

## **INDIAN ADMINISTRATIVE SERVICE (RECRUITMENT) RULES, 1954**

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## **INDIAN ADMINISTRATIVE SERVICE (RECRUITMENT) RULES, 1954**

<sup>1</sup>1 . Vide Notification No. 3/1/75-AIS(III), dated 8th September, 1954. In exercise of the powers conferred by sub-section (1) of Sec. 3 of the All India Services Act, 1951 (LXI of 1951), the Central Government, after consultation with the Government of the States concerned, hereby makes the following rules, namely:-

### **1. Short title :-**

These rules may be called the Indian Administrative Service (Recruitment) Rules, 1954.

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

In these rules, unless the context otherwise requires,-

- (a) "Commission" means the Union Public Service Commission;

<sup>1</sup>[(aa) "direct recruit" means a person appointed to the service after recruitment under Cl. (a) of sub-rule (1) of Rule 4;]

(b) "Joint Cadre" and "State Cadre" have the meanings respectively assigned to them in the Indian Administrative Service (Cadre) Rules, 1954;

<sup>2</sup>[(c) \* \* \*]

(d) "member of Indian Civil Service" means a person who, having been appointed to the civil service under the Crown in India, known as the Indian Civil Service, continues, on and after the commencement of the Constitution to serve under the Government of India or of a State;

(e) "Service" means the Indian Administrative Service;

(f) "State" means <sup>3</sup>[ a State specified in the First Schedule to Constitution and includes a Union Territory] ',<sup>4</sup>[\* \* \*]

(g) "State Civil Service" means,-

<sup>5</sup> [(i) for the purpose of filling up the vacancies in the Indian Administrative Service cadre for the Arunachal Pradesh, Goa, Mizoram, Union Territories under Rule 9, any of the following services, namely:-

(a) the Delhi and Andman 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 the purpose of these rules by the Central Government, in consultation with the State

[(h) "State Government concerned", in relation to a Joint Cadre, means the Joint Cadre Authority.]

1. Ins. by M.H.A. Notification No.23/46/63-AIS(III)-A, dated 13th September, 1966

2. Omitted by DP and AR Notification No.31/7/72-AIS(I)-A, dated 16th March, 1973.

3. Subs. w.e.f. 1st November, 1956 by M.H.A. Notification No.

13/21/56-AIS-(III), dated 28th February, 1958 and further amended with effect from 4th September, 1958 by M.H-A. Notification No. 5/25/58-AIS(II), dated 8th July, 1959.

4. Omitted by DP and AR Notification No.1/1/72-AIS(I)-A, dated 16th March, 1973.

5. Subs. by G.S.R. 61(E), dated 24th January, 1989.

### **3. Constitution of the Service :-**

<sup>1</sup>(1) The Service shall consist of the persons recruited to the service in accordance with the provision of these rules.

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

1. The liens in the parent cadres of I.C.S. officers permanently seconded to the I.F.S. should be permanently suspended and the officers given proforma promotion in higher ranks in the parent cadres whenever due. In the vacancies caused by the suspension of liens of these officers appointments should be made on a provisionally substantive basis. Where such an officer is given substantive proforma promotion and confirmed in a super time-scale post in the cadre, while serving in the I.F.S., he would acquire a lien in the post to which he is promoted. Consequently the suspended lien in the lower post should be terminated and only the lien acquired in the higher post should be permanently suspended so that he does not hold liens on two posts at the same time and the promoted officer holding the lower post on a provisionally substantive basis can be appointed to it in a substantive capacity.

2. An I.C.S. officer of the judiciary who has been holding an executive post intermittently between the date of commencement of the Constitution and the date of commencement of these Rules would not be eligible for a declaration that he is a member of the I.A.S. Likewise an I.C.S. officer of the judiciary before the date of commencement of these Rules, commencement of the Constitution, has later reverted to the judiciary, before the date of commencement of these Rules, cannot be declared to be member of the I.A.S. <sup>2</sup>

