

## **INDIAN ADMINISTRATIVE SERVICE (APPOINTMENT BY PROMOTION) REGULATIONS, 1955**

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### **SCHEDULE 1 :- SCHEDULE**

## **INDIAN ADMINISTRATIVE SERVICE (APPOINTMENT BY PROMOTION) REGULATIONS, 1955**

In pursuance of sub-rule (1) of rule 8 of the Indian Administrative 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 Administrative Service (Appointment by Promotion) Regulations, 1955.

### **2. Definitions :-**

(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 Administrative Service (Cadre) Rules, 1954;

(d) 'Committee' means the Committee set up in accordance with Rg.3;

(e) 'Commission' means the Union Public Service Commission;

(f) 'Recruitment Rules' means the Indian Administrative Service (Recruitment) Rules, 1954;

(g) 'Schedule' means a Schedule appended to these regulations;

(h) 'Service' means the Indian Administrative Service;

(i) <sup>1</sup>['State' means a State specified in the First Schedule to the Constitution and includes a Union Territory];

<sup>2</sup>[(j) 'State Civil Service' means,

(i) for the purpose of filling up the vacancies in the Indian Administrative 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 Civil Service;

(b) the Goa, Civil Service;

(c) the Pondicherry Civil Service;

(d) the Mizoram Civil Service;

(e) the Arunachal Pradesh Civil Service;

(ii) in all other cases, any service or services, approved for purposes of the Recruitment Rules by the Central Government in consultation with the State Government, a member of which normally holds, for purposes of revenue and general administration, charge of a subdivision of a district or a post of higher responsibility.]

(k) <sup>3</sup>['State Government' means-

(i) in relation to a State in respect of which a separate cadre of the Service exists, the Government of such State; and

(ii) in relation to a group of States 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 and <sup>4</sup> [in respect of which a joint cadre of the Service is constituted, the Central Government].

(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.

1. Subs. by MHA Notification No. 5/2/60-AIS(I), dated 29th July, 1960.
2. Subs. by G.S.R. 59(E), dated 24th January, 1989.
3. Subs. by D.P. Notification No. 13/4/71-AIS(I), dated 11th January, 1972.
4. Omitted by D.P Notification No. 1/1/72-AIS(I)-A, dated 12th October, 1972.

### **3. Constitution of the Committee to make Selection :-**

(1) There shall be constituted for <sup>1</sup>[a State cadre or a Joint cadre] specified in column 2 of 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 said 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 the Service;
- (ii) the Central Government may after consultation with the State Government concerned, amend the Schedule.

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

<sup>2</sup>[(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 its meetings.]

<sup>2</sup> [(4) The provisions of Cl. (i) of the proviso to sub-regulation (1) shall not apply to the committee constituted for Nagaland upto the 31st December, 1974.] GOVERNMENT OF INDIA'S DECISIONS :

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.

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 Rg.2(j) of the I.P.S. (Recruitment) Rules, 1954 and R. 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 post 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 (Rg.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 Governments 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 the Principal Police Service of the State.

3.1. It is open to the State Government to depute their officers in the State Police Service to the post of A.D.G. 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 A.D.C. or Security Officer in non-police department will count as State Police Service under this regulation.

3.2. In case where a State Police Service Officer goes on deputation to such a post in a non-police department/police department before the inclusion of his name in the Select List and is remunerated at that stage on a scale of pay identical or nearly identical to the senior scale of the I.P.S. he would not be allowed to count his officiation in such posts towards his eventual fixation of seniority if and when he is subsequently appointed to the I.P.S.

1. Subs. by D.P., Notification No. 11/1/72-AIS(I)-A, dated 22nd May, 1973.

2. Added by MHA Notification No.16/6/68-AIS(III)-A, dated 4th December, 1969 (w.e.f. 1st December, 1989).

**4. S-4 :-**

\* \* \*]

**5. Preparation of a list of suitable officers :-**

<sup>1</sup>(1) Each committee shall ordinarily meet every year and prepare a list of such members of the State Civil Service as are held by them to be suitable for promotion to the Service. The number of members of the State Civil 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. The date and venue of the meeting of the Committee to make the Selection shall be determined by the Commission :

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 member of the State Civil 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 Civil Service under Rule 9 of the recruitment rules: or

(c) the Commission, on its own or on a proposal made by either the

Central Government or the State Government, after considering the facts and circumstances of each case decides that it is not practicable to hold a meeting of the Committee to make the selection to prepare a select list.

