

## 5.<sup>1</sup> THE INDIAN POLICE SERVICE (APPOINTMENT BY PROMOTION) REGULATIONS, 1955

In pursuance of sub-rule (1) of rule 9 of the Indian Police Service (Recruitment) Rules, 1954, the Central Government in consultation with the State Governments and the Union Public Service Commission, hereby makes the following regulations, namely:-

**1. Short title.**-These regulations may be called the Indian Police Service (Appointment by Promotion) Regulations, 1955.

**2. Definitions.**- 2(1) In these regulations unless the context otherwise requires.-

- (a) 'Cadre Officer' means a member of the Service;
- (b) 'Cadre Post' means any of the posts specified as such in the regulations made under sub-rule (1) of rule 4 of the Cadre Rules;
- (c) 'Cadre Rules' means the Indian Police Service (Cadre) Rules, 1954;
- (d) 'Committee' means the Committee set up in accordance with regulation 3;
- (e) 'Commission' means the Union Public Service Commission;
- (f) 'Recruitment Rules' means the Indian Police Service (Recruitment) Rules, 1954;
- (g) 'Schedule' means a Schedule appended to these regulations;
- (h) 'Service' means the Indian Police Service;
- (i) 'State means' <sup>2</sup>[State specified in the First Schedule to the Constitution and includes a Union Territory]<sup>3</sup>;
- (j) 'State Police Service' means,
  - <sup>4</sup>(i) for the purpose of filling up the vacancies in the Indian Police Service Cadre of the Arunachal Pradesh-Goa-Mizoram-Union Territories under rule 9 of the Recruitment Rules, any of the following services, namely:-
    - (a) the Delhi and Andaman and Nicobar Islands Police Service;
    - (b) the Goa Police Service;
    - (c) the Pondicherry Police Service;
    - (d) the Mizoram Police Service;
    - (e) the Arunachal Pradesh Police Service;
  - <sup>5</sup>(ii) In all other cases, the principal Police service of a State, a member of which normally holds charge of a Sub-division of a district for purposes of police administration and includes any other duly constituted police service functioning in the State which is declared by the State Government to be equivalent thereto.
- (k) 'State Government' means-

<sup>1</sup> The principal rules were notified vide Notification No.14/2/54-AIS(II) dated 06.06.1955

<sup>2</sup> Substituted w.e.f. 1.11.56 vide MHA Notification No. 13/21/56-AIS(III) -D, dated 28.2.58 and awarded w.e.f. 2/5/61 vide MHA Not. No. 10/5/61-AIS dated 1/9/61

<sup>3</sup> Substituted vide DOPT Not. No. 13/4/71-AIS(I) dated 11.1.72.

<sup>4</sup> Substituted vide D.P. Notification No. 13013/1/89-AIS(I), dated 24/1/89

<sup>5</sup> Substituted vide D.P. Notification No. 16/5/70-AIS(III) dated 21.8.71.

- <sup>6</sup>(i) in relation to a State in respect of which a Separate Cadre of the Service exists, the Government of such State; and
- <sup>7</sup>(ii) in relation to a group of State in respect of which a Joint Cadre of the Service is constituted, the Joint Cadre Authority;
- (iii) in relation to a group of Union Territories [ ]<sup>8</sup> in respect of which a joint cadre of the Service is constituted, the Central Government.
- <sup>9</sup>(l) 'Year' means the period commencing on the first day of January and ending on the thirty first day of December of the same year.

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

**3. <sup>10</sup>Constitution of the Committee to make Selection .-** 3(1) There shall be constituted for a State Cadre or a Joint Cadre specified in column 2 of the Schedule, a Committee consisting of the Chairman of the Commission or where the Chairman is unable to attend, any other member of the Commission representing it and other members specified in the corresponding entry of column 3 of the Schedule:

Provided that –

- (i) no member of the Committee other than the Chairman or the member of the Commission shall be a person who is not a member of an All India Service;
- (ii) the nominees of the Government of India shall not belong to the cadre of the State for which the meeting of the Committee is to be held; and
- (iii) the Central Government may after consultation with the State Government, amend the Schedule.

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

3(3) The absence of a member, other than the Chairman or member of the Commission, shall not invalidate the proceedings of the Committee if more than half the members of the Committee had attended the meeting.”

<sup>11</sup>4 [Deleted].

**<sup>12</sup>5 Preparation of a list of Suitable officers.-** 5(1) <sup>13</sup>Each Committee shall ordinarily meet every year and prepare a list of such members of the State Police Service, as are held by them to be suitable for promotion to the Service. The number of members of the State Police Service to be included in the list shall be determined by the Central Government in consultation with the State government concerned and shall not exceed the number of substantive vacancies as on the first day of January of the year in which the meeting is held, in the posts available for them under rule 9 of the recruitment rules.