1. Substituted for " (1) The Service shall consist of the following persons, namely:- (a) members of the Indian Civil Service, not permanently allotted to the judiciary; (b) members of the Indian Civil Service permanently allotted to the judiciary who have been holding executive posts from the date of the commencement of the Constitution and who may be declared by the Central Government

to be members of the Service in consultation with the State Government; 2 [(c) \* \* \*] (d) persons recruited to the Service before the commencement of these rules; and (e) persons recruited to the Service in accordance with the provisions of these rules. ", vide " INDIAN ADMINISTRATIVE SERVICE (RECRUITMENT) RULES, 1954" Dt.31st December, 1997, Published in Ministry of Personnel, P.G. and Pensions (Deptt. of Personnel and Training), Noti. No. G.S.R. 729(E), dated December 31, 1997, published in the Gazette of India, Extra., Part II, Section 3(i), dated 31st December, 1997, pp. 3-4, No. 511 [F. No. 1401S/51/96- AIS(1)-A] [L]  
2. R.P. Kapur v. Union of India, 1964 S.C.R. 431 at p. 459 (SC).

#### **4. Method of recruitment to the Service :-**

(1) Recruitment to the Service after the commencement of these rules, shall be by the following methods, namely:-

(a) by a competitive examination;

1\*]

(b) by promotion of <sup>2</sup>[substantive] member of a State Civil Service;  
<sup>2</sup>[(c) by selection, in special cases from among persons, who hold in a substantive capacity gazetted posts in connection with the affairs of a State and who are not members of a State Civil Service.]

<sup>4</sup>(2) Subject to the provisions of these rules,-

(a) the method or methods of recruitment to be adopted for the purpose of filling up any particular vacancy or vacancies as may be required to be filled during any particularly period of recruitment shall be determined by the Central Government in consultation with the Commission and the State Government concerned.

(b) the number of persons to be recruited by each method shall be determined on each occasion by the Central Government in consultation with the State Government concerned.

<sup>5</sup>[(3) Notwithstanding anything contained in sub-rule (1), if in the opinion of the Central Government the exigencies of the service so require, the Central Government may, after consultation with the State Government and the Commission, adopt such methods of recruitment to the Service other than those specified in the said sub-rule, as it may by regulations made in this behalf prescribe.]

<sup>6</sup>[(4) Notwithstanding anything hereinbefore contained in this rule, in relation to the State of Jammu and Kashmir, recruitment to the

State Cadre on its initial constitution shall be made by such method as the Central Government may, after consultation with the State Government and the Commission, perscribe.]

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

1.1. Under sub-rule (5), the Government of India have decided that appointment to the Joint I.A.S. Cadre for the Union Territories of Delhi and Himachal Pradesh on its initial constitution shall be by one or more of the following methods:-

(i) by appointment of officers selected by the Special Recruitment Board, 1950/1951 and included in List I and List II under the Extension to States Scheme who could not be appointed so far to the I.A.S. in the absence of an All India Service cadre in Himachal Pradesh and Delhi;

(ii) by transfer of I.A.S. officer from the cadres of other States. Such transfers will, however, take place only with the consent of the State Government and the individual officers concerned;

(iii) by appointment of the candidates selected on the results of the I.A.S. (Special Recruitment) Examination, 1956;

(iv) by promotion of officers belonging to the Himachal Pradesh Civil Services of at least 8 years' seniority and such of officers under the Delhi Administration as have been holding substantive appointment of status comparable to that of a Deputy Collector under that Administration for a minimum period of 8 years;

(v) by direct recruitment from amongst the candidates declared successful as a result of the latest I.A.S. Competitive Examination conducted by the Union Public Service Commission.

1.2. Recruitment to the cadre after its initial constitution shall be made in accordance with the Recruitment Rules.

2.1. Under sub-rule (4), the Government of India have decided that appointment to the joint I.P.S. cadre for the Union territories of Delhi and Himachal Pradesh on its initial constitution shall be by one or more of the following methods:-

(1) by transfer of I.P.S officers from the cadres of other States. Such transfers will, however, take place only with the consent of the State Governments and the individual officers concerned;

(2) by selection of officers belonging to the Police Service of

Himachal Pradesh, who are at present holding the posts of Superintendents of Police and above; only officers holding substantive appointment with eight years' seniority in the State or equivalent cadre will be eligible for consideration. Selections will be made in consultation with the Union Public Service Commission; and

(3) by direct recruitment from amongst the candidates declared successful as a result of the latest I.P.S. Competitive Examination conducted by the Union Public Service Commission. Recruitment to the Service after the initial constitution of the Service shall be in accordance with the Recruitment Rules.

