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भारतीय आयुर्विज्ञान अनुसंधान परिषद
INDIAN COUNCIL OF MEDICAL RESEARCH

स्वास्थ्य अनुसंधान विभाग (स्वास्थ्य एवं परिवार कल्याण मंत्रालय)
बी रामलिंगस्वामी भवन, अन्सारी नगर, नई दिल्ली - 110029
DEPARTMENT OF HEALTH RESEARCH (MINISTRY OF HEALTH & FAMILY WELFARE)
V. RAMALINGASWAMI BHAWAN, ANSARI NAGAR, NEW DELHI-110029

क्रमांक.E16/68/2022-प्रशासन/E.Office.-142748

दिनांक:04/09/2024

सेवा में,

निदेशक/प्रभारी निदेशक
परिषद के सभी संस्थान/केन्द्र

Subject : Authorization of the Competent Authority to approve Ad-hoc promotions in posts (Group 'A', 'B' and 'C') in ICMR-reg.

महोदय/महोदया,

अधोहस्ताक्षरी को उपर्युक्त विषय पर उप सचिव, स्वास्थ्य एवं परिवार कल्याण मंत्रालय, स्वास्थ्य अनुसंधान विभाग, नई दिल्ली के दिनांक 13.08.2024 के पत्र संख्या Q-11012/11/2024-HR(ICMR)/E.office-8288714 की प्रति सूचना एवं आवश्यक कार्यवाही हेतु अग्रेषित करने का निदेश हुआ है।

Signed by

Jagdish Rajesh

भवदीय,

Date: 08-09-2024 01:46:37

जगदीश राजेश

सहायक महानिदेशक (प्रशासन)

अनुलग्नक: यथोक्त

प्रतिलिपि:

1. महानिदेशक/अपर महानिदेशक/वरि.उपमहानिदेशक (प्रशा.)/वरि.वित्त सलाहकार के निजी सचिव
2. परिषद के सभी प्रभाग प्रमुख
3. उपमहानिदेशक (प्रशा.)/सहा. महानिदेशक (प्रशा.)/सहायक महानिदेशक (वित्त)
4. प्रमुख बीएमआई - आईसीएमआर की वेबसाइट पर अपलोड करने के अनुरोध के साथ।

No. Q-11012/11/2024-HR (ICMR)/E office-8288714
Government of India
Ministry of Health and Family Welfare
Department of Health Research

2nd Floor, IRCS Building,
1, Red Cross Road, New Delhi-110001
Dated: 13 .08.2024

To

Ms. Manisha Saxena,
Sr. Deputy Director General (Administration),
Indian Council of Medical Research (ICMR),
V. Ramalingaswami Bhawan,
Ansari Nagar, New Delhi-110029



Subject: Authorization of the Competent Authority to approve Ad-hoc promotions in posts (Group 'A', 'B' and 'C') in ICMR-reg.

Madam,

I am directed to refer to the DoPT's OM No. DOPT-1667556409102 dated 02.09.2022 (copy enclosed) on Ad-hoc Appointment/Promotion and to say that in accordance with the para IV (f) of the aforesaid guidelines the following has been authorized as the Competent Authority to approve ad-hoc promotions for the posts (Group 'A', 'B' and 'C') in ICMR:

| S.No. | Particulars of the post | Appointing Authority | Competent Authority to approve ad-hoc promotions |
|-------|---|---|--|
| 1. | Group B & C | Sr. DDG (A), ICMR in the case of employees of Hqrs. Office, and Directors of Institutes in the case of employees of Institutes/Centres. | Director General, ICMR |
| 2. | Group 'A': All Group 'A' Posts carrying Grade Pay not exceeding Rs. 10000/- p.m. | Director General, ICMR | Secretary (DHR) |
| 3. | Group 'A': All Group 'A' Posts carrying Grade Pay exceeding Rs. 10000/- p.m. | President Governing Council | Hon'ble HFM |

ADG(A)

Sunit

016/SDM/ICMR
28/8

A-dm

Rdw
30/8

2. This issues with the approval of the Hon'ble Union Minister for Health and Family Welfare.

Encl: As above.