Explanation.- In the case of joint cadres, a separate select list shall be prepared in respect of each State Civil Services:

(2) The Committee shall consider for inclusion in the said list, the cases of members of the State Civil Services in the order of a seniority in that service of a number which is equal to <sup>2</sup>[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 <sup>2</sup>[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 numbers for inclusion in the field 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 Civil Service unless, on the <sup>4</sup>first day of <sup>5</sup>["January"] of the year in which it meets he is <sup>6</sup>[Provided also that in respect of any released Emergency Commissioned or Short Service Commissioned Officers appointed to the State Civil 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 <sup>7</sup>the first day of the April of the year in which the committee meets, in the post of Deputy Collector 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 member of the State Civil Service of a constituent State, by the Government of that State.

<sup>8</sup>[(2-A) Notwithstanding anything contained in sub-regulations (1) and (2), the list referred to in sub-regulation (1) shall be prepared separately in respect of each State Civil Service. The number of members of the State Civil Service included in each such part of the list shall not be more than twice the number of substantive vacancies anticipated in the course of the period of twelve months, commencing the date of the preparation of the list in the posts

available for them under rule 9 of the Recruitment Rules or <sup>9</sup>[5 per cent] of the senior posts shown against item I of the Cadre in the Schedule to the Administrative Service (Fixation of Cadre strength) Regulations, 1955(hereinafter referred to as Cadre Schedule) under the Government of Constituent State concerned and the senior posts shown against item 2 of the Cadre Schedule notionally reckoned against that State whichever is greater.] Explanation.-The number of senior posts shown against item 2 of the Cadre Schedule the Joint Cadre divided in the proportion of the number of posts under the Government of each of the Constituent States shown against item I of the Cadre Schedule shall be notionally reckoned against each of the Constituent States for the purpose of this sub-regulation.

(3) The Committee shall <sup>10</sup>[\* \* \*] not consider the cases of the members of the State Civil Service who have attained the age of <sup>11</sup>[54 years] on the first day of January of the year in which it meets: <sup>12</sup>Provided that member of the State Civil Service whose name appears in the select list in force immediately 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 the select list 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 fifty four-years" <sup>13</sup>[Provided further that a member of the State Civil Service who has attained the age of fifty-four years on the first day of January of the year in which the Committee meets 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

<sup>14</sup>(3A) The Committee shall not consider the case of such member of State Civil 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 10

<sup>15</sup>[(4) 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].

**16**[(5) The list shall be prepared by including the required number of names, first from amongst the officer 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 Civil Service:]

**17**[Provided that the name of any officer so included in the list, shall be treated as provisional, if the State Government, withholds the integrity certificate in respect of such officer or any proceedings are contemplated or pending against him or anything adverse against him has come to the notice of State Government.]

(6)[\*\***18**\*

**19** [(7) \* \* \*] GOVERNMENT OF INDIA'S DECISIONS:

1. The essence of a holding Selection Committee meeting annually is that each annual proceeding is independent of the other. That is why, as soon as the proceedings of the new selection committee are approved by U.P.S.C. the proceedings of the earlier Selection Committee meeting become inoperative. No manner of continuity can, therefore, be imputed to the proceedings of the various Selection Committees.

1.2. The above instructions have since been modified vide DP and AR letters No. 14015/7/78-AIS-I, dated 8th December, 1978 and No. 14015/2/84-AIS-I, dated 31st May, 1984, State Governments have been advised that they should not utilise the Select List which are more than one year old during the interval between the finalisation of Select list by UPSC and the preparation of list by the Selection Committee.

2. 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 and revised 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 than the expiry of one year from the date of preparation of the earlier Select List.

3. The Calculation under sub-regulation (1), of the size of Select List in terms of 5 per cent of the senior duty posts may include the posts coming within the purview of both items 1 and 2 of the cadre



strengths of each State. In calculating the percentage, however, all fractions are to be ignored because otherwise the statutory provision would stand violated.

4. 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./LP.S. against the vacancies in promotion posts. At best, the Select List can be utilised 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 adjustment of posting is required to be made within a period of three months.

5. The provision for restricting the size of the Select Lists has been introduced with a view that Select List may not be utilised for purposes other than holding of cadre posts only in an officiating or substantive capacity. This has been done in order to protect the interest of cadre officers as the tendency in the past has been to give benefit of seniority to Select List officer as against cadre officers for officiation in the posts which are outside the I.A.S. cadre.

6. Having regard to the provision contained in the proviso to the sub-regulation (4) of Rg.7 of the IAS (Appointment by Promotion) Regulations, 1955 the State Government/the Joint Cadre Authority, while making recommendations for the appointment of a member of the State Civil Service to the Indian Administrative 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 Administrative 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".

