

**Subject: Guidelines for examining proposals for relaxation of the Recruitment Rules.**

The following guidelines are suggested to be adopted by the Commission to examine the proposals for relaxation of the provisions of the Recruitment Rules with regard to period of qualifying service, educational qualifications and mode of recruitment.

These are broad in nature and only indicate the circumstances in which the relaxation can be considered. The actual extent of relaxation will be decided by the Commission after taking into account facts of each case.

1. Relaxation in Qualifying service:

Relaxation in qualifying service may be considered in the following circumstances:-

- (a) In cases where there is a delay in promotion to the feeder grade due to delay in finalisation of recruitment rules, non-holding of DPCs in time, court cases, and administrative delay etc. In such cases, combined regular service in the feeder grade and next below feeder grade should be not less than the total qualifying service required for promotion from the next below feeder grade to the post in question in normal course.
- (b) Where it has been established that the Department has not succeeded in filling up the post even after resorting to alternative mode of recruitment rules (where prescribed).
- (c) Alternative mode of recruitment is available but resorting to that mode would involve some time and by the time such appointment materialises, the feeder grade officer would become eligible in the normal course. In other words, the officers in the feeder grade need marginal relaxation in qualifying service.
- (d) In cases where no alternative mode of recruitment is available, relaxation may be considered. However, the Department may be simultaneously advised to go for amendment of the recruitment rules providing for alternative mode of recruitment if such relaxation has been necessitated on more than one occasion.

(e) When a junior is considered, the question of relaxation in favour of senior may be considered provided:-

- (i) The relaxation does not exceed 50%.
- (ii) He has cleared the probation period.
- (iii) Satisfies the functional experience required for performing duties of higher post in question.

While considering relaxation in qualifying service in the above circumstances, the following points may also be kept in view:

- (i) Relaxation should be for a class or a category of persons, and not for individuals.
- (ii) The amount of relaxation in any case should not exceed 50% of the qualifying service prescribed in the Recruitment Rules.
- (iii) Ad-hoc service rendered in the feeder grade should not be a main consideration for relaxation. In such cases, it may be ensured that the combined regular service in the feeder grade and next below feeder grade justifies such a relaxation.
- (iv) In circumstances where certain length of experience appears critical for proper and safe performance of duties in a specialised field, it should be ensured that relaxation in qualifying service does not result in reducing such experience below such critical level.
- (v) In case eligible officers are available at least equal to the number of vacancies, relaxation of qualifying service need not be considered just to extend the zone of consideration.
- (vi) If eligible officers are not available to the extent of the number of vacancies and some officers are to be considered in relaxation of the qualifying service, then the possibility of having sufficient field of selection by giving a further marginal relaxation may be considered.
- (vii) The clearly eligible officers and the officers being considered in relaxation of the qualifying service should be considered separately i.e. first the clearly eligible officers will be considered and only against the left-over vacancies, the officers with relaxation in qualifying service will be considered.

2. Relaxation in education qualifications:

Generally, no relaxation in educational qualifications should be agreed to but exception can be made in the following circumstances:-

- (a) Where (in transfer on deputation cases), previous circulation of the vacancy/vacancies to all sources prescribed in the recruitment rules has clearly established that persons with requisite educational qualifications are not available. If the relaxation is agreed to, the Department may be requested to re-circulate the post with the relaxed educational qualifications.
- (b) In cases of promotion, one time relaxation in educational qualifications may be considered to ensure that the officer has at least one chance for promotion after the constitution of service/promulgation of the new recruitment rules, if such a situation has arisen owing to inadvertent omission to protect the interest of such officers while framing the recruitment rules.
- (c) In cases of promotion where educational qualifications have been upgraded after the officer was appointed to the feeder grade, relaxation of qualification can be considered if the higher qualifications are not immediately critical to the mission of the organization/quality/level of services to be provided by the organization.
- (d) Normally such relaxation may not be given in grades beyond Rs.3000-4500. But for some higher specialized or scientific posts beyond this grade, relaxation in certain disciplines of the requisite qualifications may be considered, if the case relates to over-lapping/closely related educational qualifications.

3. Relaxation in mode of recruitment:

Normally, relaxation in mode of recruitment is sought in favour of promotion in cases where recruitment rules provide for promotion as well as other modes i.e. direct recruitment, transfer on deputation etc. By this relaxation, some posts falling in deputation or direct recruitment quota are diverted to promotion quota as a one-time measure. Relaxation in mode of recruitment can be considered only if the recruitment rules provide for promotion, transfer on deputation or direct recruitment fixing some percentage/quota in each mode. Each case may be considered on merit.

Relaxation in the mode of recruitment may be considered in the following circumstances:-

(a) In favour of promotion, by diversion of posts from direct recruitment quota or transfer on deputation quota:-

- (i) Large number of eligible officers in the feeder grade are stagnating i.e. have put in more than 1 1/2 times of the requisite qualifying service.
- (ii) Sufficient number of candidates are not becoming available through other modes of recruitment, especially direct recruitment either by way of non-availability of suitable candidates for selection or non-joining of the selected candidates on every occasion the effort was made.

While examining the proposal for diversion of vacancies from direct recruitment quota, the following information should invariably be called for:-

- (i) Details of direct recruitment made during the last five to ten years i.e. number of candidates requisitioned, number of candidates recommended and number of candidates did not join.
- (ii) Complete seniority list in the feeder grade.

In deciding on the number of posts to be diverted to the promotion quota, the following should be taken into account:-

- 1) Number of vacancies which could not be filled by primary method i.e. direct recruitment/deputation, despite efforts.
- 2) After filling up the regular promotion quota, the number of officers left with 150% of qualifying service is at least twice times the number of posts proposed to be diverted.
- 3) Whether the Department is willing to re-divert an equivalent number of vacancies from promotion quota to primary mode for the next year, especially if a stagnation is no longer likely to be prevalent and was a temporary phenomenon on account of excessive in-take at some time in the past.

(b) From promotion to transfer on deputation quota:

- (i) No eligible officers will become available in the feeder grade for a considerable period with reference to the period of deputation prescribed in the recruitment rules.
- (ii) The posts cannot be kept vacant in public interest.

Before considering diversion of promotion vacancy to transfer on deputation, it may be ensured that no feeder grade officer will become available for promotion in the near future and that filling up of the vacancy is very urgent.

Diversion of vacancies from promotion quota to transfer on deputation should not be considered if the method of transfer on deputation is not prescribed in the recruitment rules. Such diversion can be done only after amendment of the recruitment rules.

(c) Diversion of vacancies from promotion quota to direct recruitment quota:

If the recruitment rules provide for either promotion failing which by direct recruitment or some percentage by promotion and some by direct recruitment, the desirability of relaxing qualifying service for promotion may be considered first. Only if promotion is not possible in the near future and post cannot also be kept vacant, the question of diverting such vacancies may be considered.

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