<sup>6</sup> Substituted w.e.f. 1.11.56 vide MHA Notification No. 13/21/56-AIS(III) -D, dated 28.2.58 and awarded w.e.f. 2/5/61 vide MHA Not. No. 10/5/61-AIS dated 1/9/61

<sup>7</sup> Substituted vide DOPT Not. No. 13/4/71-AIS(I) dated 11.1.72

<sup>8</sup> Omitted vide D.P. Not. No. 1/1/72-AIS-B dt. 12/10/72

<sup>9</sup> Added vide DP Notification No.14015/26/89-AIS-I dated 07.11.1989 and substituted vide Notification No. 14015/52/96-AIS (I)-B, dt. 31.12.97

<sup>10</sup> Added/substituted/amended vide MHA Notification Np.17/219/78-AIS(III)B dated 02.06.1959, DP Notification No.14015/26/89-AIS-I dated 07.11.1989 and again substituted vide Notification No. 14015/08/2001-AIS(I)B dated 31.01.2005 (GSR No. 52 dt. 12.02.2005)

<sup>11</sup> Rule 4 deleted vide MHA Not. No. 1/1/72-AIS dated. 12.10.72

<sup>12</sup> Substituted vide MHA Not. No. 16/1/68-AIS(III)-B dated. 09.04.1970

<sup>13</sup>

The date and venue of the meeting of the Committee to make the selection shall be determined by the Commission:

<sup>17</sup>Provided that no meeting of the Committee shall be held, and no list for the year in question shall be prepared when,

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

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

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

<sup>18</sup>5(2)<sup>19</sup>The Committee shall consider for inclusion to the said list, the cases of members of the State Police Service in the order of a seniority in that service of a number which is equal to three times the number referred in sub-regulation(1):

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

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

Provided also that the Committee shall not consider the case of a member of the State Police Service unless, on the first day of January of the year <sup>20</sup>[for which the select list is prepared] he is substantive in the State Police Service and has completed not less than eight years of continuous service (whether officiating or substantive) in the post of Deputy Superintendent of Police or in any other post or posts declared equivalent thereto by the State Government .

<sup>21</sup>Provided also that in respect of any released Emergency Commissioned Officers or Short Service Commissioned Officers appointed to the State Police Service, eight years of continuous service as required under the preceding proviso shall be counted from the deemed date of their appointment to that service, subject to the condition that such officers shall be eligible for consideration if they have completed not less than four years of actual continuous service, on the first day of the January of the year <sup>22</sup>[for which the select list is prepared], in the post of Deputy Superintendent of Police or in any other post or posts declared equivalent thereto by the State Government.

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

5(2A)<sup>23</sup>[ ] Deleted.

5(3) The Committee<sup>24</sup> shall not consider the cases of the members of the State Police Service who have attained the age of 54 years on the first day of <sup>25</sup> January of the year <sup>26</sup> {for which the select list is prepared}:

<sup>27</sup>Provided that a member of the State Police Service whose name appears in the Select List (prepared for the earlier year)<sup>27A</sup> before the date of the meeting of the Committee and who has not been appointed to the Service only because he was included (provisionally in that select list)<sup>27B</sup> shall be considered for inclusion in the fresh list to be prepared by the Committee, even if he has in the meanwhile, attained the age of 54 years;

<sup>28</sup>Provided further that a member of the State Police Service who has attained the age of fifty-four years on the first day of January of the year <sup>29</sup>{for which the select list is prepared} shall be considered by the Committee, if he was eligible for consideration on the first day of January of the year or of any of the years immediately preceding the year in which such meeting is held but could not be considered as no meeting of the Committee was held during such preceding year or years <sup>30</sup>[under item (b) of the proviso to sub-regulation(1)]

<sup>31</sup>5(3A) The Committee shall not consider the case of such member of the State Police Service who had been included in an earlier select list and –

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

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

(b) was not appointed to the Service by the Central Government under regulation 9(a)

5(4)<sup>32</sup> The Selection Committee shall classify the eligible officers as 'Outstanding', 'Very Good', 'Good' or 'Unfit', as the case may be, on an overall relative assessment of their Service records.

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

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

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

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

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

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

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

- (i) the records of all members of the State Police Service included in the list;
- (ii) the records of all members of the State Police Service who are proposed to be superseded by the recommendations made in the list;
- (iii) <sup>36</sup>[deleted].
- (iv) <sup>37</sup>the observations of the State Government on the recommendations of the Committee.

