to DANICS are recruited through a combined civil service examination conducted by UPSC every year. The cadre is further augmented by promotion of non-gazetted civil service officers. They form a feeder cadre of the Indian Administrative Service.

[Wikipedia]

II. Recruitment, Seniority, Promotion of DANICS Officers and their subsequent induction to All India Service:

1.4 Rule 3 of the National Capital Territory of Delhi, Andaman and Nicobar Islands, Lakshadweep, Daman and Diu and Dadra and Nagar Haveli (Civil Service) Rules, 2003 stipulates as under:

Composition of the Service and its classification.-

- (1) There shall be constituted a Service known as the National Capital Territory of Delhi, Andaman and Nicobar Islands, Lakshadweep, Daman and Diu and Dadra and Nagar Haveli Civil Service consisting of persons appointed to the Service under rules 6 and 7.
- (2) The Service shall be deemed to have four grades as specified in Schedule I with effect from the 1st day of January, 1996.
- (3) The posts in Junior Administrative Grade-1, Junior Administrative Grade-II and Selection Grade shall be Central Civil Services Group "A" posts and those in the Entry Grade shall be Central Civil Services Group "B" posts.

Rule 6 of the *ibid.* rules *inter-alia* states as under:

Initial constitution of the Service.-

- (1) All existing officers holding duty posts on regular basis in Junior Administrative Grade, Grade-I and Grade-II of Delhi, Andaman and Nicobar Islands, Lakshadweep, Daman and Diu and Dadra and Nagar Haveli Civil Service shall be members of the Service in the respective grades.
- (2) All the existing officers of Lakshadweep, Daman and Diu and Dadra and Nagar Haveli Administrations holding posts, on regular basis which have been encadred in the Service shall continue to be in their respective posts and grades as existed before the appointed day till they become members of the Service after their suitability has been assessed by the Commission. In case they are assessed suitable, they shall be deemed to have been appointed to the appropriate grade from the date(s) of their regular appointment to such grades. In case any officer is not found suitable for appointment to the Service, the encadred post held by him

regularly shall be treated as ex-cadre till he is inducted into the Service or vacates the post and his case shall be reviewed every year.

- (3) The regular continuous service of officers referred to in sub-rules (1) and (2) before the commencement of these rules shall count for the purpose of probation and qualifying service for promotion, confirmation and pension in the Service.
- (4) To the extent the Cadre Controlling Authority is not able to fill up the authorised regular strength of various grades in accordance with the provisions of this rule, the same shall be filled in accordance with the provisions of rules 7 and 8.

Rule 7 states as under:

Future maintenance of the Service.-

- (1) The vacancies in any of the grades referred to in Schedule I, after the initial constitution under rule 6, shall be filled in the manner hereinafter provided in this rule.
- (2) (a) Fifty per cent of the posts in Entry Grade shall be filled by direct recruitment and the remaining fifty per cent by promotion.
(b) The vacancies in the direct recruitment quota shall be filled on the basis of the Civil Services Examination conducted by the Commission.
(c) The vacancies in the promotion quota shall be filled by selection from amongst officers holding posts mentioned in Schedule II with three years regular service in the grade on the basis of the recommendations of the Departmental Promotion Committee.
- (3) All the vacancies in the grades of Junior Administrative Grade-I, Junior Administrative Grade-II and Selection Grade shall be filled by promotion from amongst the officers in the immediate respective lower grade with the minimum qualifying service as specified in Schedule III.

(4) (a) The promotion to the Junior Administrative Grade-II shall be made by "selection" subject to the bench mark grade prescribed by the Government from time to time for this level of posts under the Government.

(b) The induction by promotion to the Entry Grade shall be made by "selection" subject to the bench mark grade prescribed by the Government from time to time for this level of posts under the Government.

(c) The promotion to the Junior Administrative Grade-I and Selection Grade shall be made in the order of seniority subject to rejection of unfit.

(5) The selection in each case under sub-rule(4) shall be made on the recommendations of the Departmental Promotion Committee.

(6) If any officer appointed to any grade of the Service is considered for the purpose of promotion to the higher post, his senior would also be considered provided they are not short of the requisite qualifying or eligibility service by more than half of such qualifying or eligibility service or two years, whichever is less, and have successfully completed their probation period for promotion to the next higher grade along with their juniors who have already completed such qualifying or eligibility service.

NOTE - The eligibility list for promotion shall be prepared with reference to the date of completion of the qualifying service in the respective grade or post. If the crucial date for one or more officers coming from different sources is one and the same, the officer senior in age will be placed higher in the eligibility list.

1.5 Recruitment by promotion from State Civil/Police Service is governed by IAS/IPS (Appointment by Promotion) Regulations, 1955. Promotion Regulations provide for preparing yearwise Select Lists from which appointment by promotion are effected.

[LOP Reply dated 18.11.2015 Q. 11(iii)]

1.6 Regarding the induction by promotion to the All India Services (IAS/IPS/IFS) the Committee were informed during the oral evidence tendered by the Ministry of Personnel, PG and Pensions before the Committee on 23.11.2015 that, Rule 9 (2) of IAS/IPS/IFS Recruitment Rules fixes the Promotion Quota at 33 and 1/3% of Senior Duty Posts (SDP) + State Deputation Reserve (SDR) + Central Deputation Reserve (CDR) + and Training Reserve (TR). Prior to this, it was 25% up to 1966. In terms of IAS/IPS/IFS (Appointment by Promotion) Regulations, the promotion quota of each State/Joint Cadre is filled each year and year-wise from SCS/SPS/SFS. The Committee were further informed that there is a provision for appointment by selection to IAS of outstanding officers from state government services other than state civil service.

[Presentation]

1.7 On the issue pertaining to stagnation in DANICS service and the need to manage rules which impede the career progression of the officer belonging to DANICS cadre, the Ministry in their written reply dated 14.01.2016 submitted as under:

"All the DPCs for all the grades in DANICS have been convened till the vacancies of 2015, It may be observed that there is no stagnation in any of the grades of DANICS/DANIPS except in promotion from JAG-II to JAG-I of DANICS. Recently, the Ministry has issued a notification diverting 40 vacancies temporarily from JAG-II to JAG-I to obviate the

stagnation. All the eligible officers will now be considered by the DPC which is fixed for 08.01.2016 at UPSC."

[LOP Reply 14.01.2016, Q. 2]

1.8 Regarding stagnation in DANICS for lateral entry into IAS, the Committee were informed as under:-

"..., minimum 8 years service eligibility for promotion from State civil services to IAS is there. In Karnataka, such officers are not available, but at the same time in DANICS and DANIPS large numbers of officers are available. The cadre management is very poor. Therefore, there is stagnation and they are not getting into IAS / IPS after putting in 8-10 years of services."

