
DEPARTMENT OF HEALTH (GROUP 'A' GAZETTED NON-MEDICAL SCIENTIFIC AND TECHNICAL POSTS) IN SITU PROMOTION RULES, 1990

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DEPARTMENT OF HEALTH (GROUP 'A' GAZETTED NON-MEDICAL SCIENTIFIC AND TECHNICAL POSTS) IN SITU PROMOTION RULES, 1990

G.S.R. 930 (E), dated 28th November, 1990.-In exercise of the powers conferred by the proviso to Art.309 of the Constitution, the President hereby makes the following rules supplementing the recruitment rules relating to the Group 'A' Scientific and Technical posts specified in Annexure II to these rules, to provide for in situ Promotions to officers holding the said posts in the Department of Health, namely.-

1. Short title and commencement :-

(1) These rules may be called the Department of Health (Group 'A' Gazetted Non-Medical Scientific and Technical Posts) In Situ Promotion Rules. 1990.

(2) They shall be deemed to have come into force on the 15th day of November, 1989.

2. Definitions :-

In these rules unless the context otherwise requires.-

(a) "Annexure" means Annexure to these rules.

(b) "Candidate" means any person who is holding any post specified in Annexure II and is eligible to be considered for in situ Promotion in accordance with these rules.

(c) "Commission" means the Union Public Service Commission.

(d) "Department" means the Department of Health in the Ministry of Health and Family Welfare, Government of India and includes the Directorate General of Health Services and other organizations attached or subordinate thereto.

(e) "Department Assessment Board" means the Departmental Assessment Board constituted under rule 5.

(f) "In situ promotion" means personal promotion of a candidate holding any post in Annexure II from the existing Scientist Level to the next higher Scientist Level without any change in the post or in the designation thereof.

(g) "Scientist Level" means the level indicated against the respective posts under Column 4 of Annexure II.

3. Designation, grade and strength of the posts :-

(1) The designations of the Group 'A' Scientific and Technical posts in the Department shall be as specified in Column 2 of Annexure II.

(2) The existing strength of the Group 'A' scientific and technical posts shall be as specified in Annexure III.

4. Categorisation of scientists levels :-

(1) Without prejudice the recruitment rules relating to the posts specified in Annexure II, all Group 'A' scientific and technical officers who are working in the Department on a regular basis and were holding on the date of commencement of these rules, the posts specified in Column (1) of Annexure II shall be deemed to have been appointed to the corresponding posts specified in Column 4 with Scientists levels specified in Column 4 respectively of Annexure II for the purpose of application of these rules governing in Situ promotions provided they possess the minimum qualifications prescribed in Annexure 1. Provided that the Central Government may, in consultation with the Commission and for reasons to be recorded in writing re-categorise the Scientist/- level of any of the posts referred to in Annexure II or Annexure III.

(2) The inter-se seniority of officers in each grade shall be determined in accordance with the date of their regular appointment to the respective grades : Provided that their inter-se seniority within the respective grade shall not be disturbed.

(3) The regular and continuous service of officers referred to in sub-rule (1) in the posts specified in Column 2 of Annexure II which they were holding on regular basis prior to their deemed induction into corresponding posts with the corresponding Scientist Levels specified in Column 4 of Annexure II shall count as qualifying service for the purpose of promotion under these rules.

5. Constitution of Departmental Assessment Board :-

There shall be constituted a Departmental Assessment Board for considering in situ promotion of all eligible candidates consisting of the following persons, namely :-

(a) Chairman or Member of the Commission.-Chairman.

(b) Secretary of the Department or an Officer nominated by the Secretary not below the rank of Joint Secretary.-Member.

(c) Not more than two experts in respective speciality from outside the Department nominated by the Commission.-Member(s).

(d) One person from the Department who shall be a non-medical scientist to be nominated by the Secretary of the Department and who shall be at least one level above the grade for which in situ promotion is to be considered.- Member.

6. Preparation of List :-

The Department shall prepare a list of candidates who fulfil the qualifications specified in Annexure I and who have completed or who will complete five years' regular continuous service on the first day of April or the first day of October, as the case may be in a post referred to in Annexure II and forward it to the Departmental Assessment Board, before every meeting of the Board referred to in rule 7.

7. Review by the Departmental Assessment Board for In Situ Promotion :-

(1) The Departmental Assessment Board shall-

(a) meet twice in the months of January and July, and

(b) take into consideration, the efficiency and overall performance

of a candidate as reflected in his annual confidential reports and if deemed necessary by interview and the Assessment Board may at their discretion, consider in absentia the candidature of such officer(s) who are unable to present themselves for the interview and shall draw up a list of officers who are assessed as fit for in Situ promotion to the next higher grade in accordance with the provisions of rule 8 and recommend to the Central Government accordingly.

(2) Where a candidate is not found fit for promotion after the review by the Departmental Assessment Board, such candidate shall not be eligible for being considered for promotion in the next meeting of the Departmental Assessment Board until a period of one year has elapsed from the date of such review.