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

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

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

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

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

<sup>27</sup>Provided that if an officer whose name is included in the Select List is, after such inclusion, issued with a charge-sheet or a charge-sheet is filed against him in a Court of Law, his name in the Select List shall be deemed to be provisional.

7(4) <sup>27</sup>The Select List shall remain in force till 31<sup>st</sup> day of December of the year in which the meeting of the selection committee was held with a view to prepare the list under sub-regulation (1) of regulation 5 or upto sixty days from the date of approval of

the select list by the Commission under sub-regulation (1) or, as the case may be, finally approved under sub-regulation (2), whichever is later:

<sup>41</sup>Provided that where the State Government has forwarded the proposal to declare a provisionally included officer in the Select List as "unconditional", to the Commission during the period when the select list was in force, (the Commission shall decide the matter within a period of forty five days)<sup>41A</sup> or before the date of meeting of the next selection committee, whichever is earlier and if the Commission declares the inclusion of the provisionally included officer in the Select List as unconditional and final, the appointment of the Concerned officer shall be considered by the Central Government under regulation 9 and such appointment shall not be invalid merely for the reason that it was made after the Select List ceased to be in force:

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

<sup>42</sup>Provided also that where the select list is prepared for more than one year pursuant to the second proviso to sub-regulation (1) of regulation 5, the select lists shall remain in force till the 31<sup>st</sup> day of December of the year in which the meeting was held to prepare such lists or upto sixty days from the date of approval of the select lists by the Commission under this regulation, whichever is later.

(5)<sup>43</sup> [Omitted]

8<sup>44</sup> [Omitted]

**9. Appointments to the Service from the Select List.-** 9(1)<sup>45</sup>Appointment of a member of the State Police Service, who has expressed his willingness to be appointed to the Service, shall be made by the Central Government in the order in which the names of the members of the State Police Service appear in the Select List for the time being in force during the period when the Select List remains in force:

Provided that in a Joint Cadre, the appointment of members of the State Police Service shall, subject to any agreement regarding filling up of the vacancies in the Joint Cadre by promotion of a member of the State Police Service serving in connection with the affairs of any such State, be made in the order in which the names of the members of the State Police Service occur in the relevant parts of the Select List for the time being in force:

<sup>46</sup>Provided further that the appointment of an officer, whose name has been included or deemed to be included in the Select List provisionally under the proviso to sub-regulation (5) of regulation 5 or under the proviso to sub-regulation (3) of Regulation 7, as the case may be, shall be made within sixty days after the name is made unconditional by the Commission in terms of the first proviso to sub-regulation (4) of regulation 7:

<sup>47</sup>Provided also that in case a select list officer has expressed his unwillingness for appointment to the service, he shall have no claim for appointment to the service from that select list unless he informs the Central Government through the State Government

before the expiry of the validity period of the Select List, revoking his earlier expression of unwillingness for appointment to the service.

<sup>48</sup>9(2) [Omitted].

<sup>49</sup>9(a) **Powers of the Central Government not to appoint in certain cases:-** Notwithstanding anything contained in these regulations [deleted]<sup>50</sup> the Central Government may not appoint any person whose name appears in the Select List, if it is of the opinion that it is necessary or expedient so to do in the public interest:

<sup>51</sup>Provided that no such decision shall be taken by the Central Government without consulting the Union Public Service Commission.

**10<sup>52</sup> Saving.-** Omitted.

<sup>53</sup> “Schedule (see regulation 3)

Sl. No	Name of the State Cadre / Joint Cadre	Other members of the Committee
1.	Arunachal Pradesh, Goa, Mizoram and Union Territories	<ul style="list-style-type: none"> <li>a) Chief Secretary of the constituent State for which the meeting is held and in respect of Union Territory segment, the senior-most Chief Secretary amongst the Chief Secretaries to the Union Territory administrations.</li> <li>b) The senior-most Chief Secretary of the remaining constituents of the Cadre;</li> <li>c) DGP of the constituent state for which the meeting is held, In respect of Union Territory segment, the Commissioner of Police, Delhi;</li> <li>d) Head of Home Department of the constituent segment for which the meeting is held, not below the rank of Secretary to Government. In case of Union Territory segment, the senior-most officer looking after Home Department among all Union Territories;</li> <li>e) Special / Additional Secretary, Government of India, dealing with AGMUT cadre in Ministry of Home Affairs; and</li> <li>f) Two nominees of Government of India not below the rank of Joint Secretary.</li> </ul>
2.	Assam-Meghalaya and Manipur-Tripura Joint Cadres	<ul style="list-style-type: none"> <li>a) Chief Secretaries to the Governments of the constituent States;</li> <li>b) Director Generals of Police of the constituent States; and</li> <li>c) Two nominees of Government of India not below the rank of Joint Secretary</li> </ul>
3.	Other Cadres	<ul style="list-style-type: none"> <li>a) Chief Secretary of the State Government;</li> <li>b) Secretary, Home Department or Principal Secretary (Home) of the State Government as the case may be;</li> <li>c) The Director General of Police of the State Govt.; and</li> <li>d) Two nominees of Government of India not below the rank of Joint Secretary.”</li> </ul>