2.2 Till such time as the joint cadre is fully constituted and is able to provide suitable officers for all the posts included in the cadre, existing arrangements in regard to the staffing of various posts including deputation of officers from other States will continue.

3.3. Till such time as the joint cadre is fully constituted and is able to provide suitable officer for all the posts included in the cadre, existing arrangements in regard to the staffing various posts including deputation of officers form other States will continue.

1. Omitted for " 2 [(aa) by selection of person from among the Emergency Commissioned Officer and Short Service Commissioned Officers of the Armed Forces of Union 3 [who were commissioned on or after the 1st November, 1962 but before the 10th January, 1968] or who had joined any pre-commission training before the later date, but who were commissioned on or after that date.] ", vide " INDIAN ADMINISTRATIVE SERVICE (RECRUITMENT) RULES, 1954" Dt.31st December, 1997, Published in Ministry of Personnel, P.G. and Pensions (Deptt. of Personnel and Training), Noti. No. G.S.R. 729(E), dated December 31, 1997, published in the Gazette of India, Extra., Part II, Section 3(i), dated 31st December, 1997, pp. 3-4, No. 511 [F. No. 1401S/51/96- AIS(1)-A] [L]

2. Subs. by M.H.A. Notification No.13/10/57-AIS(III)-A, dated 29th July, 1958.

4. Substituted for " (2) Subject to the provisions of these rules, the method or methods of recruitment to be adopted for the purpose of filling any particular vacancy or vacancies in the Service as may be required to be filled during any particular period of recruitment, and the number of persons to be recruited by each method, shall be determined on each occasion by the Central Government in consultation with the Commission: Provided that where any such vacancy or vacancies relates or relate to a State Cadre or a Joint Cadre, the State Government in consultation with the Commission. ", vide " INDIAN ADMINISTRATIVE SERVICE (RECRUITMENT) RULES, 1954" Dt.31stDecember, 1997, Published in Ministry of

Personnel, P.G. and Pensions (Deptt. of Personnel and Training), Noti. No. G.S.R. 729(E), dated December 31, 1997, published in the Gazette of India, Extra., Part II, Section 3(i), dated 31st December, 1997, pp. 3-4, No. 511 [F. No. 1401S/51/96- AIS(1)-A] [L]

5. Introduced by M.H.A. Notification No.17/4/56-AIS(III), dated 14th May, 1956.

6. Introduced w.e.f. 4.9.1958 by M.H.A. Notification No. 5/25/58-AIS(II), dated 8th July 1959.

7. Omitted for " 1 [(6) Notwithstanding anything hereinbefore contained in this rule) in relation to the State of Nagaland, recruitment to the State Cadre on its initial constitution shall be made by such method, as the Central Government may, after consultation with the State Government and the Commission, prescribe.] ", vide " INDIAN ADMINISTRATIVE SERVICE (RECRUITMENT) RULES, 1954 Dt.31st December, 1997, Published in Ministry of Personnel, P.G. and Pensions (Deptt. of Personnel and Training), Noti. No. G.S.R. 729(E), dated December 31, 1997, published in the Gazette of India, Extra., Part II, Section 3(i), dated 31st December, 1997, pp. 3-4, No. 511 [F. No. 1401S/51/96- AIS(1)-A] [L]

#### **5. Disqualifications for appointment :-**

(1) No person shall be qualified for appointment to the Service unless he is a citizen of India <sup>1</sup>[ \* \* \* ] <sup>2</sup>[or belong to such categories of persons as may, from time to time, be notified in this behalf by the Central Government:] [<sup>3</sup>]

<sup>4</sup>[(2) No person-

(a) who has entered into or contracted a marriage with a person having a spouse living, or

(b) who, having a spouse living, has entered into or contracted a marriage with any person, shall be eligible for appointment to the Service:] Provided that the Central Government may, if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and there are other grounds for so doing, exempt any person from the operation of this sub-rule.

<sup>5</sup>[(3) \* \* \*]

<sup>6</sup>[(4) \* \* \*]

GOVERNMENT OF INDIA'S DECISIONS: Under this rule, it is not necessary for a female officer to obtain the formal permission of the Government before marriage. Rule of natural justice.-It is well

established that rules of natural justice are not rigid rules, they are flexible and their application depends upon the setting and the background of statutory provision, nature of the right which may be affected and the consequence which may entail its application depends upon the facts and circumstances of each case. These principles do not apply to all cases and situations. Applications of these uncodified rules are often excluded by express provision or by implication.<sup>7</sup> Audi alteram partem-Applicability to the making of selection.-Statutory Regulations do not expressly or by implication apply the rule of audi alteram partem in making the selection. On the other hand, the scheme contained under the regulations exclude the applicability of the aforesaid rule by implication.'