(Verbatim Pg. 40)

xx

xx

xx

".....If The recruitment was held every year, say, taking in around 15 or 20 people every year, then our situation would have been similar to that of Kerala and Tamil Nadu. But most States do not do it. It is not possible for State Public Service Commission to hold the examination every year, and every examination is spread over two to three years due to litigation or some other factors. So, the State Public Service Commissions should put their act together and to ensure that every year people recruited are placed before the Government so that we will have smaller batches and people from the State Civil Services can make it to the IAS on a regular basis and that the problem of stagnation is sorted out....."

(Verbatim pg. 44.D)

1.9. Regarding steps taken reduce stagnation in DANICS, the witness stated as under:

"..... One is stagnation in DANICS. DANICS is basically State civil services and DANIPS is for police officers. These two States do not have their own service commission. So, UPSC is working like the State Service Commission for these two States. Though the examination is the same, but the objectives are different. It is like from State services being promoted into IAS. No doubt there is stagnation because of the cadre management, but we have taken two things into account to see how we can reduce their stagnation. One is cadre review is due for the UT cadre.

We are in the process of examining the number of posts in IAS that would increase. Subsequently, 33 per cent quota would increase. So, we will have more officers being promoted. Earlier, they had stagnation of 27-28 years. Now, in 2013, we promoted 1989 batch officers. In 2014, there are 6 vacancies. So, we will be promoting 1990 batch officers.

As far as the police officers are concerned, in 2014, 1994 batch officers have been promoted into IPS. So, there is a disparity between the police and civil service of about 6-7 years. This would be taken care of only once the number of posts increases and a bit of cadre management. These are the two ways in which we can reduce it. I do not know whether in the near future we will go for 8 year promotion for them."

(Verbatim pg. 42-43)

1.10 When pointed out about the possibility to accord one year of seniority for each year of service rendered after eligibility for induction to IAS and IPS, in response the Ministry in their written reply submitted that:-

"There are three modes of recruitment of IAS i.e. Direct Recruit through Civil Services; (ii) Appointment on Promotion from the State Civil Services and (iii) Appointment by Selection from the Non-State Civil Services.

After appointment, the officers recruited through these modes are placed in one gradation list in a particular year, as envisaged by the concerned Seniority Regulations.

In case, weightage of one year for every completed year of service rendered by the promotee officer is given, there will not be any difference between the Direct Recruits and the Promotees and it will disturb the above proposition and put the direct recruited officers at a disadvantageous position."

[LOP Reply 14.01.2016, Q. 3]

1.11 The Committee also enquired if retrospective implementation of the fixation of seniority has been done in DANICS resulting in loss of seniority to the DANICS officer inducted into IAS in select list 2010 & 2011 and notified in 2011 and 2012 respectively. To this, the Department in their written reply dated 18.11.2015 stated as under:-

"In the wake of High Court/Supreme Court order in the case of Praveen Kumar the select list came to be advanced by one year. It was observed that for the purpose of fixation of seniority/year of allotment, weightage was required to be calculated on the basis of continuous service in the state service up to 31st December preceding the year for which the Select List was prepared on the basis of which such officer was appointed on promotion and then as per the Seniority rules such weightage was to be deducted from the year of select list.

Since, after Praveen Kumar's case, the select list came to be advanced by one year, had the existing weightage formula been allowed to continue on the officers promoted on the basis of select list prepared in accordance with the judgment of High Court/ Supreme Court order in the matter of Shri Praveen Kumar would have got additional year in their year of allotment which was not given to the officers promoted on the basis of the select list prior to Praveen Kumar case. In order to remove the possibility of such anomalous situation the Government decided to amend the Rule 3 (3)(ii) of IAS/IPS/IFS (Regulation of Seniority) Rules suitably.

A question arose as to what should be the cut off date for implementation of the order of High Court/ Supreme Court in the matter of Praveen Kumar. It was observed that in the number of States Selections up to the year 2009 were already finalized and appointments were made whereas in some states meetings of the Selection Committee were not held even prior to 2006. Considering pros and cons, following decisions have been taken by the competent authority that:-

- (i) The said order would be implemented w.e.f. 1st February, 2010 i.e. date of the High Court order.
- (ii) Wherever meetings of the Selection Committee in respect of any All India Service have not been held or meetings have been held but minutes of the meeting have not been approved by the Commission, the same will be held in accordance with the interpretation of Regulations given by the Hon'ble High Court and confirmed by the Hon'ble Supreme Court.
- (iii) Where meetings have already been held and minutes have been approved the same will not be opened unless and until there is specific direction from a court of law.

- (iv) The eligibility of State Service officers in cases of Review Selection Committee meeting would be reckoned on the basis of Regulations /interpretations prevailing in that year unless otherwise directed by a Court of Law.
- (v) Select List will henceforth be styled coinciding with the year of vacancies. In case there are two overlapping Select Lists for particular year the same will be distinguished by styling the Select List of that year (correspondent to the year in which vacancies have arisen) and the other select list will be named by adding "A" to that year.

Accordingly, concerned authorities were instructed vide this Departments OM dated 25th August, 2010 to send requisite proposal to UPSC keeping in view the above directions of the Hon'ble High Court as confirmed by the Hon'ble Supreme Court. However, AIS(Regulation of Seniority) Rules were amended vide notification dated 18.4.2012. Seniority/year of allotment of State Services Officers appointed to AIS is required to be fixed as per AIS(Regulation of Seniority) Rules, 1987 as amended from time to time. In case the Select List is prepared in accordance with the ratio laid down by Hon'ble Punjab & Haryana High Court and confirmed by Hon'ble Supreme Court in Praveen Kumar's case, seniority rules as amended on 18.04.2012 will be applicable, otherwise Regulations existing prior to amendment dated 18.04.2012 would be applicable. Therefore, there is no retrospective implementation of the amended rules."

[LOP dated 18.11.2015, Q. 10]

1.12 As regards having provision for making lateral entry in the Civil Services so as to bring in more professionalism in AIS, the Department stated as under:-

"The 6th Central Pay Commission had made the following observations:-

Apart from opening up the process of selection for deputation to Higher level posts, the Government should also identify some of the SAG and HAG posts requiring technical or specialised knowledge and which are not encadred in any of the service. These posts would open up for being filled by suitable officers within the Government as well as by the outsiders. The Government can also suggest some names for consideration of the selecting agency. The selection for deputation to

these posts could be made by the UPSC irrespective of their working in the Government or outside it....."