**GOI's Decision below Rule 5 of IPS (Appointment by Promotion) Regulations, 1955**

**Government of India Decision:**

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

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

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

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

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

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

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

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

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

or deputation as State. In these cases, service or deputation as A.D.C. or Security Officer in non-police department will count as State Police Service under this regulation.

4. Sub-regulation (4) merely states that the Select List shall be reviewed and revised every year and does not further say that it can be reviewed only after the expiry of a year. The validity of a Select List is not, therefore, affected on the ground that it was prepared, earlier

*[G.I.,M/Law U.O.No.7082/64, dated 30.1.65 in MHA File No. 28/41/64-AIS (III).]*

5. The Government of India have held that Select Lists are to be maintained only for the purpose of making substantive appointments of the members of the State Civil / Police Service to the I.A.S. / I.P.S. against the vacancies in promotion posts. At best, the Select Lists can be utilized for making temporary appointments of such officers to cadre posts in accordance with the provisions of Rule 9 of the Cadre Rules. Select Lists are not maintained for making appointments to non-cadre posts declared equivalent to cadre posts. In the exigencies of service adjustments of posting is required to be made within a period of three months.

*[ G.I., MHA letter No. 14/51/65-AIS(III) dated 21/2/1966 read with letters No. 19/3/66-AIS(III) dated 26/4/66 and No. 15/79/66-AIS(III), dated 17/10/1966]*

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

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

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

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

*[DP &AR letter No. 11039/5/80-AIS(I) dated 19.11.80]*

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

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

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

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

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

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

9. According to the existing practice, members of the State Civil/Police/Forest Service whose suitability for promotion to the I.A.S./I.P.S./I.F.S. is considered by the Selection Committee and against whom disciplinary proceedings are pending are included in the Select List subject to clearance of enquiries pending against them. The State Governments have been requested that a list of officers against whom disciplinary proceedings are pending and a list of those in respect of whom it has been finally decided to institute disciplinary proceedings, may invariably be given to the Chairman of the Selection Committee as in the proforma enclosed at the time of the meeting of the Committee.

*[DP&AR letter No. 14015/28/81-AIS(I), dated 6/2/82.]*

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

11. State Civil Service officers who crossed 54 years of age during 1.4. After the amendments dated 31.12.1997, the State Govts. are to forward signed declaration of marital status and consent for termination of lien in the State Service on eventual substantive appointment is the IAS from the State Civil Service officers included in the consideration zone to the Central Government separately, even while sending proposals for convening the Selection Committee to the Commission. Any adverse development in respect of the officers included in the consideration zone which is likely to render him unsuitable for appointment to the Service for the time-being (e.g.) withdrawal of integrity certificate by the State Govt. / issue of charge sheet / filing of criminal case against the officer etc. should be **immediately** brought to the notice of the Central Government and Commission by the State Govt. concerned by FAX /Speed Post and acknowledgement secured from the addressee.

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

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

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

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

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

**Government of India's Decisions under Regulation 9 of IPA (Appointment by Promotion) Regulations, 1955.**

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

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

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

*[G.I. MHA letter No. 4/4/60-AIS(III), dated 15/10/1960]*

3.1 X was placed above Y in the earlier Select Lists and he was also officiating in cadre posts. In the Select List, current at the time of occurrence of the vacancy, however, he was superseded by Y. The question arose whether Y could be appointed to the service in preference to X.

3.2 Regulation 9, which is mandatory, requires appointments to the service to be made in the order in which the names appear in the Select List for the time being in force. It is independent of regulation 8 which deals with temporary appointment of Select List officers against cadre post. In the circumstances, X cannot be appointed to the Service in preference to Y. The fact that he was holding a cadre post in an officiating capacity from a date earlier than Y or that he was placed above Y in the earlier Select Lists is not a relevant consideration.

