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No.F.20-46/2003-TS-III
Government of India
Ministry of Human Resource Development
Department of Secondary & Higher Education

New Delhi
November 9, 2003

OFFICE MEMORANDUM

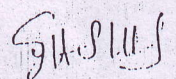
Subject:- Service Conditions of the Employees of Regional Engineering Colleges upon their conversion as National Institutes of Technology (NITs) with deemed university status.

The Government had taken over the full administrative and financial control of all the seventeen Regional Engineering Colleges (RECs) [now converted as National Institutes of Technology with deemed university status] located at Allahabad, Bhopal, Calicut, Durgapur, Hamirpur, Jaipur, Jalandhar, Jamshedpur, Kurukshetra, Nagpur, Rourkela, Silchar, Srinagar, Surat, Surathkal, Tiruchirappalli and Warangal vide notification No. F.35-1/2002-TS-III dated 14th May 2003 and it was stated therein that the terms and conditions governing the Institutions and their employees would be issued separately. After careful consideration of various aspects of the existing rules & regulations it has been decided to introduce the following administrative measures so as to ensure uniformity in rules & regulations governing service conditions of the employees in NITs.

- (1) **Period of Probation on Recruitment:-** The period of probation of on fresh recruitment in NITs for both teaching and non-teaching employees shall be same as per practice in vogue in Indian Institute of Technology (IIT), Delhi;
- (2) **Leave Rules:-** Leave Rules including sabbatical leave for faculty in NITs shall be same as is prevalent in IIT, Delhi.
- (3) **Conduct & Disciplinary Rules:-** Conduct & Disciplinary Rules for employees of NITs shall be same as is prevalent in IIT Delhi.
- (4) **Medical Rules:-** The employees of NITs shall be entitled to reimbursement for medical attendance and treatment in the similar manner as is available to other Central Government employees under Medical Attendance Rules of the Government.
- (5) **Travelling Allowance & Daily Allowance:-** Payment of TA/DA to the employees of NITs shall be governed in the similar manner as is being regulated under Fundamental Rules (FR) & Supplementary Rules (SR) for other Central Government employees.

- (6) **Leave Travel Concession:-** The system of LTC will be same as per practice being followed in the Central Government in this regard. The existing practice of leave encashment facility being followed in some of the Institutes shall be dispensed with immediately.
- (7) **Performance Assessment System:-** The performance assessment system for the faculties of NITs shall be similar to assessment system being followed in IIT Roorkee.
- (8) **Career Advancement Scheme [CAS]:-** Separate order has already been issued vide OM No. F.20-18/2003-TS-III dated 15-09-2003 regarding implement of Career Advancement Scheme for the faculty.
- (9) **Assured Career Progression (ACP):-** The provision of the scheme of ACP issued by the Department of Personnel & Training, Govt. of India vide OM No.35034/1/97-Estt.(D) dated 9-8-1999 for employees of Central Government having no promotional avenues shall also be applicable to similarly placed employees of NITs.
- (10) **Working Days:-** NITs may adopt the practice of 5-days or 6-days week depending upon decision of its own Board of Governors subject to the stipulation of the minimum working hours as prescribed by All India Council for Technical Education (AICTE) in this regard i.e. @ 40 hrs per week.
- (11) **Holidays:-** NITs will adopt the same practices of holidays as is being observed by the IIT of the region in which the NIT is located.

Date of effect:- The above provisions shall be effective after necessary adoption by the respective BOGs of NITs.


(Dr. G L Jambulkar)
Deputy Educational Adviser
Tel: 2338-4276

To

1. The Directors of all NITs

NATIONAL INSTITUTE OF TECHNOLOGY,
KURUKSHETRA-136119,

No. BOG 6.10/ 8/69

Dated: 16/11/2004

6.10 To consider implementation of Assured Career Progression (ACP) to the non-teaching employees of NIT Kurukshetra on State Govt pattern prior to 1.1.2004.

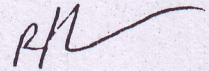
The Board of Governors of the Institute in their 6th meeting held on 30.9.2004 has decided as under:

The Board noted as under:-

- i) The ACP rules on the Central Government pattern have been adopted by the Institute w.e.f. 1.1.2004.
- ii) There are about 40 ACP cases which are pending for disposal during the period prior to 1.1.2004 on the State Government pattern.