1.13 The Ministry further stated that:

"As per the All India Services (Appointment By Promotion) Regulations, which govern the provisions relating to promotion of SCS officers to IAS, the State Civil Service Officers serving in the Deputy Collector Grade who are permanent in their Services and who have rendered not less than 8 years continuous service are eligible to be considered for recruitment by promotion to the IAS. Thus, the minimum years required for a SCS officer to become IAS is only 8 years. The actual time taken to be promoted to IAS however varies from State to State and depends on the SCS cadre management practice followed by that particular State, the number of recruitments into SCS over the years, etc. and the number of vacancies to be filled up in a particular year in a cadre. It is as such for the State Governments concerned to so manage their SCS recruitment and cadres, as to ensure timely promotion of their officers."

[LOP Reply 18.11.2015, Q. 12]

1.14 Regarding the plans of DOPT to ensure timely induction of DANICS to IAS, the Ministry submitted that in the beginning of every year invariably the Department in consultation with the concerned State Governments determines the promotion quota vacancies and communicates the same to the State Govt. concerned and UPSC for holding Selection Committee Meetings (SCMs). In ordinary circumstances the meetings are held by UPSC on receipt of requisite proposal from the State Govt. but when the matter relating to seniority of SCS officers etc. remains sub-judice the holding of such SCMs does not become possible. Thus, there is effective mechanism to hold SCMs every year but in the case of one or other matter being sub-judice sometimes it becomes difficult to hold SCMs in a particular year. Therefore, no other mechanism is required for promotion of the SCS officers to the IAS on completion of 8 years' service in the SCS. Promotion Regulations have been amended to prepare yearwise Select Lists to ensure that if the Selection Committee meeting for a State in a particular year is delayed for any reasons,

the officers eligible for promotion to the IAS have not to unduly suffer. They are thus considered for promotion on the due dates.

[LOP Reply dated 18.11.2015 Q. 11(ii)]

1.15 When enquired if it will be appropriate to increase the promotion quota from the existing 33 1/3% to 50% for States/Civil/Police Officers, in response the Ministry in their written reply dated 18.11.2015 submitted as under:

"As per the extant provisions of Rule 9 of the IAS (Recruitment) Rules, 1954, the promotion/selection posts are 33 1/3 % of the Senior Duty Posts, Central Deputation Reserve, State Deputation Reserve and Training Reserve. The overall number of insider IAS in a State Cadre is more than 50%. For example, out of a cadre of 100, 33 are promotees, and from the remaining 67 direct recruits, 22 (onethird) are insiders. Thus out of 100, the insiders are 55. Therefore, there is no justification to increase the promotion quota.

Further, the scheme of All India Service envisages a healthy balance of insiders and outsiders in the cadre. In pursuance of this principle, recruitment is made maintaining a ratio of 50:50 of insiders and outsiders. Increase in promotion quota would disturb the balance. Members of the All India Services are recruited for holding the senior most posts in the Centre and the State Governments. The highest standard for this purpose is best maintained by the recruitment through the competitive examinations where the recruitment is on merit. While a part of the recruitment is made by promotion from State Civil Services/Non State Civil Services for the purpose of strengthening the Services with more experienced officers, continuous increase in the promotion quota may result in erosion in the standard of the All India Services."

[LOP Reply dated 18.11.2015 Q. 11(iv)]

1.16 On the issue, a representative from the Department during evidence further submitted before the Committee as under:-

"Talking of quotas, historically, in the Indian Civil Service, in the colonial era, only 20 per cent of the posts of the ICS were meant for the State Civil Service; they were allowed to hold posts. Thereafter, after

Independence, this was raised to 25 per cent and it continued till 1966. Now, it is 33.33 per cent. So, this is where the things lie."

(Verbatim Pg 44)

1.17 When enquired about the objections, if any, in making the rules/regulations governing promotion/pay scales in DANICS on the pattern of IAS, the Ministry in their written reply dated 18.11.2015 submitted as under:-

"State Civil Services have been set up to handle the matters related to the 'State List' and hence terms and service conditions of the SCS including the pay are totally within the purview and competence of the State Governments. Setting up of a Commission to decide service conditions of officers in the State will be going into the areas which are in the domain of the State Governments and which is likely to be opposed by them on the ground of its hitting upon their autonomy in a federal polity.

The promotions of DANICS/DANIPS officers from one grade to other are done in terms of DANICS/DANIPS Rules, 2003"

(LOP Reply dated 18.11.2015, Q. 15)

1.18 In this regard, representative from the Department during oral evidence deposed as under:-

"DANICS and DANIPS services are recruited through a combined civil service examination conducted by UPSC every year. About 23-24 services participate in the civil service exam. DANICS and DANIPS are Group B services and they are meeting the requirements of the State's that is, Delhi administration and Andaman & Nicobar Administration and they are feeder category for promotion to all-India service, that is, IAS and IPS respectively. The promotion quota is determined every year and is fixed i.e. 33 per cent of the senior duty post, Central deputation reserve, State deputation reserve and training reserve. This quota is fixed unless cadre review is done. Therefore, for 2015, the promotion quota for IAS is 51. The number of officers in position will be taken and the incumbency position will be taken. The gap between the quota and incumbency is the vacancy, that is, 6 vacancies have been arrived at. Since the promotion quota is 33 per cent this vacancy cannot increase. The vacancy, which is occurring in a particular year, will be taken into account. This is done by the Central Government in consultation with the concerned cadre controlling authorities, that is, with the Delhi

Administration, Ministry of Home Affairs is the cadre controlling authority for the UT cadre.

The State Government is sending proposal to UPSC and the Government of India nominates two officers. This Promotion Committee is headed by the UPSC Chairman or one of the Members of the UPSC. They send the minutes of the meeting; they make recommendations; and they prepare a select list and send it to DoPT and we issue the notification. This is the procedure for promotion from other civil service to IAS.

..... the issue of non-SCS officers getting into IAS. There is a provision in the all-India services recruitment rules. There are 3 methods of recruitment. One is direct recruitment, that is, through competitive examination conducted by UPSC. Second is promotion quote, which is 33 per cent and out of that 15 per cent is carved out for the non-SCS officers of outstanding ability and merit. "

(Verbatim pg. 37)

CHAPTER - II

CENTRAL SECRETARIAT SERVICE

The Central Secretariat Service (CSS) is one of three core services functioning in the Governance i.e. Central Secretariat. The CSS is governed by Central Secretariat Service Rules, 1962, which has been issued under the powers of Article 309 of the Constitution. The CSS has been one of the earliest organized services in the country, which presently consists of five grades, namely, Assistant, Section Officer, Under Secretary, Deputy Secretary and Director. Some of the posts of Joint Secretary-level, which are operating in Central Staffing Scheme, are also held by CSS Officers. The CSS has been devised primarily to manage the middle level posts in the Central Secretariat, which is the Headquarters of the Union Government, housing the Offices of the Central Ministries/Departments mostly located in Delhi/New Delhi. The major role of the service is also to ensure continuity in administration and policies.