(3) For in situ promotions to the post of Scientist level V, the Specific qualification requirements shall be determined by the Central Government in consultation with the Commission on each occasion keeping in view the job requirements which are expected of the post.

(4) Recommendations of the Departmental Assessment Board, after being approved by the Commission, shall be implemented from the date, to be arrived at in consultation with the Commission, which shall not be earlier than the date of the coming into force of these rules.

(5) The date referred to in sub-rule (4) shall be deemed to be the date of the in situ promotion of the candidates for the purpose of determining their seniority in the grade in respect of determining their seniority in the grade in respect of officers who are on duty on that date and who have been recommended for in situ promotion : Provided, however, that if any officer is away from his establishment, laboratory or headquarters on leave, on that date, he shall assume charge in the Scientist level to which he was in situ promoted from the date he resumes duty in his establishment, laboratory or headquarter, but this shall not affect his date of in situ promotion or the inter se seniority in the higher Scientists level as against the other officers recommended for promotion by the same Departmental Assessment Board.

(6) With respect to persons undergoing training in India or abroad under rule 51 of the Fundamental Rules, in situ promotion to the next Scientist level shall be with effect from the date they would

have been so promoted had they not proceeded on training subject to the fulfilment of the following conditions, namely :-

(a) the period of such training is treated as duty under Cl. (b) of sub-rule (6) of rule 9 of the Fundamental Rules,

(b) they have been recommended for in situ promotion to the next higher scientist level;

(c) all their seniors except those regarded as unfit for in situ promotion to the particular Scientist level have been promoted to that Scientist level.

(7) Officers promoted in situ from one Scientist level to another shall, upto the level of Scientist, level 4, as far as possible be posted in the same establishment, laboratory or headquarters: provided however that where the Central Government is of the opinion that it is not practicable to post an officer promoted in situ in the same establishment, laboratory or headquarters, it may for reasons to be recorded in writing, transfer any such officer who has been so promoted from one establishment, laboratory or headquarters to another.

8. The Schedule of Promotion :-

(1) A 'Scientific' or 'technical' Officer holding Group 'A' post shall be eligible for promotion upto and including the grade of Scientist 4 level carrying a pay scale of Rs. 4500-5700 as follows :-

(a) Scientist 1 level officers working in the grade of Rs. 2200-4000 shall be promoted to the S-2 level in the grade of Rs. 3000-4500 (non-teaching) Rs. 3000-5000 (teaching) on completion of 5 years of regular service in the grade of Rs. 2200-4000 on the basis of Assessment.

(b) Scientist 2 level Scientists/officers working in the grade of Rs. 3000-4500/ Rs. 3000-5000 shall be promoted to S-3 level in the scale of Rs. 3700- 5000 on completion of 5 years' of regular service in the grade of Rs. 3000-4500/Rs. 3000-5000 on the basis of Assessment.

(c) Scientist 3 level scientists/officers working in the grade of Rs. 3700-5000 shall be promoted to Scientist-4 level in the scale of Rs. 4500--5700 on completion of 5 years' of regular service in the grade of Rs. 3700--5000 on the basis of assessment.

(2) Promotion to the 8 floating posts in the Scientist level 5 in the scale of Rs. 5900-6700. shall be made from a common eligibility list of all non-medical Scientists having at least three years of regular service in the scale of Rs. 4500-5900. the eligibility list being drawn on the basis of the length of their regular service in the scale of Rs. 4500-5900.

9. Upgradation on promotion :-

Where an officer is promoted under these rules, the grade of the post immediately held by him shall stand upgraded to the next higher level to which he has been promoted and shall revert to the original level on the vacation of it by the officer holding it : Provided that where an officer is promoted further to higher levels in the course of time, the grade of the post shall continue to be upgraded to the level to which he has been promoted as personal to him and shall revert back to the level of original recruitment to the Post, i. e. level 1, 2, 3 or 4 as shown in the Column 4 of Annexure-II.

10. Power to relax :-

Where the Central Government is of the opinion that it is necessary or expedient to do so, it may by order for reasons to be recorded in writing and in consultation with the UPSC relax any of the provisions of the rules with respect to any class or category of persons.

11. Removal of doubts :-

For removal of doubts it is hereby declared that these rules are in addition to and not in derogation of the existing recruitment rules including the method of promotion or direct recruitment to the posts mentioned in Annexure II.

12. Saving :-

Nothing contained in these rules shall apply to officers holding posts in the department on transfer on deputation or on short-term contract basis. EXPLANATORY MEMORANDUM TO THE DEPARTMENT OF HEALTH (GROUP 'A' GAZETTED NON-MEDICAL SCIENTIFIC AND TECHNICAL POSTS) IN SITU PROMOTION RULES, 1990. The Rules as framed as directive of the Hon'ble Supreme Court vide their directions in the Writ Petition (Civil) No. 1018 of 1989 dated November 15, 1989 read with their direction in the Contempt, Petition No. (5) 85/90 dated 4-5-90 (copies of directions enclosed vide Annexure IV). The Rules are being given retrospective effect from November 15, 1989 which is the date of direction of the

Hon'ble Supreme Court in respect of writ petition mentioned above.