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 effect of vitiating the proceedings of the said Selection Committees. In order to avoid such a situation, the State Governments have been requested to insure that their officers, who

attend the meetings of the Selection Committees, are invariably those specified in Column 3 of the Schedule to Rg.3 of the I.A.S./I.P.S. (Appointment by Promotion) Regulations, 1955 and in sub-regulation (1) of Rg.3 of the I.F.S. (Appointment by Promotion) Regulations, 1966.

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.

2. The State Governments 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.

9. According to the existing practice, members of the State Civil/Police/Forest Service whose suitability for promotion to the I.A.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.

10. The State Governments have been advised to send proposals for making appointments to the All India Services on the basis of the current select lists immediately on occurrence of vacancies in promotion posts and also to adhere to the instructions contained in D.P and A.R. letter No. 14015/7/78- AIS(I), dated 8th December, 1978, referred to in Government of India decision No. 1.2 above. It has also been clarified that no appointments from a select list can be made on and after the date of the meeting of the next Selection Committee.

1. Substituted for " (1) Each Committee shall ordinarily meet at intervals not exceeding one year and prepare a list of such members of the State Civil Service as are held by them to be suitable for promotion to the Service. The number of members of the State Civil Service to be included in the list shall be calculated as the number of substantive vacancies anticipated in the course of the period of 12 months, commencing from the date of preparation of the list, in the posts available for them under rule 9 of the Recruitment Rules plus twenty per cent of such number or two, whichever is greater. ", vide " INDIAN ADMINISTRATIVE SERVICE (APPOINTMENT BY PROMOTION) REGULATIONS, 1955" Dt.31st December, 1997 Published in the Gazette of India. Extraordinary. Part II, Sec. 3 (i), dated 31 December, 1997 (w.e.f. 1st January, 1998).

2. Subs. by D.P. and Notification No. 11039/2/76-AIS(I)-A, dated 20th April, 1976.

4. Subs. by G.S.R. 399(E), dated 30th March, 1989.

5. Substituted for " April ", vide " INDIAN ADMINISTRATIVE SERVICE (APPOINTMENT BY PROMOTION) REGULATIONS, 1955" Dt.31st December, 1997 Published in the Gazette of India. Extraordinary. Part II, Sec. 3 (i), dated 31 December, 1997 (w.e.f. 1st January, 1998).

6. Ins. by D.P. and A.R. Notification No. 11039/21/76-AIS(III), dated 1st June, 1978.

7. Subs. by G.S.R. 399(E), dated 30th March, 1989.

8. Ins. by D.P. and A.R. Notification No. 11/2/72-AIS(I), dated 21st June, 1974.

9. Subs. by D.P. and A.R. Notification No. 11039/6/77-AIS(A), dated 19th March, 1983.

10. Deleted by 28013/20/76-AIS(I)-A dated 5th October, 1979.

11. Sub. by DP and AR Notification No. 11039/6/77-AIS(I)-A, dated 19th March, 1983.

12. Substituted for "Provided that a member of the State Civil Service whose name appears in the select list in force immediately

before the date of the meeting of the Committee shall be considered for inclusion in the fresh list, to be prepared by the Committee even if he has meanwhile attained the age of 54 years: ", vide " INDIAN ADMINISTRATIVE SERVICE (APPOINTMENT BY PROMOTION) REGULATIONS, 1955" Dt.31st December, 1997 Published in the Gazette of India. Extraordinary. Part II, Sec. 3 (i), dated 31 December, 1997 (w.e.f. 1st January, 1998). 13. Ins. by 28013/70/76-AIS(I)-A, dated 5th October, 1979. 14. Inserted vide " INDIAN ADMINISTRATIVE SERVICE (APPOINTMENT BY PROMOTION) REGULATIONS, 1955" Dt.31st December, 1997 Published in the Gazette of India. Extraordinary. Part II, Sec. 3 (i), dated 31 December, 1997 (w.e.f. 1st January, 1998). 15. Subs. by D.P. and A.R. Notification No. 11039/2/76-AIS(I)-A, dated the 3rd June, 1977. 16. Ins. by D.P. and A.R. Notification No. 28013/20/76-AIS(I), dated 5th October, 1979. 17. Sub. by G.S.R. 399(E), dated 30th March, 1989. 18. Omitted for " The list so prepared shall be reviewed and revised every year. ", vide " INDIAN ADMINISTRATIVE SERVICE (APPOINTMENT BY PROMOTION) REGULATIONS, 1955" Dt.31st December, 1997 Published in the Gazette of India. Extraordinary. Part II, Sec. 3 (i), dated 31 December, 1997 (w.e.f. 1st January, 1998). 19. Deleted by D.P. and A.R. Notification No. 11039/6/76-AIS(I)-A, dated the 3rd June, 1977.