1. The words 'and is not ordinarily residing in the State of Jammu and Kashmir' deleted by M.H.A. Notification No.17/4/56-AIS (III), dated 14th May, 1956.

2. Ins. by M.H.A. Notification No.1/1/66-AIS(I), dated 12th August, 1968 (w.e.f. 5th April, 1966).

3. Omitted for " 4 [Provided that nothing in this sub-rule shall apply to a person recruited to the Service from amongst persons referred to in sub-rule (1) or sub-rule (2) of rule 8 of these Rules or from amongst persons serving in connection with the affairs of a State under Cl. (b) of regulation 3 of the Indian Administrative Service (Special Recruitment) Regulations, 1956 .] ", vide " INDIAN ADMINISTRATIVE SERVICE (RECRUITMENT) RULES, 1954" Dt.31<sup>st</sup> December, 1997, Published in Ministry of Personnel, P.G. and Pensions (Deptt. of Personnel and Training), Noti. No. G.S.R. 729(E), dated December 31, 1997, published in the Gazette of India, Extra., Part II, Section 3(i), dated 31<sup>st</sup> December, 1997, pp. 3-4, No. 511 [F. No. 1401S/51/96- AIS(1)-A] [L]

4. Subs. by D.P. Notification No. 1/1/71-AIS(I)-A dated 6th March, 1971.

5. Omitted by D.P. Notification No. 1/1/71-AIS(I)-A, dated 6th March, 1971.

6. The words 'and is not ordinarily resident on the State of Jammu and Kashmir' deleted by M.H.A. Notification No.17/4/56-AIS(III), dated 14th May, 1956.

7. R.S.Das v. Union of India, 1987 Lab IC 476 at p. 487(SC): AIR 1987 SC 593.

## **6. Appointment to the service :-**

(1) All appointments to the service after the commencement of these rules shall be made by the Central Government and no such appointment shall be made except after recruitment by one of the methods specified in Rule 4.

(2) The initial appointments of persons recruited to the Service under <sup>1</sup>[Cls. (a) <sup>2</sup>[\*\*\*]] of sub-rule (1) of Rule 4] shall be in the junior time-scale of pay.

**3** (3) The initial appointment of persons recruited to the service under clauses (b) and (c) of sub-rule (1) of Rule 4 shall be in the senior scale of pay.

1. Subs. by D.P. Notification No. 12/2/69-AIS(III)-A, dated 13th April, 1971.

2. Omitted for "and (aa) ", vide " INDIAN ADMINISTRATIVE SERVICE (RECRUITMENT) RULES, 1954" Dt. 31st December, 1997, Published in Ministry of Personnel, P.G. and Pensions (Deptt. of Personnel and Training), Noti. No. G.S.R. 729(E), dated December 31, 1997, published in the Gazette of India, Extra., Part II, Section 3(i), dated 31st December, 1997, pp. 3-4, No. 511 [F. No. 1401S/51/96- AIS(1)-A] [L]

3. Substituted for " (3) The initial appointments of persons recruited to the service under 1 [Cls. (b) and (c) of sub-rule (1) of rule 4 ] in accordance with the provisions of the Indian Administrative Service (Appointment by Promotion) Regulations, 1955 , or the Indian Administrative Service (Appointment by Selection) Regulations, 1956 , as the case may be, shall be in the senior time-scale of pay." , vide " INDIAN ADMINISTRATIVE SERVICE (RECRUITMENT) RULES, 1954" Dt. 31st December, 1997, Published in Ministry of Personnel, P.G. and Pensions (Deptt. of Personnel and Training), Noti. No. G.S.R. 729(E), dated December 31, 1997, published in the Gazette of India, Extra., Part II, Section 3(i), dated 31st December, 1997, pp. 3-4, No. 511 [F. No. 1401S/51/96- AIS(1)-A] [L]

**6A. Appointments of direct recruits and officers recruited by selection from among released Emergency Commissioned Officers and short Service Commissioned Officers to posts in the Senior time-scale of pay :-**

(1) Appointments of officers recruited to the Service under Cl. (a) or Cl. (aa) of sub-rule (1) of Rule 4 to posts in the senior time-scale of pay shall be made by the State Government concerned.