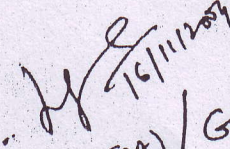
The Board decided to allow ACP to the non-teaching employees of the Institute for the period prior to 1.1.2004 on the State Government pattern after due process of scrutiny as required under rules.

This is for favour of your information and necessary action.



REGISTRAR

1. ✓ Deputy Registrar (GA) → copy of Agenda Note 6.10 is enclosed.
2. DR(Accounts)


16/11/2004
DSGA / GA-II

Sl. No.	Name of Ministry/Department	Short title of the Recruitment Rules/Instructions
3.	Department of Electronics and the National Informatics Centre, Planning Commission	Personnel Policy and Practices for Group 'A' Scientific and Technical Officers/Posts in the Department of Electronics/ Electronics Commission - (O.M. No. A-12018/1/81-PP, dated 11-8-1981, as amended from time to time).
4.	Ministry of Environment, Forests and Wild Life	The Department of Environment, Forests and Wild Life Scientific Group 'A' Posts Rules, 1987.
5.	Ministry of Non-Conventional Energy Sources	The Department of Non-Conventional Energy Sources Group 'A' Gazetted Posts (Non-Ministerial, Scientific and Technical) Rules, 1988.
6.	Department of Ocean Development	The Department of Ocean Development Recruitment (Group 'A' posts) Rules, 1996.

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Assured Career Progression Scheme for the Central Government civilian employees

G.I., Dept. of Per. & Trg., O.M. No. 35034/1/97-Estt. (D), dated the 9th August, 1999

The Fifth Central Pay Commission in its Report has made certain recommendations relating to the Assured Career Progression (ACP) Scheme for the Central Government civilian employees in all Ministries/Departments. The ACP Scheme needs to be viewed as a 'Safety Net' to deal with the problem of genuine stagnation and hardship faced by the employees due to lack of adequate promotional avenues. Accordingly, after careful consideration it has been decided by the Government to introduce the ACP Scheme, recommended by the Fifth Central Pay Commission with certain *modifications* as indicated hereunder:—

2. Group 'A' Central Services

2.1 In respect of Group 'A' Central Services (Technical/Non-Technical), no financial upgradation under the Scheme is being proposed for the reason that promotion in their case must be earned. Hence, it has been decided that there shall be no benefits under the ACP Scheme for Group 'A' Central Services (Technical/Non-Technical). Cadre Controlling Authorities in their case would, however, continue to improve the promotion prospects in organizations/cadres on functional grounds by way of organizational study, cadre review, etc., as per prescribed norms.

3. Groups 'B', 'C' and 'D' services/posts and isolated posts in Groups 'A', 'B', 'C' and 'D' Categories

3.1 While in respect of these categories also promotion shall continue to be duly earned, it is proposed to adopt the ACP Scheme in a modified form to mitigate hardship in cases of acute stagnation either in a cadre or in an isolated post. Keeping in view all relevant factors, it has therefore, been decided to grant *two financial upgradations* [as recommended by the Fifth Central Pay Commission and also in accordance with the Agreed Settlement, dated September 11, 1997 (in relation to Groups 'C' and 'D' employees) entered into with the Staff Side of the National Council (JCM)] under the ACP Scheme to Groups 'B', 'C' and 'D' employees on completion of 12 years and 24 years (subject to condition No. 4 in Annexure-I) of regular service respectively. Isolated posts in Groups 'A', 'B', 'C' and 'D' categories which have no promotional avenues shall also qualify for similar benefits on the pattern indicated above. Certain categories of employees such as casual employees (including those with temporary status), *ad hoc* and contract employees shall not qualify for benefits under the aforesaid Scheme. Grant of financial upgradations under the ACP Scheme shall, however, be subject to the *conditions* mentioned in *Annexure-I*.

3.2 Regular Service for the purpose of the ACP Scheme shall be interpreted to mean the eligibility service counted for regular promotion in terms of relevant Recruitment/Service Rules.

4. Introduction of the ACP Scheme should, however, in no case affect the normal (regular) promotional avenues available on the basis of vacancies. Attempts needed to improve promotion prospects in organizations/cadres on functional grounds by way of organizational study, cadre reviews, etc., as per prescribed norms should not be given up on the ground that the ACP Scheme has been introduced.