#### **6. Consultation with the Commission :-**

This list prepared in accordance with Rg.5 shall then be forwarded to the Commission by the State Government along with-

(i) the records of all members of the State Civil Service included in the list ;

(ii) the records of all members of the State Civil Service who are proposed to be superseded by the recommendations made in the list;

(iii) [\* \* \*]

(iv) the observations of the State Government on the recommendations of the Committee. GOVERNMENT OF INDIA'S INSTRUCTIONS : The State Government shall forward the list, together with a copy of the proceedings of the Selection Committee to the Ministry of Home Affairs also simultaneously. While forwarding the list, they shall indicate:

(i) the full details of the vacancies against which the approved officers are proposed to be appointed; and

(ii) whether any of the officers included in the Select List and recommended for appointment has more than one wife living.

**6A. 6A :-**

The State Government shall also forward a copy of the list referred to in Rg.6 to the Central Government and the Central Government shall send then- observations on the recommendations of the Committee to the Commission.]

**7. Select List :-**

<sup>1</sup>[(1) The Commission shall consider the list prepared by the Committee alongwith-

(a) the documents received from the State Government under Rg.6;

(b) the observation of the Central Government and unless it considers any, change necessary, approve the list.]

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

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

<sup>3</sup>(4) The select list shall remain in force till the 31th 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 up to 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 :

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 ninety days or before the date of meeting of the next selection committee, whichever is earlier and if the Commission declears 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 Civil Service or otherwise being approved by the Central Government as the State Civil Service under Cl. (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 list prepared under Regulation 5 in respect of the members of the new State Civil Service, is approved under sub-regulation (1) or, as the case may be, finally approved under sub-regulation (2)";]

**4**[(5) [**\*\*5** \*]

1. Subs. by G.S.R. 399(E), dated 30th March, 1989.

2. Substituted for " (2) 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 of the changes proposed and after taking into account the comments, if any, of the State Government, may approve the list finally with such modification, if any, as may, in its opinion, be just and proper. ", vide " INDIAN ADMINISTRATIVE SERVICE (APPOINTMENT BY PROMOTION)REGULATIONS, 1955" Dt.31st December, 1997 Published in the Gazette of India. Extraordinary. Part II, Sec. 3 (i), dated 31 December, 1997 (w.e.f. 1st January, 1998).

3. Substituted for " 1 [(4) The Select List shall ordinarily be in force until its review and revision, effected under sub-regulation (4) of regulation 5 , is approved under sub-regulation (1) or, as the case maybe, finally approved under sub-regulation (2) :] 2 [Provided that no appointment to the service under regulation 9 shall be made after the meeting of fresh Committee to draw up a fresh list under regulation 5 is held:] 3 [Provided that, in the event of any new Service or Services being formed by enlarging the existing State Civil Service or otherwise being approved by the Central Government as the State Civil Service under Cl. (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 list prepared under regulation 5 in respect of the members of the new State Civil Service, is approved under sub-regulation (1) or, as the case may be. finally approved under sub-regulation (2) : Provided further that in the event of a grave lapse in the conduct or performance of duties on the part of any member of the State Civil Service included in the Select List, a special review of the Select List may be made

at any time at the instance of the State Government and the Commission may, if it so thinks fit, remove the name of such members of the State Civil Service from the Select List. ", vide " INDIAN ADMINISTRATIVE SERVICE (APPOINTMENT BY PROMOTION) REGULATIONS, 1955" Dt.31st December, 1997 Published in Published in the Gazette of India. Extraordinary. Part II, Sec. 3 (i), dated 31 December, 1997 (w.e.f. 1st January, 1998).

4. Ins. by Notification No.11037/7/76-AIS(III), dated 9th December, 1976 and substituted by Notification No. 11037/5/79-AIS(III) dated 17th March, 1980.

5. Omitted for "Every person included in the Select List who has not attained the age of 52 years on the date on which the Select List is finally approved by the Commission shall undergo such training in the Lal Bahadur Shastri National Academy of Administration, the State training institutions and other established training institutions in the country for such period as the Central Government may consider necessary.] ", vide " INDIAN ADMINISTRATIVE SERVICE (APPOINTMENT BY PROMOTION) REGULATIONS, 1955" Dt.31st December, 1997 Published in Published in the Gazette of India. Extraordinary. Part II, Sec. 3 (i), dated 31 December, 1997 (w.e.f. 1st January, 1998).