(2) An Officer, referred to in sub-rule (1), shall be appointed to a post in the senior time-scale of pay, if, having regard to his length of service and experience, the State Government is satisfied that he is suitable for appointment to a post in the senior time-scale of pay: Provided that, if he is under suspension or disciplinary proceedings are instituted against him, he shall not be appointed to a post in the senior time-scale of pay, until he is reinstated in the Service, or the disciplinary proceedings are concluded and final orders are passed thereon, as the case may be:] Provided further that on the conclusion of the disciplinary proceedings,

(a) if he is exonerated fully and the period of suspension, if any, is

treated as duty for all purposes, he shall be appointed to the senior time-scale of pay from the date on which he would have been so appointed, had the disciplinary proceedings not been instituted against him, and paid accordingly; and

(b) if he is not exonerated fully and if the State Government, after considering his case on merits, proposes not to appoint him to the senior time-scale of pay from the date on which he would have been so appointed had the disciplinary proceedings not been instituted against him, he shall be given an opportunity to show cause against such action.

(3) Notwithstanding anything contained in sub-rule (2), the State Government may-

(a) withhold the appointment of an officer, referred to in sub-rule (1), to a post in the senior time-scale of pay,-

(i) till he is confirmed in the Service, or

(ii) till he passes the prescribed departmental examination or examinations and appoint to such a post, an officer junior to him; [who has passed the prescribed departmental examination or] examinations.

(b) appoint an officer, preferred to in sub-rule (1), at any time to a post in the senior time-scale of pay as a purely temporary or local arrangement.]

**GOVERNMENT OF INDIA'S DECISIONS :** The Government of India have held that Rule 6A will apply to vacancies arising in senior posts in the direct recruitment quota after the date of introduction of the said rule viz., 24th September, 1966. The direct recruits who became eligible for appointment to senior posts against the vacancies in the direct recruitment quota according to their seniority, prior to 24th September, 1966 (the date of introduction of Rule 6A) would be deemed to have been appointed to senior posts in accordance with para 4 of Ministry of Home Affairs letter No. 23/46/63-AIS(III)-Vol. II, dated the 29th March, 1966, and as such they will continue to be paid their pay in the senior time-scale of pay even under the introduction of Rule 6A till they are actually appointed, to senior posts or the vacancies disappear, as the case may be.

## **7. Recruitment by competitive examination :-**

(1) A competitive examination for recruitment to the Service shall be held at such intervals as the Central Government may, in

consultation with the Commission, from time to time, determine.

(2) The examination shall be conducted by the Commission in accordance with such regulations as the Central Government may from time to time make in consultation with the Commission and State Governments.

[(3) Appointments to the Service shall be subject to orders regarding special representation in Service for <sup>1</sup>["the Scheduled Castes, the Scheduled Tribes and Other Backward Classes"] issued by the Central Government from time to time in consultation with the State Governments.]

(4) Candidates belonging to <sup>2</sup>["the Scheduled Castes, or the Scheduled Tribes or Other Backward Classes"] declared by the Commission to be suitable for appointment to the Service with due regard to the maintenance of efficiency of administration may be appointed to the vacancies reserved for the candidates of <sup>3</sup>["the Scheduled Castes, or the Scheduled Tribes or Other Backward Classes"], as the case may be, under sub-rule (3).<sup>4</sup> ["Provided that candidates belonging to the Scheduled Castes or Scheduled Tribes or Other Backward Classes and declared by the Commission to be suitable for appointment to the Service shall be appointed against unreserved vacancies, in case they qualify for appointment to the Service based on their merit without recourse to the benefit of reservation."]

[(5)\* \* \*]

GOVERNMENT OF INDIA'S DECISIONS: The rate of annual recruitment for each State should be worked out, after taking into account not only the maintenance element for meeting deaths, retirements and other casualties in the direct recruitment quota but also the growth element to meet the anticipated expansion of this quota.