5. Vacancy based regular promotions, as distinct from financial upgradation under the ACP Scheme, shall continue to be granted after due screening by a regular Departmental Promotion Committee as per relevant rules/guidelines.

6. Screening Committee

6.1 A departmental Screening Committee shall be constituted for the purpose of processing the cases for grant of benefits under the ACP Scheme.

6.2 The composition of the Screening Committee shall be the same as that of the DPC prescribed under the relevant Recruitment/Service Rules for regular promotion to the higher grade to which financial upgradation is to be granted. However, in cases where DPC as per the prescribed rules is headed by the Chairman/Member of the UPSC, the Screening Committee under the ACP Scheme shall, instead, be headed by the Secretary or an officer of equivalent rank of the concerned Ministry/Department in respect of isolated posts, the composition of the Screening Committee (with modification as

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noted above, if required) shall be the same as that of the DPC for promotion to analogous grade in that Ministry/Department.

6.3 In order to prevent operation of the ACP Scheme from resulting into undue strain on the administrative machinery, the Screening Committee shall follow a time-schedule and meet twice in a financial year—preferably in the first week of January and July for advance processing of the cases. Accordingly, cases maturing during the first-half (April-September) of a particular financial year for grant of benefits under the ACP Scheme shall be taken up for consideration by the Screening Committee meeting in the first week of January of the previous financial year. Similarly, the Screening Committee meeting in the first week of July of any financial year shall process the cases that would be maturing during the second-half (October-March) of the same financial year. For example, the Screening Committee meeting in the first week of January, 1999 would process the cases that would attain maturity during the period April 1, 1999 to September 30, 1999 and the Screening Committee meeting in the first week of July, 1999 would process the cases that would mature during the period October 1, 1999 to March 31, 2000.

6.4 To make the Scheme operational, the Cadre Controlling Authorities shall constitute the first Screening Committee of the current financial year within a month from the date of issue of these instructions to consider the cases that have already matured or would be maturing up to March 31, 2000 for grant of benefits under the ACP Scheme. The next Screening Committee shall be constituted as per the time-schedule suggested above.

7. Ministries/Departments are advised to explore the possibility of effecting savings so as to minimize the additional financial commitment that introduction of the ACP Scheme may entail.

8. The ACP Scheme shall become operational from the date of issue of this Office Memorandum.

9. In so far as persons serving in the Indian Audit and Accounts Department are concerned, these orders issue after consultation with the Comptroller and Auditor-General of India.

10. The Fifth Central Pay Commission in Paragraph 52.15 of its Report has also separately recommended a "Dynamic Assured Career Progression Mechanism" for different streams of Doctors. It has been decided that the said recommendation may be considered separately by the Administrative Ministry concerned in consultation with the Department of Personnel and Training and the Department of Expenditure.

11. Any interpretation/clarification of doubt as to the scope and meaning of the provisions of the ACP Scheme shall be given by the Department of Personnel and Training (Establishment-D).

12. All Ministries/Departments may give wide circulation to these instructions for guidance of all concerned and also take immediate steps to implement the Scheme keeping in view the ground situation obtaining in service/cadres/posts within their administrative jurisdiction.

PROMOTIONS

ANNEXURE - I

Conditions for grant of benefits under the ACP Scheme

1. The ACP Scheme envisages merely placement in the higher pay-scale/grant of financial benefits (through financial upgradation) only to the Government servant concerned on personal basis and shall, therefore, neither amount to functional/regular promotion nor would require creation of new posts for the purpose;

2. The highest pay-scale up to which the financial upgradation under the Scheme shall be available will be Rs. 14,300-18,300. Beyond this level, there shall be no financial upgradation and higher posts shall be filled strictly on vacancy based promotions;

3. The financial benefits under the ACP Scheme shall be granted from the date of completion of the eligibility period prescribed under the ACP Scheme or from the date of issue of these instructions whichever is later;

4. The first financial upgradation under the ACP Scheme shall be allowed after 12 years of regular service and the second upgradation after 12 years of regular service from the date of the first financial upgradation subject to fulfilment of prescribed conditions. In other words, if the first upgradation gets postponed on account of the employee not found fit or due to departmental proceedings, etc., this would have consequential effect on the second upgradation which would also get deferred accordingly;