## **8. Appointments to cadre posts from the Select List :-**

**\*\*1 \*]**

1. Omitted for " (1) Appointments of members of the State Civil Service from the Select List to posts borne on the State Cadre or the Joint Cadre of a group of States as the case may be, shall be made in accordance with the provisions of rule 9 of the Cadre Rules. In making such appointments, the State Governments shall follow the order in which the names of such officers appear in the Select List. (2) Notwithstanding anything contained in sub-regulation (1), where administrative exigencies so require, a member of the State Civil Service whose name is not included in the Select List or who is not next in order in that Select List, may, subject to the aforesaid provisions of the Cadre Rules, be appointed, to a cadre post, if the State Government is satisfied- (i) that the vacancy is not likely to last for more than three months ; or (ii) that there is no suitable cadre officer available for Filling the vacancy: Provided that where any such appointment is made in a State, the Government shall forthwith report to the Central Government together with the reasons for making the appointment: Provided further that where administrative exigencies so require, such appointments may be continued in a cadre post beyond a period of three months with the prior concurrence of the Central Government.] cadre officers and it can well happen that from the same batch suitable cadre officers may be appointed to the cadre posts at different times depending on the availability of the vacancies and it is- for that reason that appointment strictly in accordance with seniority has been prescribed in the Government of India instructions. 1 ", vide "

INDIAN ADMINISTRATIVE SERVICE (APPOINTMENT BY PROMOTION) REGULATIONS, 1955" Dt. 31st December, 1997 Published in the Gazette of India. Extraordinary. Part II, Sec. 3 (i), dated 31 December, 1997 (w.e.f. 1st January, 1998).

**9. Appointments to the Service from the Select List :-**

**1**(1) Appointment of a member of the State Civil 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 Civil Service appear in the select list for the time being in force during the period when the select list remains in force :

Provided that the appointment of members of the State Civil Service shall be made in accordance with the agreement arrived at under Cl. (b) of sub-rule (3) of Rule 8 of the recruitment rules in the order in which the names of the members of the State Civil Service occur in the relevant parts of the select list for the time being in force :

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 :

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 the 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." ]

**2**[(2)[\*\*3 \*]

1. Substituted for " 2 (1) Appointment of members of the State Civil Service to the Service shall be made by the Central Government on the recommendation of the State Government in the order in which the names of the members of the State Civil Service appear in the select list for the time being in force: 3 [Provided that the appointment of members of the State Civil Service shall be made in accordance with the agreement arrived at under Cl. (b) of sub-rule (3) or rule 8 of the Recruitment Rules in the order in which the names of the members of the State Civil Service occur in the



relevant part of the Select List for the time being in force:] 4 [Provided further that the appointment of an officer, whose name has been included in the select list provisionally, under proviso to sub-regulation (5) of regulation 5 shall be made after his name is made unconditional by the commission on the recommendations of the State Government during the period the select list remains in force, While making appointment of an officer junior to a select list officer whose name has been included provisionally in the select list, one post will have to be kept vacant for such a provisionally included officer: Provided also that in case where a select list officer whose turn for appointment has come, has expressed his unwillingness for appointment to the service and the State Government concerned informs the Central Government accordingly, his juniors from the select list shall be appointed without keeping any post reserved for such an officer. He shall have no claim for appointment to the service from that select list.] ", vide " INDIAN ADMINISTRATIVE SERVICE (APPOINTMENT BY PROMOTION) REGULATIONS, 1955" Dt.31st December, 1997 Published in the Gazette of India. Extraordinary. Part II, Sec. 3 (i), dated 31 December, 1997 (w.e.f. 1st January, 1998).  
 2. Subs. by G.S.R. 399(E), dated 30th March, 1989.  
 3. Omitted for " It shall not ordinarily be necessary to consult the Commission before such appointment are made, unless during the period intervening between the inclusion of the name of a member of the State Civil Service in the Select list and the date of the proposed appointment there occurs any deterioration in the work of the member of the State Civil Service or there is any other ground which, in the opinion of the State Government or the Central Government, is such as to render him unsuitable for appointment to the Service.] ", vide " INDIAN ADMINISTRATIVE SERVICE (APPOINTMENT BY PROMOTION) REGULATIONS, 1955" Dt.31st December, 1997 Published in the Gazette of India. Extraordinary. Part II, Sec. 3 (i), dated 31 December, 1997 (w.e.f. 1st January, 1998).