[Introduction CSS (DOPT site)]

2.2 The Central Secretariat Service in its present form was constituted with effect from 1st October 1962, with the notification of CSS Rules 1962. Rule 3 and 11 of the Central Secretariat Service Rules, 2009 reads as under:

“3. Composition of the Service.--

- (1) There shall be five Grades in the Service which are classified into two groups as given below:-

Sl. No.	Group of post/ grade	Grade	Classification
(1)	(2)	(3)	(4)
1	A	Senior Selection Grade	Central Civil Service Group A Ministerial
2	A	Selection Grade	Central Civil Service Group A Ministerial
3	A	Grade-I	Central Civil Service Group A Ministerial
4	B	Section Officer	Central Civil Service Group B Ministerial
5	B	Assistant	Central Civil Service Group B Ministerial

11. Recruitment to Senior Selection Grade, Selection Grade and Grade I.—

- (1) Regular vacancies in the Senior Selection Grade shall be filled by promotion of regular officers of Selection Grade who have rendered not less than five years' approved service in that Grade and are included in the Select List for the Senior Selection Grade prepared under sub-rule (4).
- (2) Regular vacancies in the Selection Grade shall be filled by promotion of regular officers of Grade I who have rendered not less than five years' approved service in that Grade and are included in the Select List for the Selection Grade prepared under sub-rule (4).
- (3) Regular vacancies in Grade I shall be filled by promotion of regular officers of the Section Officers' Grade who have rendered not less than eight years' approved service in that Grade and are included in the Select List for Grade I of the Service prepared under sub-rule (4).
- (4) For the purposes of sub-rules (1), (2), and (3), a Select List for the Senior Selection Grade, Selection Grade and Grade I shall be prepared and published annually. The procedure for preparing and revising the Select Lists shall be such as may be prescribed by regulations made by the Central Government:

Provided that the regulations relating to the procedure for preparing and revising the Select List for Grade I shall be prepared in consultation with the Commission."

In Situ Promotions to the grade of JS

2.3 The Committee enquired about the system of in situ promotion in the Central Secretariat Services. The Ministry vide their reply dated 18.11.2015 have inter –alia stated as under:

"A Committee was set up on Cadre Restructuring of Central Secretariat Service (CSS) in June, 2008. The Committee submitted its report in November, 2008. The Report of the Committee was considered by the Government and inter-alia the following decisions have been taken:

CSS Officers who are empanelled as Joint Secretaries will be given in situ promotion as Joint Secretaries in SAG grade at their current place of posting, till they are placed under Central Staffing Scheme, with such in situ promotions restricted to 40 in number.

Fixing the combined strength of Joint Secretary (in situ), Directors and Deputy Secretary of CSS at 600, with inter se flexibility subject to a ceiling of 40 posts for Joint Secretary (in situ) and 220 posts at the Director level.

The Central Secretariat Service consists of the following posts:

- Assistant (Group B, NonGazetted)
- Section Officer (Group B, Gazetted)
- Grade –I i.e. Under Secretary (Group A)
- Selection Grade i.e. Deputy Secretary (Group A)
- Senior Selection Grade i.e. Director (Group A)

..... That posts of Joint Secretary and above are not cadre posts and as such there is no normal line of promotion available from Director Grade to Joint Secretary Grade within the Central Secretariat Service.

A CSS Officer can be appointed as a Joint Secretary and above only under the Central Staffing Scheme. Understandably, the posts of Joint Secretary and above in the context of a CSS Officer are selection posts under this scheme and are not to be confused with the usual promotions

made by DPCs. In other words, the posts of Joint Secretary and above lie outside the usual line of promotion.”

[LOP Reply dated 18.11.2015, Q 1]

2.4 Regarding criteria for selecting/picking a CSS empanelled officer as JS under Central Staffing Scheme, the Ministry have stated as under:

“Appointments to all posts of the rank of Under Secretary and above in the Government of India are filled under the Central Staffing Scheme by borrowing officers from the All India Services and participating Group ‘A’ services. As of now, 37 services participate under the Central Staffing Scheme. Various Cadre Controlling Authorities forward names of the officers who would be available for central deputation postings in a given year. After due process, officers from these services are ‘retained’ in the ‘offer list’. A panel of 2 or 3 officers for each vacancy is suggested to the Ministry concerned keeping in view officers profile viz., the educational qualifications, experience, overall availability for effective performance of the job. The panel is finalized for each vacancy having regard to the job description, suitability of the candidates, cadre profile, fair mix of experience in Ministries and other relevant factors.

As per Central Staffing Scheme-1996, Officers belonging to the Central Secretariat Service should have eight years of service in the Selection Grade and should have been assessed suitable for the post of Director for a minimum continuous period of three years for being eligible to hold posts of the level of the Joint Secretary under the Central Staffing Scheme.”

[LOP Reply dated 07.03.2016, Q 1(iv)]

2.5 The Ministry have further stated:

“It is reiterated that there is no normal line of promotion from the post of the Director to the post of Joint Secretary in CSS as Joint Secretary is not a cadre post of the Service. The empanelment of CSS officers to hold JS or equivalent post is done under Central Staffing Scheme and criteria for which has been provided vide this Department’s O.M. No.35/3/2008-E.O.(SM-III) dated 15.09.2010.

The Officer should have 8 years of service in the Selection Grade (Deputy Secretary) and assessed (suitable) for the post of Senior Selection Grade (Director) for a minimum continuous period of 3 years."

[LOP Reply dated 07.03.2016, Q 1(ii)]

2.6 The Committee further sought to know about the number of officers who were empanelled for JS during the last 10 years and time taken by these officers to get promotion as JS (in-situ) after them being empanelled. In response, the Ministry informed the Committee as under:

"The post of JS (in situ) was brought into CSS cadre based on recommendation of Second Cadre Review Committee, notified on 20.7.2010. Records of CSS officers empanelled under Central Staffing Scheme and also appointed as JS (IS) are systematically maintained since then. As per available records around 120 officers have been empanelled to hold the post of Joint Secretary under the Central Staffing Scheme since 2010 till date. As regards the time taken by these officers to get promotion as Joint Secretary (in situ) after them being empanelled; it is informed that there is no specific time period within which they are to be appointed as Joint Secretary (in situ) following their empanelment. The number of Joint Secretary (in situ) posts is restricted to 40 and as such an empanelled officer can become Joint Secretary (in situ) only when a vacancy arises."