5.1. Two financial upgradations under the ACP Scheme in the entire Government service career of an employee shall be counted against regular promotions (including *in situ* promotion and fast-track promotion availed through limited departmental competitive examination) availed from the grade in which an employee was appointed as a direct recruit. This shall mean that two financial upgradations under the ACP Scheme shall be available only if no regular promotions during the prescribed periods (12 and 24 years) have been availed by an employee. If an employee has already got one regular promotion, he shall qualify for the second financial upgradation only on completion of 24 years of regular service under the ACP Scheme. In case two prior promotions on regular basis have already been received by an employee, no benefit under the ACP Scheme shall accrue to him;

5.2. Residency periods (regular service) for grant of benefits under the ACP Scheme shall be counted from the grade in which an employee was appointed as a direct recruit.

6. Fulfilment of normal promotion norms (benchmark, departmental examination, seniority-sum-ranks in the case of Group 'D' employees, etc.) for grant of financial upgradations, performance of such duties as are entrusted to the employees together with retention of old designations, financial upgradations as personal to the incumbent for the stated purposes and restriction of the ACP Scheme for financial and certain other benefits (House Building Advance, allotment of Government accommodation, advances, etc.) only

without conferring any privileges related to higher status (e.g., invitation to ceremonial functions, deputation to higher posts, etc.) shall be ensured for grant of benefits under the ACP Scheme;

7. Financial upgradation under the Scheme shall be given to the next higher grade in accordance with the existing hierarchy in a cadre/category of posts without creating new posts for the purpose. However, in case of isolated posts, in the absence of defined hierarchical grades financial upgradation shall be given by the Ministries/Departments concerned in the immediately next higher (standard/ common) pay-scales as indicated in Annexure-II which is in keeping with Part-A of the First Schedule annexed to the Notification, dated September 30, 1997 of the Ministry of Finance, (Department of Expenditure). For instance, incumbents of isolated posts in the pay-scale S-4, as indicated in Annexure-II, will be eligible for the proposed two financial upgradations only to the pay-scales S-5 and S-6. Financial upgradation on a dynamic basis (i.e., without having to create posts in the relevant scales of pay) has been recommended by the Fifth Central Pay Commission only for the incumbents of isolated posts which have no avenues of promotion at all. Since financial upgradations under the Scheme shall be personal to the incumbent of the isolated post, the same shall be filled at its original level (pay-scale) when vacated. Posts which are part of a well-defined cadre shall not qualify for the ACP Scheme on 'dynamic' basis. The ACP benefits in their case shall be granted conforming to the existing hierarchical structure only;

8. The financial upgradation under the ACP Scheme shall be purely personal to the employee and shall have no relevance to his seniority position. As such, there shall be no additional financial upgradation for the senior employees on the ground that the junior employee in the grade has got higher pay-scale under the ACP Scheme;

9. On upgradation under the ACP Scheme, pay of an employee shall be fixed under the provisions of FR 22 (I) (a) (1) subject to a minimum financial benefit of Rs. 100 as per the Department of Personnel and Training Office Memorandum No. 1/6/97-Pay-I, dated July 5, 1999. The financial benefit allowed under the ACP Scheme shall be final and no pay fixation benefit shall accrue at the time of regular promotion, i.e., posting against a functional post in the higher grade;

10. Grant of higher pay scale under the ACP Scheme shall be conditional to the fact that an employee, while accepting the said benefit, shall be deemed to have given his *unqualified acceptance* for regular promotion on occurrence of vacancy subsequently. In case he refuses to accept the higher post on regular promotion subsequently, he shall be subject to normal debarment for regular promotion as prescribed in the general instructions in this regard. However, as and when he accepts regular promotion thereafter, he shall become eligible for the second upgradation under the ACP Scheme only after he completes the required eligibility service period under the ACP Scheme in that higher grade subject to the condition that the period for which he was debarred for regular promotion shall not count for the purpose. For example, if a

person has got one financial upgradation after rendering 12 years of regular service and after 2 years therefrom if he refuses regular promotion and is consequently debarred for one year and subsequently he is promoted to the higher grade on regular basis after completion of 15 years (12 + 2 + 1) of regular service, he shall be eligible for consideration for the second upgradation under the ACP Scheme only after rendering ten more years in addition to two years of service already rendered by him after the first financial upgradation (2 + 10) in that higher grade, i.e., after 25 years (12 + 2 + 1 + 10) of regular service because the debarment period of one year cannot be taken into account towards the required 12 years of regular service in that higher grade;