#### **10. Powers of the Central Government not to appoint in certain cases :-**

Notwithstanding anything contained in these Regulation<sup>1</sup> [\*\*\*]the Central Government may not appoint any person whose name appears in the Select List, if it is of opinion that is necessary or expedient so to do in the public interest: Provided that no such decision shall be taken by the Central Government without consulting the Union Public Service Commission. GOVERNMENT OF INDIA'S DECISIONS :

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.

2.1. 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.

2.2. Rg.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 Rg.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 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.

2.3. In this connection Select Lists are subject to revisions as provided in Rg.5(4) and Rg.7(4), and a 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 Lists does not confer upon X any 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 Rg.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 officer's respective position is not to be considered with reference to the previous Select List which was in force. Further, in terms of Rg.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 the Select List.

2.4. The other point to be borne in mind is the distinction between Rg.8 and Rg.9. Rg.8 deals with the appointment of State Police

Service officers against vacancies in cadre posts in a 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 Rg.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 of rule 9 of the Cadre Rules. Thus a Select List officer appointed in an officiating capacity to a cadre post under Rg.8 will not acquire any right to hold a cadre post either in preference to a cadre officer or in preference to another Select List officer who may be placed above him by subsequent Selection Committee. Rg.9, on the other hand, deals with the appointment 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 in force" has relevance to the period at which the appointment to the Service made by them and not to the time at which the officer started officiating in a cadre vacancy under Rg.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, The instructions contained in para. 2.3 above has been modified vide D.P. and A.R. letter No. 1401/5/7/78-AIS(I), dated 8 December, 1978 referred to in decision No. 1 below Rg.5.

3.1. Under this regulation, appointments to the Service are to be made with reference to the Select List for the time being in force. A particular Select List lapses for this purpose when meeting of the Selection Committee to prepare a fresh Select List is held. Hence no appointment from a Select List can be made on or after the date of the meeting of the next Selection Committee.

3.2. This would not, however, affect the pay or seniority of the officers as that is related not to the date of appointment to the service but to the date of officiating in cadre posts.

4. A State Service officer, on appointment to an All India Service on probation, would retain his lieu in the State Service and therefore be entitled to all the benefits that may accrue to him in that service (such as confirmation in the selection grade of the State Civil

Service) before his confirmation in .the All India Service.

5. The Government of India have held that I.A.S./I.P.S. (Recruitment) Rules, 1954, I.A.S./I.P.S. (Appointment by Promotion) Regulations, 1955 and the I.A.S./I.P.S. (Cadre) Rules, 1954, do not recognise officiation by Select List officers in non-cadre posts, declared by the State Government as equivalent to cadre posts. The appointment of Select List officers to the Service can be notified against the vacancy in promotion posts retrospectively from the dates they have been holding cadre posts only continuously in accordance with rule 9 of the Cadre Rules. In case of the officers who are holding non-cadre posts declared equivalent to cadre posts, the appointment is given effect from the date of notification. Consequent on their appointment to the Service from the date of notification they become cadre officers and continue to hold non-cadre posts in question from that date as ex-cadre posts of the I.A.S./I.P.S., to be counted against deputation reserve provided in the cadre. [G.I., M.H.A. letter No. 18/22/66-AIS(II), dated 26th November, 1966.] GOVERNMENT OF INDIA'S INSTRUCTIONS: In view of the legal position explained in Ministry of Home Affairs' letter No. 14/51/65-AIS(III), dated the 21st February, 1966, the proforma I and II prescribed in the Ministry of Home Affairs letter No. 27/54/64-AIS(III), dated 11th August, 1964, needed revision. These proforma 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 proforma I and II (enclosed) alongwith the State Government's proposals for promotion to the I.A.S./I.P.S. 2. It would appear from proforma I that information regarding continuous officiation by Select List officers on or after 21st May, 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 21st February, 1966 referred to above. The 21st May, 1966 has been specified in the revised proforma as the position is required to be regularised within 3 months from the date of issue of the aforesaid letter.

S. No.	Name of	Date of	The date from	Details of continuous officiation in the cadre posts	Details erf continu	Ministry of
	Officer	birth	which	included in item I of cadre	ous	Home Affairs

			the	strenght of non-cadre			officiation	
			Officer is con	post declared equivalent there to, 21st May, 1966			In the cadre posts	reference co
			tinuously in				included in item/	mmunicating
			the Select	Details of cadre	Details of non	Date of declara	of cadre Strength	their approval
			List's)	post showing the	cadre post decla	tion of equiva	showing the desig	to the arran-
				designation of	red equivalent to	lence in the case	nation of each post	gements in
			The date of	each post and	cadre post show	of each non	and the period in	columns 5 & S
			approval of	period indicating	ing the designa	cadre post	dicating dates for	
			The Select	dates for which	tions of each	shown in	which the post was	
			List(s)	the post was	post and the pe	Column (6)	held by the of Beer	
				held by the	riod indicating		on or after 21st	
				Officer	dates for which		May, 1966.	
					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 Adminisrative Service/Indian Police Service Cadre of