[LOP Reply dated 07.03.2016, Q 1(iii)]

2.7 Regarding the present strength of the officers working as Joint secretary by virtue of in-situ promotions, the Ministry vide their reply dated 18.11.2015 informed as under:

"Presently, there are 45 CSS Officers working as Joint Secretary (in situ) as against a sanctioned strength of 40 as the Appointments Committee of the Cabinet approved the proposal to increase the number of 40 JS (in situ) to 50 JS (in situ) of Central Secretariat Service (CSS) as a onetime measure in order to promote the remaining 10 officers of Senior Selection Grade Select List 2010 batch empanelled as JS for a period of maximum two years or till vacancies arise in the existing JS (in situ) due to retirement or the CSS empanelled officers are picked up as JS under Central Staffing Scheme, whichever is earlier."

[LOP Reply dated 18.11.2015, Q 2]

2.8 The Committee also enquired as to the difference in promotion JS (in situ) vis-à-vis appointing JS under Central Staffing Scheme. The Ministry vide reply dated have stated as under:

"Yes, there is difference in appointment of an officer who has been empanelled to hold the post of Joint Secretary under Central Staffing Scheme as Joint Secretary (in situ) as compared to appointment of Joint Secretary under Central Staffing Scheme. The appointment of a CSS officer as Joint Secretary (in situ) merely results in financial upgradation of the officer in question but in terms of functions, the duties and responsibilities are the same as that of a Deputy Secretary or Director. In fact, the postings of officers functioning as Joint Secretary (in situ), Director and Deputy Secretary are interchangeable. On the other hand, a CSS officer appointed as Joint Secretary under the Central Staffing Scheme holds the post of Joint Secretary substantively and his functions would be that of a regular Joint Secretary."

[LOP Reply dated 07.03.2016, Q 1(v)]

2.9 Regarding payscale of the officers holding charge of Joint Secretary through in situ promotion and whether the same is equivalent to the payscale of AIS holding the rank of Joint Secretaries, the Ministry have inter-alia informed:

"The pay scale of officers holding the post of Joint Secretary through in situ promotion is the same as that of officers of the AIS (i.e. IAS, IPS, and IFS) holding the rank of Joint Secretaries i.e. Rs. 3740067000 plus Rs. 10000/(Grade Pay).

The equivalence of the pay scale does not give the officers working as Joint Secretary (in situ) the status of Joint Secretary. The appointment of a CSS Officer as Joint Secretary (in situ) be deemed as promotion to the post of Joint Secretary.

The appointment of a CSS Officer as JS (in situ) merely results in financial upgradation of the Officer in question but in terms of functions, his duties and responsibilities are the same as that of a Deputy Secretary/Director. In fact, the postings of Officers functioning as Joint Secretary (in situ), Director, and Deputy Secretary are interchangeable. It appears that the expression Joint Secretary (in situ) is creating confusion as regards the functionality of the post due to the presence of

the words Joint Secretary in it. In this regard it is submitted that the nomenclature proposed earlier for the post was Senior Director."

[LOP Reply dated 18.11.2015, Q 3]

2.10 The Committee when enquired about the reasons for changing the proposed nomenclature of Senior Director to JS (in situ) the Ministry in their reply stated as under:

"The Note for the Cabinet regarding Cadre Restructuring of the Central Secretariat Service sent earlier contained the nomenclature of Senior Director. However, Prime Minister's Office vide their ID dated 25.5.2010 made the following observations –

The Prime Minister has approved the proposition in paragraph 7 of the draft Note for the Cabinet, subject to the following and consequential modifications:

The proposed new non-functional grade of Senior Director of SAG level may be dispensed with. Instead, 40 posts of Joint Secretaries may be provided, which would not include such CSS officers who get posted under the Central Staffing Scheme, and others, who are empanelled, but not yet posted under CSS, may be promoted as Joint Secretaries in-situ upto a limit of 40. The process of empanelment of Joint Secretaries in this service should be done regularly by the Department of Personnel & Training."

[LOP Reply dated 07.03.2016, Q 2(i) & (ii)]

2.11 On enquiring about the rule position with regard to assigning responsibilities of work to the in situ Joint Secretaries vis-à-vis officers of AIS or CSS holding the similar rank by virtue of normal promotions, the Ministry vide reply dated 18.11.2015 have inter-alia stated as under:

"..... the posts of Joint Secretary and Joint Secretary (in situ) are not similar posts or ranks. It is also made clear that no CSS Officer can be promoted to the post of Joint Secretary or equivalent as the post of Joint Secretary lies outside the cadre of CSS. The highest post in the CSS is that of Director. A CSS Officer can become a fullfledged Joint Secretary only after appointment under the Central Staffing Scheme. But such appointment is not tantamount to promotion; it is merely an appointment against a selection post. It is reiterated that the duties and

responsibilities of a Joint Secretary (in situ) are the same as that of a Director or Deputy Secretary."

[LOP Reply dated 18.11.2015, Q 4]

2.12 Regarding number of in situ Joint Secretaries presently reporting to Joint Secretaries., the Ministry have informed that as per records, out of 45 Joint Secretaries (in situ), about 34 are holding independent charge. There are no specific rules in this regard.

[LOP Reply dated 18.11.2015, Q 5]

2.13 Regarding the criteria adopted in deciding the channel of submission of work by JS (in-situ) in absence of Rules /guidelines, the Ministry have submitted that, the postings of Deputy Secretary, Director and Joint Secretary (in-situ) are interchangeable. As such the channel of submission of work of Joint Secretary (in-situ) is decided by the Administrative Ministry / Department where he / she is posted.

2.14 They have further stated that, a substantive Joint Secretary cannot report to another substantive Joint Secretary. However, a Joint Secretary (in situ) is not a substantive Joint Secretary. The functions of a Joint Secretary (in situ) are the same as that of Director or Deputy Secretary. As such, there is no legal infirmity in a Joint Secretary (in situ) reporting to a substantive Joint Secretary.