11. In the matter of disciplinary/penalty proceedings, grant of benefits under the ACP Scheme shall be subject to rules governing normal promotion. Such cases shall, therefore, be regulated under the provisions of relevant CCS (CCA) Rules, 1965, and instructions thereunder;

12. The proposed ACP Scheme contemplates merely *placement on personal basis* in the higher pay scale/grant of financial benefits only and shall not amount to actual/functional promotion of the employees concerned. Since orders regarding reservation in promotion are applicable only in the case of regular promotion, reservation orders/roster shall not apply to the ACP Scheme which shall extend its benefits uniformly to all eligible SC/ST employees also. However, at the time of regular/functional (actual) promotion, the Cadre Controlling Authorities shall ensure that all reservation orders are applied strictly;

13. Existing time-bound promotion schemes, including *in situ* promotion scheme, in various Ministries/Departments may, as per choice, continue to be operational for the concerned categories of employees. However, these schemes, shall not run concurrently with the ACP Scheme. The Administrative Ministry/Department — not the employees — shall have the option in the matter to choose between the two schemes, i.e., existing time-bound promotion scheme or the ACP Scheme, for various categories of employees. However, in case of switch-over from the existing time-bound promotion scheme to the ACP Scheme, all stipulations (viz., for promotion, redistribution of posts, upgradation involving higher functional duties, etc.) made under the former (existing) scheme would cease to be operative. The ACP Scheme shall have to be adopted in its totality;

14. In case of an employee declared surplus in his/her organization and in case of transfers including unilateral transfer on request, the regular service rendered by him/her in the previous organization shall be counted along with his/her regular service in his/her new organization for the purpose of giving financial upgradation under the Scheme; and

15. Subject to Condition No. 4 above, in cases where the employees have already completed 24 years of regular service, with or without a promotion, the second financial upgradation under the scheme shall be granted directly. Further, in order to rationalize unequal level of stagnation, benefit of surplus regular service (not taken into account for the first upgradation under the

scheme) shall be given at the subsequent stage (second) of financial upgradation under the ACP Scheme as a one-time measure. In other words, in respect of employees who have already rendered more than 12 years but less than 24 years of regular service, while the first financial upgradation shall be granted immediately, the surplus regular service beyond the first 12 years shall also be counted towards the next 12 years of regular service required for grant of the second financial upgradation and, consequently, they shall be considered for the second financial upgradation also as and when they complete 24 years of regular service without waiting for completion of 12 more years of regular service after the first financial upgradation already granted under the Scheme.

MOST IMMEDIATE

ANNEXURE — II

STANDARD/Common PAY-SCALES

As per Part-A of the First Schedule Annexed to the Ministry of Finance (Department of Expenditure) Gazette Notification, dated September 30, 1997

[Reference Para. 7 of Annexure-I of this Office Memorandum]

S. No.	Revised pay-scales Rs.	S-3	S-5
1.	S-1	2,550-55-2,660-60-3,200	5-5
2.	S-2	2,610-60-3,150-65-3,540	—
3.	S-3	2,650-65-3,300-70-4,000	—
4.	S-4	2,750-70-3,800-75-4,400	5-5
5.	S-5	3,050-75-3,950-80-4,590	5-6
6.	S-6	3,200-85-4,900	—
7.	S-7	4,000-100-6,000	—
8.	S-8	4,500-125-7,000	—
9.	S-9	5,000-150-8,000	—
10.	S-10	5,500-175-9,000	—
11.	S-12	6,500-200-10,500	—
12.	S-13	7,450-225-11,500	—
13.	S-14	7,500-250-12,000	—
14.	S-15	8,000-275-13,500	—
15.	S-19	10,800-325-15,200	—
16.	S-21	12,000-375-16,500	—
17.	S-23	12,000-375-18,000	—
18.	S-24	14,300-400-18,300	—

PROMOTIONS

CLARIFICATIONS

G.I., Dept. of Per. & Trg., O.M. No. 35034/1/97-Estt. (D) (Vol. IV), dated the 10th February, 2000

The undersigned is directed to invite reference to the Department of Personnel and Training Office Memorandum of even number, dated August 9, 1999 regarding the Assured Career Progression Scheme (ACPS). Consequently upon introduction of the Scheme, clarifications have been sought by various Ministries/Departments about certain issues in connection with implementation of the ACPS. The doubts raised by various quarters have been duly examined and point-wise clarifications have accordingly been indicated in the Annexure.