1. Substituted for "Scheduled Castes and Scheduled Tribes ", vide " INDIAN ADMINISTRATIVE SERVICE (RECRUITMENT) RULES, 1954" Dt.31st December, 1997, Published in Ministry of Personnel, P.G. and Pensions (Deptt. of Personnel and Training), Noti. No. G.S.R. 729(E), dated December 31, 1997, published in the Gazette of India, Extra., Part II, Section 3(i), dated 31st December, 1997, pp. 3-4, No. 511 [F. No. 1401S/51/96- AIS(1)-A] [L]

2. Substituted for "the Scheduled Castes or the Scheduled Tribes ", vide " INDIAN ADMINISTRATIVE SERVICE (RECRUITMENT) RULES, 1954" Dt.31st December, 1997, Published in Ministry of Personnel, P.G. and Pensions (Deptt. of Personnel and Training), Noti. No. G.S.R. 729(E), dated December 31, 1997, published in the Gazette

of India, Extra., Part II, Section 3(i), dated 31st December, 1997, pp. 3-4, No. 511 [F. No. 1401S/51/96- AIS(1)-A] [L]

3. Substituted for "the Scheduled Castes or the Scheduled Tribes", vide " INDIAN ADMINISTRATIVE SERVICE (RECRUITMENT) RULES, 1954" Dt.31st December, 1997, Published in Ministry of Personnel, P.G. and Pensions (Deptt. of Personnel and Training), Noti. No. G.S.R. 729(E), dated December 31, 1997, published in the Gazette of India, Extra., Part II, Section 3(i), dated 31st December, 1997, pp. 3-4, No. 511 [F. No. 1401S/51/96- AIS(1)-A] [L]

4. Inserted vide " INDIAN ADMINISTRATIVE SERVICE (RECRUITMENT) RULES, 1954" Dt.31st December, 1997, Published in Ministry of Personnel, P.G. and Pensions (Deptt. of Personnel and Training), Noti. No. G.S.R. 729(E), dated December 31, 1997, published in the Gazette of India, Extra., Part II, Section 3(i), dated 31st December, 1997, pp. 3-4, No. 511 [F. No. 1401S/51/96- AIS(1)-A] [L]

**7A. Recruitment by selection of persons from among released Emergency Commissioned Officers and Short Service Commissioned Officers commissioned in the Armed Forces of the Union after the first November, 1962 :-**

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**8. Recruitment by promotion or selection for appointment to State and Joint Cadre :-**

(1) The Central Government may, on the recommendations of the State Government concerned and in consultation with the Commission and in accordance with such regulations as the Central Government may, after consultation with the State Governments and the Commission, from time to time, make recruit to the Service persons by promotion from amongst the [substantive] members of a State Civil Service.

(2) The Central Government may, in special circumstances and on the recommendation of the State Government concerned and in consultation with the Commission and in accordance with such regulations as the Central Government may, after consultation with the State Government and the Commission, from time to time, make, recruit to the Service any person of outstanding ability and merit serving in connection with the affairs of the State who is not a member of the State Civil Service or that State [but who holds a gazetted post in a substantive capacity.]

(3)

(a) Where a vacancy occurs in a State Cadre which is to be filled

under the provision of this rule, the vacancy shall be filled by promotion of a member of the State Civil Service or, as the case may be, by selection of any other officer serving in connection with the affairs of that State.

(b) Where a vacancy occurs in a Joint Cadre which is to be filled under the provision of this rule, the vacancy shall, subject to any agreement in this behalf, be filled by promotion of a member of the State Civil Service of any of the States constituting the group or as the case may be, by selection of any other officer serving in connection with the affairs of any such State.

#### GOVERNMENT OF INDIA'S DECISIONS:

1. An officer belonging to a State Judicial Service recommended for appointment under this rule shall be appointed only after obtaining the consent of the concerned High Court.

2. It has been decided that the members of a State Police Service, the I.P.S. or any other All India Service, that may be constituted in future, and its feeder Service, shall not be eligible for appointment to the I.A.S. under this rule.

#### **9. Number of persons to be recruited under rule 8 :-**

<sup>1</sup>(1) The number of persons recruited under Rule 8 in any state or group of states shall not, at any time, exceed 33 1/3 per cent of the number of senior posts under the State Government, Central deputation reserve. State deputation reserve and the training reserve in relation to the State or to the group of States, in the Schedule to the Indian Administrative Service (Fixation of Cadre Strength) Regulations, 1955: Provided that the number of persons recruited under sub-rule (2) of Rule 8 shall not at any time exceed fifteen per cent of the number of persons recruited under Rule 8. Explanation.-For the purpose of calculation of the posts under this sub-rule, fractions, if any, are to be ignored.