[LOP Reply dated 18.11.2015, Q 6]

2.15 In this regard the Ministry further submitted that, the Department is of the view that the existing system of inter-se flexibility amongst the posts of Deputy Secretary, Director and Joint Secretary (in-situ) is in keeping with the existing rules and precedents. It is totally denied that officers working as JS (in-situ) are victims of discrimination and harassment. Rather, their appointment as JS (in-situ) is advantageous to them for reasons of financial upgradation.

[LOP Reply dated 07.03.2016, Q 3 (I & ii)]

2.16 On enquiring as to whether the comments of the Ministry of Law & Justice were taken with regard to any legal infirmity in a JS (in-situ) reporting to a substantive JS, the Ministry have inter-alia stated as under:

"It may be appreciated that the post of Joint Secretary (in-situ) is not the same as a substantive Joint Secretary for if it had been so the expression in situ would have had no place. The need to consult Ministry of Law & Justice to ascertain the status of Joint Secretary (in situ) was never felt by this Department as inter-se flexibility amongst the posts of Deputy Secretary, Director and Joint Secretary (in situ) is a matter of fact and that the postings of Deputy Secretary, Director and Joint Secretary (in situ) are interchangeable is also a matter of fact. These facts and circumstances place the matter absolutely beyond doubt that the functional requirements of these posts are the same. Copy of the communication vide which Ministries / Departments have been requested to give independent charge to Joint Secretary (in situ) as far as possible is enclosed (Annexure – I)."

[LOP Reply dated 07.03.2016, Q 3 (iv & v)]

PART -II

OBSERVATIONS AND RECOMMENDATIONS

I. DANICS:

The Committee note that DANIC Service is a Group B service for carrying out the diverse administrative functions of the National Capital Territory of Delhi and the Union Territory Administration in respect of the Union Territories of (i) the Andaman & Nicobar Administration (ii) Lakshadweep (iii) Daman & Diu and (iv) Dadra & Nagar Haveli. The personnel to this service are recruited through a combined Civil Service Examination conducted by Union Public Service Commission (UPSC) every year through which IAS/IPS and other Central Civil Services are recruited and also through promotion. In this regard, the Committee find that two thirds of the strength of the Service is filled by direct recruitment and the remaining by promotion. The Committee also note that DANICS cadre form a feeder cadre for promotion to All-India Service i.e. IAS. The Committee are given to understand that there are three modes of recruitment to IAS i.e. (i) Direct Recruit through Civil Services; (ii) Appointment of Promotion from the State Civil Services (SCS) and (iii) Appointment by Selection from the Non-State Civil Services. As regards, Direct Recruitment through Civil Services is concerned All India Services (AIS) Officers are recruited through the UPSC which conducts an annual examination called Civil Services Examination. The selection is made solely on the basis of merit and Officers selected are appointed to Indian Administrative Service (IAS), Indian Police Services (IPS), Indian Foreign Services (IFS) etc. The

Committee further understand that the officers are allocated different services by DoPT on the basis of a system of merit cum preference taking into account the availability of vacancies, the requirement of reservation (PH, SC, ST, OBC & UR), medical status etc. All AIS Officers are distributed among 26 States/Joint Cadres on the basis of available vacancies declared by the State Governments. The 'Cadre' implies a State/province which is a part of the Union Government.

2. The Committee note that the Recruitment by promotion by way of lateral entry into IAS from State Civil Service (SCS) is governed by the IAS (Appointment by Promotion) Regulations, 1955 and that the Promotion Regulations provide for preparing year-wise Select Lists from which appointment by promotion are effected. The Committee note that Rule 9 (2) of IAS/IPS/IFS Recruitment Rules fixes the Promotion Quota at 33 and 1/3% of the senior duty post, Central deputation reserve, State deputation reserve and training reserve. The Committee are further given to understand that this quota is fixed unless cadre review is done. The Committee also note that as per the extant Regulations, the SCS Officers serving in the Deputy Collector Grade who are permanent in their Services and who have rendered not less than 8 years continuous service are eligible to be considered for recruitment by promotion to the IAS, meaning thereby that the minimum years required for a SCS officer to become IAS is 8 years.

3. The Committee note that Rule 3(3)(ii) of IAS/IPS/IFS (Regulation of Seniority) Rules, 1981 as amended vide notification dated 18.4.2012 in

the wake of judgement of High Court/Supreme Court order in the case of Praveen Kumar there is no retrospective implementation of the amended rules and the same are being implemented w.e.f 1.2.2010 i.e. the date of the High Court Order. As per this order the eligibility of SCS in cases of review Selection Committee meeting would be reckoned on the basis of the Regulations/interpretations prevailing in that year unless otherwise directed by the Court of Law. The Committee further understand that Select List is being styled coinciding with the year of vacancies. In case there are two overlapping Select Lists for particular year the same will be distinguished by styling the Select List of that year (correspondent to the year in which vacancies have arisen) and the other select list will be named by adding "A" to that year.

4. The Committee have been further informed that to ensure timely induction of DANICS Officers to IAS, the Department in the beginning of every year in consultation with the concerned State Governments determines the promotion quota vacancies and communicates the same to the State Govt. concerned and UPSC for holding Selection Committee Meetings (SCMs). The Committee are also given to understand that there is an effective mechanism to hold SCMs every year. In ordinary circumstances the meetings are held by UPSC on receipt of requisite proposal from the State Govt. but when the matter relating to seniority of SCS officers etc. remains *sub-judice*, the holding of such SCMs does not become possible.

5. The Committee note with grave concern that despite having efficient mechanism and rules in place for promotion of DANICS Officers to IAS, still in some States there are large number of DANICS Officers awaiting promotion for years which in the opinion of the Committee signifies a very poor cadre management. The Committee are also anguished to note that actual time taken to be promoted to IAS varies from State to State.

6. The Committee have been informed that the same depends on the SCS cadre management practice being followed by that particular State, the number of recruitments into SCS over the years, the number of vacancies to be filled up in a particular year in a cadre etc. The Committee take note of the fact that State Civil Services have been set up to handle the matters related to the 'State List' and the terms and service conditions of the SCS fall within the purview and competence of the State Governments and it is for the State Governments concerned to manage their SCS recruitment and cadres, so as to ensure timely promotion of their officers. The Committee thus, do not wish to step into the domain of the State Governments or hit upon their autonomy in a federal polity. The Committee agree with the submission made by the Ministry that if around 15 or 20 people are taken every year, smaller batches can be placed in seniority and then officers can make it to the IAS on a regular basis. The Committee thus strongly feel that the Ministry should urge the State Governments to take active steps so as to ensure that recruitments are held every year by the State Governments.