2. The ACP Scheme should strictly be implemented in keeping with the Department of Personnel and Training Office Memorandum of even number, dated August 9, 1999 read with the aforesaid clarifications (Annexure). *Cases where the ACP Scheme has already been implemented shall be reviewed/reclarified if the same are not found to be in accordance with the scheme/clarifications.*

3. All Ministries/Departments may give wide circulation to these clarificatory instructions for general guidance and appropriate action in the matter.

ANNEXURE

[Reference: Office Memorandum No. 35034/1/97-Estt. (D) (Vol. IV), dated 10-2-2000]

Sl. No.	Point of Doubt	Clarification
1.	Two posts carrying different pay scales constituting two rungs in a hierarchy have now been placed in the same pay scale as a result of rationalization of pay scales. This has resulted into change in the hierarchy in as much as two posts which constituted feeder and promotion grades in the pre-merged scenario have become one grade. The position may be clarified further by way of the following illustration: Prior to the implementation of the Fifth Central Pay Commission recommendation, two categories of posts were in the pay scales of Rs. 1,200-1,300 and Rs. 1,320-2,040 respectively; the latter being	Since the benefits of upgradation under ACP Scheme (ACPS) are to be allowed in the existing hierarchy, the mobility under ACPS shall be in the hierarchy existing after merger of pay scales by ignoring the promotion. An employee who got promoted from lower pay scale to higher pay scale as a result of promotion before merger of pay scales shall be entitled for upgradation under ACPS ignoring the said promotion as otherwise he would be placed in a disadvantageous position vis-a-vis the fresh entrant in the merged grade.

Sl. No.	Point of Doubt	Clarification
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promotion post for the former. Both the posts have now been placed in the pay scale of Rs. 4,000-6,000. How the benefits of the ACP Scheme is to be allowed in such cases?

2. Some employees have been allowed selection grade/ *in situ* promotions though these grades are not a part of the defined hierarchy. Whether this is to be considered as promotion for the purpose of ACPs? Also, what will be the situation if selection grade has been allowed in lieu of higher pay scale?

Mobility under ACPs is to be allowed in the 'existing hierarchy'. As such, if any selection grade/ *in situ* promotion has been allowed to employees which is not a part of the hierarchy, it shall not be counted as promotion for the purpose of ACPs. For illustration sake, junior engineers of CPWD appointed in the grade Rs. 5,000-8,000/- are allowed the scale of Rs. 5,500-9,000/- on completion of five years of regular service and the scale of Rs. 6,500-10,500/- on completion of fifteen years of regular service. The scale of Rs. 5,500-9,000/- is not a part of the defined hierarchy for them. In such cases, the pay scale which is not a part of the hierarchy may be treated to have been withdrawn. However, fall in pay resulting out of this shall be protected by granting personal pay in the aforesaid direct entry grade to be adjusted against future increments. Moreover, as per Condition No. 13 of ACPs, such existing (previous) schemes would be discontinued with the adoption of ACPs. However, in the case of common category of posts, the existing hierarchy in relation to a cadre would mean the prescribed grade recommended by the Fifth Central Pay Commission.

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Sl. No.	Point of Doubt	Clarification
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3. An isolated post of Jeep Driver in the pay scale of Rs. 3,050-4,590 has been allowed *in situ* promotion in the grade of Rs. 4,000-6,000 whereas as per Annexure-II of the O.M. dated 9-8-1999 next scale is Rs. 3,200-4,900. What should be the grade allowed under ACPs? Similarly, Despatch Rider in the pre-revised pay scale of Rs. 950-1,400 and staff car driver in the pre-revised scale of Rs. 950-1,500 have been allowed revised pay scale of Rs. 3,050-4,590. What should be the benefit under ACPs?

4. In a case where a person is appointed to a post on transfer (absorption) basis from another post, whether 12 years and 24 years of service for the purpose of ACPs will count from the initial appointment or otherwise.

The benefits under ACPs are limited to higher pay scale and do not confer designation, duties and responsibilities of the higher post. Hence, the basic criterion to allow the higher pay scale under ACPs should be whether a person is working in the same pay scale for the prescribed period of 12/24 years.