Yours faithfully,

Signed by

Karmarkar Tushar Arun

Date: 13-08-2024 09:27:40
(Karmarkar Tushar Arun)

Deputy Secretary to the Govt. of India

Copy for information to:

- 1) Senior PPS to Secretary (DHR)
- 2) Director General, ICMR

No.DOPT-1667556409102
 Government of India
 Ministry of Personnel, Public Grievances & Pensions
 Department of Personnel and Training
 ESTT.(Estt. D)

(Dated 02 September, 2022)

OFFICE MEMORANDUM

Ad-hoc Appointment/ Promotion

AD-HOC APPOINTMENTS/PROMOTIONS IN CENTRAL CIVIL POSTS AND SERVICE

Note:- While due care has been taken to compile this document, however, if any omissions or correction are noticed, the same may be brought to the notice of the Department of Personnel & Training.

I. GENERAL PRINCIPLE

All posts are required to be filled in accordance with the prescribed procedure, in terms of the Recruitment Rules (RRs) and on a regular basis. However, at times, for reasons beyond the control of the Cadre Controlling Authority/Administrative Ministry/ Department, it may not be possible to make regular appointments/promotions in the normal course. While such posts should ideally be kept vacant till they can be filled on regular basis, in exceptional circumstances, where a post cannot be kept vacant for functional reasons/exigencies of work, or where 'Deputation as an alternative method of recruitment has not been prescribed in the RRs, the post may be filled up on ad-hoc basis as the last resort. Thus, ad-hoc appointment/promotions are to be made in rare cases, in order to meet the functional requirement of the organisation while keeping the policy imperative that all posts have to be filled on regular basis. While making ad-hoc appointment/promotion, it may be noted that persons appointed on ad-hoc basis to a grade are to be replaced by persons approved for regular appointment by Direct Recruitment, promotion or deputation, as the case may be, at the earliest opportunity.

OM No: No. 22011/5/86-Estt(D) Dated: 10/4/1989

OM No: No.28036/1/2012-Estt(D) Dated: 3/4/2013

II. GROUNDS FOR MAKING AD-HOC APPOINTMENT/PROMOTION

- (a) Where any service matter relating to regular promotions, viz. seniority list of feeder grade, etc., has been challenged in any Tribunal/Court and the matter is sub-judice and where the Tribunal/Court might have given injunction not to make regular appointment/ promotions till the matter is disposed of by the Tribunal/ Court, making regular appointments/ promotions, may not be possible. In such rare circumstances, where the cases have been pending for long before the Tribunal/Court and the Cadre Controlling Authority/ administrative Ministry/Department is unable to make regular appointment/ promotion and where the post cannot be kept vacant on functional grounds, ad-hoc promotion may be resorted to.

OM No: No. 28036/8/87-Estt(D) Dated: 30/3/1988

- (b) Where short-time vacancies have arisen due to the regular incumbent having proceeded on leave for more than 45 days, or on short-term deputation, etc. (of less than one year) and the post cannot be kept vacant on functional grounds, the vacant post may be filled on ad-hoc basis.

OM No: No. 28036/8/87-Estt(D) Dated: 30/3/1988

- (c) Where Direct Recruitment quota has not been filled and the RRs do not provide for filling it up by transfer on deputation temporarily, and if the post also cannot be kept vacant on functional grounds, the post may be filled on ad-hoc basis.