7. The Committee feel that differential promotional avenues for persons recruited through same exam, just because a particular State does not hold Selection Committee Meetings regularly, is demoralizing due to delayed promotion/induction to IAS and has cascading effect on the work output by the officers of the State. While strongly deprecating the existing state of affairs and absence of any kind of regulatory mechanism, the Committee are of the view that better cadre management of officers of DANICS will go a long way to alleviate the stagnation in the service.

8. Miscellaneous

- (i) The Committee note that for promotion of DANICS officers to higher grades, the DPC is held in UPSC whereas in case of IAS/IPS all the DPCs are convened in the Ministry itself. Therefore, in order to avoid delay in promotion to higher grade, the Committee feel that the DPC for DANICS officers should be held in Ministry and accordingly, recommend that the Ministry should amend the relevant rules so that the career prospects of the DANICS officers are not adversely affected by delayed promotion due to the above reasons.
- (ii) The DPCs in case of induction to IAS is held based on substantive vacancies, whereas in case of IAS/IPS the DPCs are held based on anticipated vacancies. This leads to delays of approx one year. The Committee, therefore, recommend that the DPCs for DANICS and induction into

IAS should be held on the basis of anticipated vacancies and not substantive vacancies.

- (iii) The date of commencement of approved service in case of DANICS is 1st July of the following year of the examination, whereas in case of IAS/IPS services, it is 1st January of the following year after exam. In the opinion of the Committee, this is highly discriminatory and it should be 1st January of the following year after exam in case of DANICS officers too.
- (iv) The Ministry while working out the promotion quota in cadre review does not take into consideration the leave reserve and Ministry should take leave reserve into consideration while calculating the promotion quota. There is a wide gap for promotion of DANICS officers/State Civil Service officers as they are getting promoted to IAS in 8-12 years with seniority of 4-5 years in some States. Therefore, there is need to amend Rule 3(3) of IAS(Regulation of Seniority) Rules, 1987, so that officers can get appropriate seniority commensurate with years of service put in by them.
- (v) As per the Government of India guidelines, All India Service (AIS) are given 2 years advantage over the other central services. DANICS officers are eligible for promotion/induction into IAS after 8 years of service with a seniority of 4 years; the Committee strongly recommend that there should be a 4 years gap between the IAS and

DANICS officers and non-functional up-gradation (NFU) should be implemented.

(vi) The Committee also note that the DANICS officers remain in Junior Administrative Grade-I(JAG-I) for more than 8 years leading to stagnation. Therefore, the Committee strongly recommend that the yearly quota of IAS officers allotted to AGMUT cadre should be first filled by promoting DANICS officers waiting for a long time so that stagnation arising out of cadre mismanagement is taken care of and till such time no regular recruitment should be done into IAS i.e. till the backlog of DANICS officers in the yearly quota of IAS allotted to AGMUT cadre, is filled up with those officers, who have completed the required service of 8 years as minimum eligibility criteria.

II. Central Secretariat Service

9. The Committee note that the Central Secretariat Service is one of the three services functioning in the Governance i.e. Central Secretariat. The Committee further note that the CSS is governed by the Central Secretariat Service Rules, 1962, consisting of five grades, namely, Assistant, Section Officer, Under Secretary, Deputy Secretary and Director. In addition to that some posts of the level of Joint Secretary are also being held by CSS Officers under the Central Staffing Scheme. Regarding the promotion avenues to the CSS Officers beyond the post of Director, the Committee note that a Committee on Cadre

Restructuring of Central Secretariat Service (CSS) in its report notified on 20.07.2010 had proposed that the CSS Officers who are empanelled as Joint Secretaries will be given *in situ* promotion as Joint Secretaries in SAG grade at their current place of posting, till they are placed under Central Staffing Scheme, with such *in situ* promotions restricted to 40 in number, the criteria for which has been provided vide DOPT O.M. No.35/3/2008-E.O.(SM-III) dated 15.09.2010 which inter-alia provides that an Officer should have 8 years of service in the Selection Grade (Deputy Secretary) and assessed (suitable) for the post of Senior Selection Grade (Director) for a minimum continuous period of 3 years for being eligible to hold posts of the level of the Joint Secretary. Further an empanelled officer can become Joint Secretary (*in situ*) only when a vacancy arises. The Committee are, however, dismayed to note that there is no specific time period within which the officers get promotion as Joint Secretary (*in situ*) after them being empanelled. The Committee are also surprised to note that the post of Joint Secretary or equivalent lies outside the cadre of CSS and that the highest post in the CSS is that of Director. The Committee is of the considered view that this tantamount to stagnation of a cadre especially since a CSS Officer can become a full fledged Joint Secretary only after appointment under the Central Staffing Scheme. The Committee are of the opinion that for functional independence of the CSS officers, the post of Joint Secretary should also be made as a CSS Cadre post instead of resorting to JS (*in situ*) especially after observing the fact that 40 CSS officers are already drawing the salary of JS and most of them are having independent charge. The Committee feel that by promoting the CSS officers as Joint

Secretaries it would help to avoid the functional conflicts, if any, arising between JS and JS (in situ) and this may also help in optimally utilizing their services and experience. The Committee, therefore, urge the Ministry to consider making suitable amendments to this effect in the CSS Rules, 1962 as this would also open more avenues of promotion for the Director cadre which would help in avoiding stagnation in CSS.

DILIPKUMAR MANSUKHLAL GANDHI

Chairperson

Committee on Subordinate Legislation

New Delhi;

December, 2018

Agrahayana, 1940 (Saka)

कोठारी
Kothari

SECRETARY

Annexure - I
(Vide Para 16 of the Report)

- 35 -
D.O.No.21/2/2015-CS-I (D)

भारत सरकार

सर्वोच्च और प्रशिक्षण विभाग

कार्यालय, जौक शिक्षावत तथा पैशान संवाजन

वैर्य लाइ, नई दिल्ली-110001

GOVERNMENT OF INDIA

DEPARTMENT OF PERSONNEL & TRAINING

MINISTRY OF PERSONNEL, PUBLIC GRACEVANCES

AND PENSIONS

NORTH BLOCK, NEW DELHI-110001

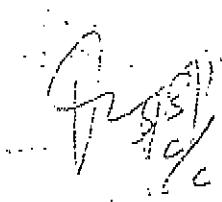
31st July, 2015.

In a meeting recently held with Cabinet Secretary it was observed that there is a need for optimal utilization of CSS officers recently empanelled to hold the post of Joint Secretary/Equivalent under Central Staffing Scheme. Some of these officers have also been subsequently appointed as Joint Secretary (In-situ).