(2) Notwithstanding anything contained in this rule, in relation to the State of Jammu and Kashmir, the number of persons recruited under sub-rule (1) shall not up to the 30th April, 2002 exceed at any time, fifty per cent of the number of senior posts under the State Government, Central deputation reserve. State deputation reserve and the training reserve in relation to that State in the Schedule to the Indian Administrative Service (Fixation of Cadre Strength) Regulations, 1955.

[\*\*2 \*] [\*\*\*] GOVERNMENT OF INDIA'S DECISIONS :

1. With reference to proviso to Rule 9(1), it was decided that since the number of persons promoted under sub-rule (2) of Rule 8 is not to exceed 15 per cent of the total number of posts available for promotion in a State cadre, any fraction even if it is more than one half, should be ignored.

2. The Government of India have held that Rule 9(1) provides that the number of persons recruited under Rule 8 (by promotion) shall not at any time exceed 25 per cent of the posts included in items I and 2 of the Cadre of the State. It is quite clear from this that there is no quota reserved for appointment by promotion to the IAS/IPS cadres and consequently by the officers in the Select List have no legal right to appointment to the cadre. Regulation 9 of the Appointment by Promotion Regulations, 1955 provided that the appointment to the IAS/IPS cadre posts shall be made only from the Select List for the time being in force. But it is open to the Government not to make any appointment at all even if there are certain vacancies in the cadre. There is, therefore, no legal right to appointment conferred on the officers on Select List.

1. Substituted for " (1) The number of persons recruited under rule 8 in any State or group of States shall not, at any time, exceed  $33\frac{1}{3}$  per cent of the number of 2 [those posts as are shown against items I and 2 of the cadre in relation to that State or to the group of States, in the Schedule to the Indian Administrative Service (Fixation of Cadre Strength) Regulations, 1955 ] : Provided that the number of persons recruited under sub-rule (2) of rule 8 shall not at any time exceed 15 per cent of the total number of posts calculated in the manner laid down in sub-rule (3) for filling up by such promotion and selection. 3 [2.\* \* \*] 4 [(2) Notwithstanding anything contained in this rule, in relation to the State of Jammu and Kashmir, the number of persons recruited under sub-rule (1) shall not, upto the 30th April, 5 [1987] exceed at any time 50 per cent of the number of those posts as are shown against items 1 and 2 of the cadre in relation to that State in the Schedule to the Indian Administrative Service (Fixation of Cadre Strength) Regulations, 1955 .] ", vide " INDIAN ADMINISTRATIVE SERVICE (RECRUITMENT) RULES, 1954" Dt.31st December, 1997, Published in Ministry of Personnel, P.G. and Pensions (Deptt. of Personnel and Training), Noti. No. G.S.R. 729(E), dated December 31, 1997, published in the Gazette of India, Extra., Part II, Section 3(i), dated 31st December, 1997, pp. 3-4, No. 511 [F. No. 1401S/51/96- AIS(1)-A] [L]

2. Omitted for " 6 [(2A) Notwithstanding anything contained in this rule, in relation to the State of Sikkim, the number of persons

recruited under sub-rule (1) shall not, upto the 16th June, 1986 exceed at any time 50 per cent of the number of those posts as are shown against items I and 2 of the cadre in relation to that State in the Schedule to the Indian Administrative Service (Fixation of Cadre Strength) Regulations, 1955 .] ", vide " INDIAN ADMINISTRATIVESERVICE (RECRUITMENT) RULES, 1954" Dt.31st December, 1997, Published in Ministry of Personnel, P.G. and Pensions (Deptt. of Personnel and Training), Noti. No. G.S.R. 729(E), dated December 31, 1997, published in the Gazette of India, Extra., Part II, Section 3(i), dated 31st December, 1997, pp. 3-4, No. 511 [F. No. 1401S/51/96- AIS(1)-A] [L]

**10. Interpretation :-**

If any question arises as to the interpretation of these rules the Central Government shall decide the same.]

**11. Repeal and saving :-**

All rules corresponding to these rules and in force immediately before the commencement of these rules are hereby repealed: Provided that any order made or action taken under rules so repealed shall be deemed to have been made or taken under the corresponding provisions of the rules.