5. Whether a Government servant, who is direct recruit in one grade and subsequently joins another post again as direct recruit, is eligible for first financial upgradation under ACPs after completion of 12 years of service counted from the first appointment or from the subsequent second appointment as direct recruit?

Consequently, so long as a person is in the same pay scale during the period in question, it is immaterial whether he has been holding different posts in the same pay scale. As such, if a Government servant has been appointed to another post in the same pay scale either as a direct recruit or on absorption (transfer) basis or first on deputation basis and later on absorbed (on transfer basis), it should not make any difference for the purpose of ACPs so long as he is in the same pay scale. In other words, past promotion as well as past regular service in the same pay scale, even if it was on different posts for which appointment was made by different methods like direct recruitment,

6. An employee appointed initially on deputation to a post gets absorbed subsequently, whether absorption may be termed as promotion or direct recruitment. What will be the case if an employee on deputation holds a post in the same pay scale as that of the post held by him in the present cadre? Also, what will be the situation if he was holding a

Sl. No.	Point of Doubt	Clarification
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post in the parent cadre carrying a absorption (transfer)/deputation, or lower pay scale?

at different places should be taken into account for computing the prescribed period of service for the purpose of ACPS. Also, in case of absorption (transfer)/ deputation in the aforesaid situations, promotions earned in the previous/present organizations, together with the past regular service shall also count for the purpose of ACPS. However, if the appointment is made to higher pay scale either as on direct recruitment or on absorption (transfer) basis or first on deputation basis and later on absorbed (or transfer basis), such appointment shall be treated as direct recruitment and past service/promotion shall not count for benefits under ACPS.

Needless to say, in cases of transfer on administrative ground, involving only change of station within the same department, the service rendered in the same grade at two stations may count for ACPS, as such transfers are within the same organization, ordered generally for administrative/personal considerations and the service rendered in the earlier station counts as eligibility service for promotion.

7. Whether the instructions on ACPS are applicable to the employees working in the instrumentalities like autonomous/judicial/statutory bodies? Similarly, whether the orders are applicable to the employees working in industries governed by certified standing orders, Factories Act and Industrial Disputes Act, etc.?
- ACPS is applicable only to Central Government Civilian employees and, as such does not get automatically extended to autonomous/statutory bodies. A consensus decision in this regard shall have to be taken by the governing body/competent authority/organization concerned. In relation to others, specific cases shall be examined in

Sl. No.	Point of Doubt	Clarification
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consultation with the Department of Personnel and Training.

8. Appointment on the basis of limited departmental examination by which an employee joined a new service should be treated as promotion or not. For example, in case of Group 'D' employees appointed as LDCs or Grade 'D' Stenographers appointed from amongst LDCs should be treated as direct recruits or not in the respective higher grades.

If the relevant Recruitment Rules provide for filling up of vacancies of Stenographers, Grade 'D'/Junior Stenographers by direct recruitment, induction of LDCs to the aforesaid grade through Limited Departmental Competitive Examination may be treated as direct recruitment for the purpose of benefit under ACPS. However, in such cases, service rendered in a lower pay scale shall not be counted for the purpose of benefit under ACPS. The case of Grade 'D' employees who become LDCs on the basis of departmental examination stand on different footing. In their case, relevant Recruitment Rules prescribe a promotion quota to be filled up on the basis of departmental examination. Therefore, such appointments shall be counted as promotion for the purpose of ACPS. In such situations, past regular service shall also be counted for further benefits, if any, under the Scheme.

9. A merged pre-revised pay scale of Rs. 775-1,150 was allowed to Group 'D' employees as a result of an agreement with the Staff Side in the National Council of JCM. Those Group 'D' employees drawing Rs. 1,030/- (pre-revised) or above as basic pay have been allowed S-3 (revised) (Rs. 2,650-4,000/-) and those drawing less have been allowed S-2 (revised) (Rs. 2,610-3,540/-). The replacement scales of Rs. 2,610-3,540/- and Rs. 2,650-4,000 should be
- The issued of de-merger of the integrated pay scale of Rs. 775-1,150/- is already under consideration of the National Anomaly Committee. It has not been agreed either to treat the promotion to S-2 and S-3 as one or formulating the pay scales. As the merger of the pay scales earlier was a result of an agreement only with a view to provide certain relief to the stagnating employees, it cannot, in itself, be the ground for allowing additional benefits. As such, an