OM No: No. 28036/8/87-Estt(D) Dated: 30/3/1988

III. CIRCUMSTANCES WHERE AD-HOC APPOINTMENT/PROMOTION MAY NOT BE RESORTED TO -

- (a) ABSENCE OF RECRUITMENT RULES – Ad-hoc appointments are frequently resorted to on the grounds that Recruitment Rules (RR) for the post are in the process of being framed. In terms of DoPT O.M. No. 39021/5/83-Estt. (B) dated 09.07.1985 and OM No. AB 14017/79/2006-Estt.(RR) dated 06.09.2007, Ministries/Departments can make regular appointments in Group 'A' or Group 'B' posts under 'One Time Method' by making a reference to the Union Public Service Commission (UPSC) for deciding the method of recruitment to that post. Further action to fill the post may be taken according to the advice tendered by the UPSC. All such appointments will be treated as regular appointments. Further powers have been delegated to Ministries/Departments to frame/amendment Recruitment Rules for Group 'C' posts without consultation with DoPT. Such posts are in any case outside the purview of the UPSC. Therefore, no ad-hoc appointment may be made on the grounds that RRs for the post do not exist.
- (b) REVISION OF RECRUITMENT RULES – Ad-hoc appointments are also frequently resorted to on the grounds that proposals are under consideration to amend the existing RRs. The legal position is that posts are required to be filled as per eligibility conditions prescribed in the rules in force at the time of occurrence of the vacancies, unless the amended RRs are brought into force with retrospective effect. In fact, the practice has been to give effect to the amendments in the recruitment rules only prospectively. Therefore, it is incumbent that appointment to a post is made strictly in accordance with the provisions of the RRs in force at the time when the vacancy arises. No ad-hoc appointment/promotion may be made on the grounds that RRs are being revised/ amended.

(c) SHORTAGE IN DIRECT RECRUITMENT QUOTA

- (i) Ad-hoc appointment/promotions are also made on the grounds that adequate number of qualified candidates has not been recommended by the recruiting agency (UPSC/SSC etc.) against the direct recruitment quota. In some cases, the candidates recommended by the SSC/UPSC do not join or they join only to resign thereafter, resulting in posts remaining unfilled. It has been provided in DoPT's O.M. No. 39020/18/2016-Estt.(B)/3127101 dated 19.12.2016 that all Cadre Controlling Authorities are required to take advance action for reporting direct recruitment vacancies to the recruiting agency for timely filling up of

these vacancies. Further, in terms of DoPT OM No.22011/4/2013-Estt(D) dated 08.05.2017, the Vacancy Year has been changed to calendar year wise with effect from 2019. Consequently, all Cadre Controlling Authorities are required to calculate vacancies falling under each method of recruitment i.e. promotion quota and direct recruitment quota for the entire vacancy year. It would therefore imply that the Cadre Controlling Authorities would correctly calculate all direct recruitment vacancies and thereafter report, all the vacancies so calculated falling under direct recruitment quota in a particular vacancy year, to the recruiting agency (UPSC/SSC) for selection. Hence, the occasion for continuation of ad-hoc promotion or for making fresh ad-hoc appointment/promotion should not arise, due to under reporting of direct recruitment vacancy.

- (ii) Wherever feasible, posts may be allowed to remain vacant until qualified candidates become available at the next examination.
- (iii) Wherever the Recruitment Rules for the posts provide alternative method of recruitment i.e. not only by direct recruitment but also by transfer on deputation, efforts may be made to fill those vacancies by the alternative method of deputation, if the post cannot be kept vacant {until candidates recommended by UPSC/SSC are available} rather than fill the post on ad-hoc basis.

OM No: No. 28036/8/87-Estt(D) Dated: 30/3/1988

OM No: No. 28036/1/2001-Estt(D) Dated: 23/7/2001

IV. **CONDITIONS FOR MAKING AD-HOC APPOINTMENTS/ PROMOTIONS**

- (a) Where ad-hoc appointment is by promotion from the feeder grade(s), only those officers who fulfil the eligibility conditions prescribed in the Recruitment Rules, should be considered for ad-hoc appointment/promotions and such appointment/promotion may be made only after proper screening of the records of the officer by the Selection Committee (in lieu of Departmental Promotion Committee) and acceptance by the Appointing Authority. If, however, there are no eligible officers, necessary relaxation should be obtained from the competent authority in exceptional circumstances.
- (b) If the appointment proposed to be made on an ad-hoc basis involves the approval of the Appointments Committee of the Cabinet (ACC), prior approval of ACC may be obtained before making ad-hoc appointment/ promotion.
- (c) The claims of Scheduled Castes and Scheduled Tribes in ad-hoc promotions shall be considered in accordance with the guidelines contained in the DoPT's O.M. No. 36011/14/83-Estt.(SCT) dated 30.04.1983. Reservation in promotion in general have to be considered in accordance with provisions of DoPT's O.M. No. 36012/16/2019-Estt. (Res.) dated 12.04.2022.