1. Omitted for " or the recommendation made by the State Government concerned under Regulation 9(1) , ", vide " INDIAN ADMINISTRATIVE SERVICE (APPOINTMENT BY PROMOTION) REGULATIONS, 1955" Dt.31st December, 1997 Published in Published in the Gazette of India. Extraordinary. Part II, Sec. 3 (i), dated 31 December, 1997 (w.e.f. 1st January, 1998).

SCHEDULE 1  
SCHEDULE

{see Rg.3(1)} Sl. No. Name of State % Cadre Other Members of the Committee \ Cadre/Joint Cadre 1 2 3 1. Andhra Pradesh (1) Chief Secretary to the Government of Andhra Pradesh. \ \ \ \ \ 3[(2) Commissioner of Land
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Revenue and any other Commissioner to be nominated by the State Govt.) 4[(3) Principal Secretary to Govt. or Secretary to the Government of Andhra Pradesh in the Revenue Departments to be nominated by the State Government.] (4) Any other Commissioner or any other Secretary to the Government in the Supertime Scale of pay of the Service or above to be nominated by the State Govt. (5) 5[two nominees of the Government of India not below the rank of a Joint Secretary.] 6{Assam-Meghalaya (1) Chief Secretary to the Govt. of Assam. (2) Chairman, Board Revenue, Assam. (3) Chief Secy. to the Govt. of Meghalaya. (4) Commissioner of Division, Meghalaya. (5) 1[two nominees of the Govt. of India not below the rank of a Joint Secy.] 2[Bihar (1)Chief Secretary to Government. (2)Development Commissioner. 4[Haryana (3)Member, Board of Revenue. 45A. Himachal Pradesh. (4)Senior most Divisional Commissioner. (5)3{two nominees of the Government of India not below the rank of Joint Secretary.] 4[Gujarat (1)Chief Secretary to Government. (2)Development Commissioner. (3)The seniormost Secretary to Government other than the Chief Secretary or other Secretary already included in the Committee. (4)Secretary to Government, Revenue Department. (5)3{two nominees of the Government of India not below the rank of Joint Secretary.] 4[Haryana (1) Chief Secretary to Government. (2) Seniormost Financial Commissioner. (3) Seniormost Divisional Commissioner. (4) Seniormost Secretary to Government in Commissioner's rank. (5) 3{two nominees of the Government of India not below the rank of Joint Secretary.] 45A. Himachal Pradesh (1) Chief Secretary to the Govt. (2) Three nominees of the State Govt. not below the rank of Member, Board of Revenue/Commissioner/Secretary to the Government. (3) 3{two nominees of the Government of India not below the rank of Joint 12 Secretary.] 1[Jammu and Kashmir (1) Chief Secretary to Government. (2-4)Nominees of the State Government, not below the rank of Commissioner.] (5) 3[two nominees of the Government of India not below the rank of a Joint Secretary.] 4[Kerala (1) Chief Secreatry to Government. (2) Senionnost Secretary to Government.] (3)Member, Board of Revenue, incharge of Land Revenue. (4) Secretary to Government, Revenue Department. (5)3[two nominees of the Government of India not below the rank of Joint Secretary.] 8. Madhya Pradesh (1) Chief Secretary to the Government of Madhya Pradesh. (2) President, Board of Revenue. (3) Two Senionnost Commissioners of Division. 7[(4) Deleted.] [(5) 8[two nominees of the Government of India not below the rank of a Joint Secretary.] 9[Maharashtra (1) Chief Secretary to Government. (2) Secretary to Govt. Revenue Department. (3) Development Commissioner. (4) Seniormost Divisional Commissioner. (5) 8[two nominees of the Government of India not below the rank of Joint 131 [Manipur-Tripura (1) Chief Secretary to the Government of Manipur. (2) Seniortoost Secretary, other than Chief Secretary to Government of Manipur. (3) Chief Secretary to the Government of Tripura. (4) Seniormost Secretary, other than Chief Secretary to Government of Tripura. (5) 2[two nominees of the Government of India not below the rank of Joint Secretary.] 3[Karnataka (1) Chief Secretary to Government. (2) Additional Chief Secretary to Government. (3) Principal Secretary to the Government Revenue Department"] (4) Seniormost Divisional Commissioner. (5) 2two nominees of the Government of India not below the rank of Joint Secretary.]