3.3 In this connection Select Lists are subject to revisions as provided in regulations 5(4) and 7(4), and particular Select List will be in force only until its review and revision is

approved by the Commission. The fact that X was shown above Y in the earlier Select List does not confer upon X and right for that position or ranking to be maintained in the subsequent Select Lists. Also the fact that a person was holding a cadre post in an officiating capacity does not in any way prevent the Selection Committee from revising the Select List and, in so doing, the Committee under the proviso to regulation 5(3), will be within their rights to assign a higher place in the Select List to a junior officer. Thus under the scheme of the regulations, each Select List is independent of the other and an officers respective position is not be considered with reference to the previous Select List which was in force. further, in terms of regulation 5, the seniority of the officers in the State Police Service is to be taken into consideration in formulating the Select List, but the Selection Committee is empowered to alter the order of names in the seniority list in the State Police Service, when the officers are brought on to the Select List.

3.4 The other point to be borne in mind is the distinction between regulations 8 and 9. Regulation 8 deals with the appointment of State Police Service officers against vacancies in cadre posts in temporary capacity and such appointments have to be in accordance with the requirements of rule 9 of the Cadre Rules. As far as these officiating appointments to cadre posts are concerned the legal status of State Police Service Officers included in the Select Lists is the same as of those not included in the Select Lists; in other words to the extent regulation 8 is concerned. Select List officers are also non-cadre officers and that is the reason why their officiating appointments have to meet the requirements in rule 9 of the Cadre Rules. thus a Select List officer appointed in an officiating capacity to a cadre post under regulation 8 will not acquire any right to hold a cadre post either in preference to a cadre officer who may be placed above him by subsequent Selection Committee.

3.5 Regulation 9, on the other hand, deals with the appointments of a Select List officer to a substantive vacancy in the Service and this has to be made from the Select List for the time being in force and in the order in which the names appear in such a Select List. The phrase "for the time being force" has relevance to the period at which the appointment to the service is made by them and not to the time at which the officer started officiating in a cadre vacancy under regulation 8. That is to say appointment to a vacancy in the promotion quota is made with reference to the date of the origin of the vacancy or the date of inclusion of the officer's name in the Select List, whichever is later.

*[G.I. MHA letter No. 28/41/64-AIS(III, dated 11.2.65)]*

4. A State Service Officer, on appointment to an All India Service on probation, would retain his lien in the State Service and therefore be entitled to all the benefits that may accrue to him in the Service (such as confirmation in the Selection Grade of the State Civil Service ) before his confirmation in the All India Service.

*[G.I. MHA letter No. 4/12/60-AIS(III, dated 31.10.60)]*

#### **Government of India's Instructions:**

1. In view of the legal position explained in Ministry of Home Affairs letter No. 14/51/65-AIS(II) dated the 21<sup>st</sup> February, 1966 the proforma I & II prescribed in the Ministry of Home Affairs letter No. 27/54/64-AISIII, need revision. These proformae have accordingly been revised and the State Governments are requested that in future the requisite information regarding fixation of seniority in respect of Select List officers proposed to be appointed to the I.A.S. / I.P.S. may be furnished in the revised proformae I & II (enclosed) along with the State Government's proposals for promotion to I.A.S. / I.P.S.

2. It would appear from proforma I information regarding continuous officiation by Select List officers or after 21.05.1966 is required to be furnished in respect of their officiation in cadre posts only, in view of the legal position obtaining under the various rules explained in the Ministry of Home Affairs letter dated 21.02.1966 referred to above. The date 21.05.1966 has been specified in the revised proforma as the position is required to be regularized within three months from the date of issue of the aforesaid letter.

### PROFORMA I

Information in respect of promoted officers

S. No.	Name of Officer	Date of birth	The date from which the officer is continuously in Select List (S)	Details of continuous officiation in the cadre posts included in Item 1 of cadre strength of non-cadre post declared equivalent- thereto, prior to 21.05.66		Details of continuous officiation in the cadre posts included in Date of declaration of equivalence in the case of each non-cadre post shown in Column 6	Item of cadre strength showing the designation of each post and the period indicating dates for which the post was held by the officer on or after 21.5.66	Ministry of Home Affairs reference communicating their approval to the arrangements in columns 5 & 8
			The date of approval of the Select List(s)	Details of cadre post showing the designation of each post and period indicating dates for which the post was held by the Officer	Details of cadre post declared equivalent to cadre posts showing the designation of each post and the period indicating dates for which the post was held by the officer			
1	2	3	4	5	6	7	8	9

### PROFORMA II

Information in respect of competitive examination recruits borne on the Indian Administrative Service / Indian Police Service Cadre of

S.No.	Name of Officer	Year of allotment	Date of commencement of continuous officiation in a post remunerated on the senior time-scale of the I.A.S./ I.P.S.
1.	2.	3.	4.