OM No: No. 28036/8/87-Estt(D) Dated: 30/3/1988

- (d) No ad-hoc appointment shall be made from the open market. Where the vacant posts cannot be kept vacant for functional considerations, efforts may be made to entrust the additional charge of the post to a serving officer under provisions of FR-49, failing which only, appointment by ad-hoc promotion/ ad-hoc deputation may be considered.

OM No: No. 28036/1/2001-Estt(D) Dated: 23/7/2001

(e) Further, Ministries/ Departments may desist from making ad-hoc deputation, till finalisation of the selection of candidate by the UPSC for appointment on deputation basis.

OM No: No.28036/3/96-EStt(D) Dated: 27/8/1996

(f) Where the appointing authority is not the Ministry, the authorities competent to approve ad-hoc appointments may be decided by the Administrative Ministries themselves. The competent authority so authorised by the Ministry should be one level higher than the appointing authority prescribed for that post.

(g) The ad-hoc promotion of officials who are under Suspension or in respect of whom charge sheet has been issued and disciplinary proceedings are pending or in respect of whom prosecution for a criminal charge is pending shall be governed by instructions contained in DoPT's OM No. 22011/4/91-Estt. (A) dated 14.9.1992 on 'sealed cover' procedure.

OM No: No. 28036/1/2001-Estt(D) Dated: 23/7/2001

OM No: No. 28036/2/98-Estt(D) Dated: 23/2/1999

(h) The appointment made on ad-hoc basis, will not bestow upon the official a claim for regular appointment and the service rendered on ad-hoc basis in the grade would not count for the purpose of seniority in that grade or eligibility for promotion to the next higher grade. Absence of mention of this provision in the Order on ad-hoc appointment/promotion may lead to adverse judgements of Tribunal/Courts where the Government may be forced to regularise the services of an ad-hoc appointee. Hence, this provision should be mandatorily incorporated in all the orders of ad-hoc appointment/ promotion.

OM No: No. 22011/3/75-Estt(D) Dated: 29/10/1975

OM No: No. 28036/1/2001-Estt(D) Dated: 23/7/2001

OM No: No.28036/1/2012-Estt(D) Dated: 3/4/2013

(i) The total period for which the appointment/promotion may be made by the respective Ministries / Departments on an ad hoc basis will be limited to one year only. The practice of giving a break periodically and re-appointing the same person on an ad-hoc basis may be strictly avoided. In case there are compulsions for extending the ad-hoc appointment/promotion beyond one year, the approval of DoPT would be required. Reference to DoPT in this regard may be made alongwith proper justification and detailed information as per the prescribed proforma circulated vide OM No. 28036/3/97-Estt.(D) dated 26.08.1997 at least two months in advance before the expiry of the one-year period. If the approval of DoPT to the continuance of the ad-hoc arrangements beyond one year is not received before the expiry of the one-year period the ad hoc appointment /promotion shall automatically cease on the expiry of the one-year term.

OM No: No. 28036/8/87-Estt(D) Dated: 30/3/1988

OM No: No. 28036/3/97-Estt(D) Dated: 26/8/1997

OM No: No.28036/1/2012-Estt(D) Dated: 3/4/2013

- (j) For posts in Group 'C', the total period to make and continue ad-hoc appointment/promotion would be three years subject to fulfilment of all other norms.

OM No: No. 28036/01/2007-Estt(D) Dated: 14/11/2007

- (k) In terms of DoPT's O.M. No. 39036/02/2007-Estt(B) dated 14.11.2008, Ministries/Departments are to comply with the regulation-4 of the UPSC (Exemption from Consultation) Regulations, 1958, which provide that if a temporary or officiating arrangement made by ad-hoc appointment to a post falling within the purview of UPSC is likely to continue for a period of more than one year from the date of appointment, the Commission shall immediately be consulted in regard to filling up of the post. Requisite monthly and six-monthly returns, in terms of DoPT's OM No. 39021/1/94-Estt.(B) dated 22.07.1994, are to be submitted by the Ministries/Departments to the Commission showing all such Group 'A' and 'B' Gazetted appointments and promotions made without reference to the Commission as per the time schedule prescribed so as to effectively monitor the ad-hoc appointments being resorted to by various Ministries/Departments without consulting the UPSC.

OM No: No.28036/1/2012-Estt(D) Dated: 3/4/2013