5(12) Nagaland (1) Chief Secretary to Government. 6[Commissioner, Nagaland.] 7[(3) Development Commissioner-ciwi- Secretary, Planning.] (4) 'One Secretary to Government to be nominated by the State Government. (5) 2two nominees of the Government of India not below the rank of Joint Secretary.] 5[Orissa (1) Chief Secretary to Government. \ \ \ (2) Member, Board of Revenue. \ \ \ (3) Seniormost Divisional Commissioner. \ \ \ (4) Seniormost Secretary to Government. \ \ \ (5) 2[two nominees of the Government of India not below the rank of Joint \ \ \ Secretary.] 141[Punjab (1) Chief Secreaty to Government. \ \ \ (2) Financial Commissioner (Development.) \ \ \ (3) Seniormost Financial Commissioner, \ \ \ other than Financial Commissioner \ \ \ (Development). \ \ \ (4) Seniormost Divisional Commissioner. \ \ \ (5) 2[two nominees of the Government of \ \ \ India not below the rank of Joint \ \ \ Secretary.] 14. Rajasthan. \ \ (1) Chief Secretary to the Government of \ \ \ Rajasthan. \ \ \ (2) Chairman, Board of Revenue. \ \ \ (3) Seniormost Member, Board of Revenue. \ \ \ (3) Seniormost 4[\* \* \*] Secretary to \ \ \ Government of Rajasthan.] \ \ \ [(5) 2two nominees of the Government of \ \ \ India not below the rank of Joint \ \ \ Secretary.] 5[Sikkim (1) Chief Secretary to Government. \ \ \ (2) Development Commissioner. \ \ \ (3) Two Seniormost Secretaries carrying pay \ \ \ in the supertime scale nominated by the \ \ \ State Govt. \ \ \ (4) A nominee of the Govt. of India not below \ \ \ the rank of Joint Secretary.] 6[Tamil Nadu (1) Chief Secretary to Government. \ \ \ (2) Special Commissioner in Charge of \ \ \ Revenue Administration.] \ \ \ (3) First Member, Board of Revenue. \ \ \ (4) Second Secretary to Govt. \ \ \ Secretary.] \ \ \ (5) Secretary to Govt. Revenue Deptt. (6) 1[two nominee of the Government of India \ \ \ not below the rank of Joint Secretary.] Uttar Pradesh (1) Chief Secreaty to Government \ \ \ (2) Chairman Board of Revenue and Adviser, Land Reforms. \ \ \ (3) Agricultural Production Commissioner or \ \ \ Commissioner and Secretary (Planning) \ \ \ or the Seniormost Secretary (Planning) or \ \ \ the Seniormost Secretary to Government, \ \ \ to be nominated by the State Government. \ \ \ (4)Seniormost Divisional Commissioner. \ \ \ (5)1[two nominees of the \ \ \ India not below the \ \ \ Secretary.] West Bengal (1)Chief Secretary to Government. \ \ \ (2) Member, Board of Revenue. \ \ \ (3) Seniormost Divisional Commissioner. \ \ \ (4) Seniormost Secretary to the \ \ \ Government.] \ \ \ (5)1[two nominees of the Government of \ \ \ India not below the rank of Joint \ \ \ Secretary.] 3[Union Territories (1) Two nominees of the Government of \ \ \ India not below the rank of Joint \ \ \ Secretary.] \ \ \ (2)' Administrator of the Union territory of \ \ \ Delhi or Chief Secretary to Government.] \ \ \ (3) Administrator of the Union Territory of \ \ \ Goa, Daman and Diu or Chief Secretary \ \ \ to Government. \ \ \ (4) Administrator of the Union Territory of \ \ \ Pondicherry or Chief Secretary to \ \ \ Government. \ \ \ (5) Administrator of the Union Territory of \ \ \ the Andaman and Nicobar Island. \ 4[(6) Administrator of the Union Territory of 16 \ \ \ Arunachal Pradesh or Chief Secretary to \ \ \ Government.] \ \ \ (7) Administrator of the Union Territory of \ \ \ Mizoram or Chief Secretary to \ \ \ Government.] Provided that, if, for any reason, it is not possible for the representative of any Union Territory of the North East Frontier Agency to attend a meeting of the Selection Committee, the Ministry of Home affairs shall nominate an officer of that Ministry not below the rank of a Deputy Secretary to the Government of India to represent that Union Territory or the North East Frontier Agency. Provided further that such a representative may represent more than one Union Territory.