2. It was also felt that as far as practicable, these officers should be given independent charge so as to make use of their experience and competence.

3. It is learnt that the JSs (in-situ) have not been assigned independent charge. It is, therefore, requested that you may consider to give them independent charge as Joint Secretary

Yours sincerely


Sanjay Kotwani

To,

The Secretaries of:

(i) Ministry of Development of North Eastern Region (ii) Deptt. of Public Enterprises, (iii) Ministry of Tourism (iv) Ministry of Urban Development (v) Ministry of Coal

Copy to: (i) APS to MOS (PP)
(ii) PSO to Cabinet Secretary

Appendix - I.
(Vide Para 4 of the Introduction)

CONFIDENTIAL

MINUTES OF THE THIRD SITTING OF THE COMMITTEE ON SUBORDINATE
LEGISLATION (2015-2016)

The Third sitting of the Committee (2015-16) was held on Monday, the 23 November, 2015 from 1500 to 1700 hours in Committee Room 'D', Parliament House Annex, New Delhi.

PRESENT

1. Shri Dilipkumar Mansukhlal Gandhi Chairperson

MEMBERS

2. Shri C.R. Chaudhary
3. Shri P.P. Chaudhary
4. Shri S. P. Muddahanumegowda
5. Shri Shyama Charan Gupta
6. Shri Prem Das Rai
7. Shri Ram Kumar Sharma
8. Shri Nandi Yelliah

SECRETARIAT

1. Shri Ravindra Garimella	-	Joint Secretary
2. Shri Ajay Kumar Garg	-	Director
3. Shri Nabin Kumar Jha	-	Additional Director
4. Smt. Jagriti Tewatia	-	Deputy Secretary

WITNESSES

I. Ministry of Personnel, Public Grievances and Pensions
(Department of Personnel and Training)

1. Shri Sanjay Kothari, Secretary
2. Shri T. Jacob, Additional Secretary
3. Shri Jishnu Barua, Joint Secretary
4. Ms. Archana Varma, Joint Secretary
5. Shri Diwakar Nath Misra, Director
6. Shri Utkaarsh R. Tiwari, Director
7. Shri N. Raja, Director
8. Shri G. Jayanthi, Director
9. Shri A. N. Narayanan, Deputy Secretary

II. Ministry of Home Affairs

10. Shri Dilip Kumar, Joint Secretary

2. At the outset, the Chairperson welcomed the Members of the Committee. Thereafter, the representatives of Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training) along with representative of Ministry of Home Affairs were called in.
3. The Chairperson welcomed the representatives of the Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training) as well as the accompanying representative of Ministry of Home Affairs and drew their attention to the provisions of Direction 55(1) of the Directions by the Speaker regarding confidentiality of the proceedings. The Committee then heard the views of the representatives of the Ministry of

Personnel, Public Grievances and Pensions (Department of Personnel and Training) on the various aspects of All India Services Rules framed under the All India Services Act, 1951. The representatives of the Ministry furnished clarifications on the queries raised by the Committee on an array of issues including the system of granting *in-situ* promotions from Director to Joint Secretary grade within the Central Secretariat Services (CSS), stagnation in DANICS/DANIPS services, service conditions and placement of All India Service officers other than IAS/IPS *vis-a-vis* their IAS/IPS counterparts, delay in induction of State Services officers as IAS/IPS and their seniority by rules, Training and capacity building of Civil Servants, rules governing deputation aspects of All India Service officers, etc.

4. On some of the points raised by the Committee, the information on which was not readily available with the representatives of the Ministry, the Chairperson asked them to furnish written replies to those points within 15 days, to the Lok Sabha Secretariat.

5. The Chairperson then thanked the representatives of the Ministry for presenting their inputs on the subject before the Committee.

6. The witnesses then withdrew.

7. A verbatim record of the proceedings of the sitting has been kept separately.

The Committee then adjourned.

Appendix - I.
(*Vide Para 4 of the Introduction*)

EXTRACTS FROM MINUTES OF THE THIRD SITTING OF THE COMMITTEE ON
SUBORDINATE LEGISLATION (2018-2019)

The Third sitting of the Committee (2018-2019) was held on Thursday, the 20th December, 2018 from 1500 hours to 1630 hours in Committee Room No. 'D', Parliament House Annex, New Delhi.

PRESENT

1. Shri Dilip Kumar Mansukhlal Gandhi Chairperson

MEMBERS

2. Shri Birendra Kumar Chaudhary
3. Shri Shyama Charan Gupta
4. Shri S.P. Muddahanume Gowda
5. Shri Chandulal Sahu
6. Shri Alok Sanjar
7. Shri Ram Prasad Sarmah
8. Adv. Narendra Keshav Sawaikar

SECRETARIAT

1. Shri Ajay Kumar Garg - Director
2. Shri Nabin Kumar Jha - Additional Director
3. Smt. Jagriti Tewatia - Deputy Secretary

WITNESSES

XX XX XX

2. At the outset, the Chairperson welcomed the Members to the sitting of the Committee. The Committee then considered the following draft reports:

- (i) Draft Report on the Acts/Rules/Regulations/Bye-Laws governing the Admission Process of Bachelor of Ayurveda/Homeopathy and other Courses for Higher Studies in Ayurveda/Homeopathy
- (ii) Draft Report on Rules/Regulations governing the service condition of Delhi, Andaman & Nicobar Islands Civil Service (DANICS) and Central Secretariat Service (CSS).
- (iii) Draft Action Taken Report on the recommendations/observations contained in the 8th Report (16th Lok Sabha) of the Committee.
- (iv) Draft Action Taken Report on the observations/recommendations contained in the 12th Report of the Committee (16th Lok Sabha) on the Amendment to Employees Pension Scheme, 1995.
- (v) Draft Action Taken Report on the action taken by the Government on the Recommendations / Observations contained in the Sixteenth Report of the Committee on Subordinate Legislation (Sixteenth Lok Sabha) on Rules/Regulations framed under various Acts of Parliament pertaining to the Ministry of Ayush (Ayurveda, Yoga and Naturopathy, Unani, Siddha and Homeopathy).
- (vi) Draft Action Taken Report on the observations/recommendations contained in the 20th Report of the Committee (16th Lok Sabha) on the RBI Pension Regulations, 1990.

3. After deliberations, the Committee adopted the above draft Reports without any modifications. The Committee also authorized the Chairperson to present the same to the House.

- 4. XX XX XX
- 5. XX XX XX
- 6. XX XX XX
- 7. XX XX XX
- 8. XX XX XX
- 9. XX XX XX
- 10. XX XX XX

The Committee then adjourned.