

ADMINISTRATIVE SERVICE (APPOINTMENT BY SELECTION) REGULATIONS, 1997

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ADMINISTRATIVE SERVICE (APPOINTMENT BY SELECTION) REGULATIONS, 1997

G.S.R. 735 (E), dated 31st December, 1997. In exercise of the powers conferred by Sec. 3 of All India Services Act, 1951 (61 of 1951) and in pursuance of sub-rule (2) of Rule 8 of the Indian Administrative Service (Recruitment) Rules, 1954 and in suppression of the Indian Administrative Service (Appointment by Selection) Regulations, 1956 except as respects thing done or omitted to be done before such supersession, the Central Government in consultation with the State Governments and the Union Public Service Commission, hereby makes the following regulations, namely :

1. Short title and commencement :-

- (1) These Regulations may be called the Indian Administrative Service (Appointment by Selection) Regulations, 1997.
- (2) They shall come into force on the first day of January, 1998.

2. Definitions :-

In these regulations, unless the context otherwise requires,

- (a) "Committee" means the Committee as constituted under Regulation- 3 of the Indian Administrative Service (Appointment by Promotion) Regulations, 1955:

(b) "Promotion Regulations" means the Indian Administrative Service (Appointment by Promotion) Regulations, 1955;

(c) "Recruitment Rules" means the Indian Administrative Service (Recruitment) Rules, 1954; and

(d) Words and expressions used herein and not defined but defined in the Indian Administrative Service (Recruitment) Rules, 1954, and Indian Administrative Service (Appointment by Promotion), Regulations, 1955 shall have the meanings respectively assigned to them in those Rules and Regulations.

3. Determination of vacancies to be filled :-

The Central Government shall, in consultation with the State Government concerned, determine the number of vacancies for which recruitment may be made under these regulations each year. The number of vacancies shall not exceed the number of substantive vacancies, as on the first day of January of the year, in which the meeting of the Committee to make the selection is held.

4. State Government to send proposals for consideration of the Committee :-

(1) The State Government shall consider the case of a person not belonging to the State Civil Service but serving in connection with the affairs of the State who,

(i) is of outstanding merit and ability; and

(ii) holds a Gazetted post in a substantive capacity; and

(iii) has completed not less than 8 years of continuous service under the State Government on the first day of January of the year in which his case is being considered in any post which has been declared equivalent to the post of Deputy Collector in the State Civil Service and propose the person for consideration of the Committee. The number of persons proposed for consideration of the Committee shall not exceed five times the number of vacancies proposed to be filled during the year:

Provided that the State Government shall not consider the case of a person who has attained the age of 54 years on the first day of January of the year in which the decision is taken to propose the names for the consideration of the Committee:

Provided also that the State Government shall not consider the case

of a person who, having been included in an earlier select list, has not been appointed by the Central Government in accordance with the provisions of Regulation 9 of these regulations.

5. Preparation of a list of suitable Officers by the Committee

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The Committee shall meet every year to consider the proposal of the State Government made under Regulation 4 and recommend the names of the persons, not exceeding the number of vacancies to be filled under Regulation 3, for appointment to the Service. The suitability of a person for appointment to the service shall be determined by scrutiny of service records and personal interview: 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 recruitment of persons under sub-rule (2) to Rule 8 read with proviso to sub-rule (1) to 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 recruitment under sub-rule (2) of Rule 8 read with proviso to sub-rule (1) to Rule 9 of the recruitment rules; or

(c) the Commission, either on its own or on a proposal made by the Central Government or the State Government, considers that it is not practicable to hold a meeting of the Committee during the year, in the facts and circumstances of each case.

Explanation. In case of Joint Cadres, a separate select list shall be prepared in respect of each constituent having a State Civil Service.

6. Consultation with the Commission :-

(1) The recommendations of the Committee made under Regulation 5 shall be placed before the State Government concerned which shall forward the same to the Commission for approval along with :

(i) the confidential records of the officer concerned; and

(ii) the observations, if any, of the State Government and the recommendations of the Committee.

(2) The State Government shall also forward the recommendations of the Committee and its observations, if any, to the Central Government. The Central Government shall forward their observations, if any, on the recommendations of the Committee, to the Commission.

7. Preparation of select list by the Commission :-

(1) The Commission shall consider the list prepared by the Committee, the observations, if any, of the Central Government and the State Government concerned on the recommendations of the Committee and approve the list subject to the provisions of sub-regulation (2) which shall be termed as a select list.

(2) If the Commission considers it necessary to make any amendment in the list, it shall consult the Central Government and the State Government concerned and after taking into account the comments, if any, of the Central Government and the State Government concerned, may approve the list with such amendments, if any, as the in its opinion, just and proper.

8. Appointment to the Service from the select list :-

(1) Appointment of persons who are included in the select list, and are willing to be appointed to the Service, shall be made by the Central Government, within a period of sixty days, in the order in which the names of such persons appear in the select list :

Provided that the appointment of persons who are included in the select list shall be made in accordance with the agreement arrived at under clause (b) of sub-rule (3) of Rule 8 of the recruitment rules in the order in which the names of such persons appear in the relevant parts of the select list:

Provided also that in case a select list officer has expressed his unwillingness for appointment to the Service, he shall have no claim for appointment to the Service from that select list unless he informs the Central Government through the State Government before the end of the year in which the meeting of the Committee is held to prepare the select list or within sixty days of the date of the letter conveying his expression of unwillingness to be appointed to the Service whichever is later, revoking his earlier expression of unwillingness for appointment to the Service.

9. Power of the Central Government not to appoint in

certain cases :-

Notwithstanding anything contained in these regulations, the Central Government may not appoint any person whose name appears in the select list, if it is of the opinion that it is necessary or expedient so to do in the public interest : Provided that no such decision shall be taken by the Central Government Without consulting the Union Public Service Commission and without recording the reasons therefor.