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	treated as one. Since S-4 (revised) (Rs.2,750-4,400/-) does not operate in the Central Secretariat, Group 'D' employees should be given second upgradation in S-5, i.e., Rs.3,050-4,590/-.	employee inducted in S-1 and now placed in S-2 shall be allowed one more upgradation i.e. in S-3 under ACPS. An employee inducted in S-1 and now placed in S-3 shall not be allowed any further upgradation as he has already availed of two financial upgradations.
10.	For isolated posts, the scale of pay for ACPS as recommended by the Pay Commission may be implemented and not the standard/ common pay scales indicated <i>vide</i> Annexure-II of the Office Memorandum dated August 9, 1999.	For isolated posts, the scales of pay for ACPS shall be the same as those applicable for similar posts in the same Ministry/Department/ Cadre except where the Pay Commission has recommended specific pay scales for mobility under ACPS. Such specific cases may be examined by respective Ministries/ Departments in consultation with the Department of Personnel and Training. In the case of remaining isolated posts, the pay scales contained in Annexure-II of the Office Memorandum, dated August 9, 1999 (ACPS) shall apply.
11.	In the case of an employee appointed on <i>ad hoc</i> basis and who is subsequently regularized, the <i>ad hoc</i> service is counted towards increment. Whether the <i>ad hoc</i> service may be counted for the ACPS also?	No. In terms of Para. 3.2 of the Office Memorandum, dated August 9, 1999 (ACPS), only regular service which counts for the purpose of regular promotion in terms of relevant Recruitment/ Service Rules shall count for the purpose of upgradation under ACPS.
12.	When an employee in Group 'C' scale is given financial upgradation in Group 'B' scale, whether it shall have the approval of the authority competent to appoint persons in the upgraded scale.	While the Scheme provides for only financial upgradations to an individual and not the upgradation of the post held by him, the classification of the post held by the officer should be with reference to the scale of pay of the post held by Government servant on regular basis and not with reference to the

Sl. No.	Point of Doubt	Clarification
		higher scale of pay granted to the Government servant on upgradation under ACPS. However, upgradation under ACPS may be allowed with the approval of the authority competent to make an appointment in the upgraded scales/ grades.
13.	Whether Ex-servicemen who have been re-employed after giving relaxation in age and educational qualifications prescribed in relevant Recruitment/Service Rules for particular post as direct recruit are to be allowed ACP benefits on completion of 12/24 years of service after re-employment in civilian post?	Yes. The ACPS is meant for the Central Government civilian employees. As such, Ex-servicemen, re-employed as civilian employees, shall be entitled for upgradation under the Scheme on completion of 12/24 years of service after direct recruitment in the civil employment. Also, such category of persons would already be drawing pension on the basis of their service in the armed forces.
14.	An employee gets first promotion after 20 years of regular service. In terms of relevant Recruitment/ Service Rules, required eligibility service is 8 years for the next promotion, whether upgradation under ACPS is to be allowed on completion of 24 years of service from direct recruitment i.e., four years after the first promotion or on completion of 8 years of regular service after first promotion as per the Recruitment Rules.	Upgradations under the scheme are to be allowed on completion of 12/24 years of service counted from direct entry in the Government employment. If an employee gets first regular promotion on completion of 20 years of service, he will be entitled to second financial upgradation under ACPS on completion of 4 years of service after such first regular promotion, though the Requirement/Service Rules prescribe higher length of regular service in the grade for next promotion.
15.	An employee who may have completed 29 years of service shall be entitled for two upgradations directly along with other employees who may have completed 24 years of service. This would create an anomaly in as much as 5 years of service of the former would get neutralized.	Since the Assured Career Progression Scheme can have only prospective application, it is not permissible to allow notional benefit with retrospective effect. This would not lead to anomaly in as much as an employee having longer years of service may get his pay fixed

Therefore, the upgradation could be allowed notionally from the date of completion of 12/24 years of regular service and actual financial benefit could be given from the date of meeting of the Screening Committee.

16. The relevant Recruitment/ Service Rules prescribe departmental examination/ skill test for vacancy-based promotion. However, this need not be insisted for upgradation under ACPS.

As per the Scheme (Condition No. 6), all promotion norms have to be fulfilled for upgradation under the Scheme. As such, no upgradation shall be allowed if an employee fails to qualify departmental/skill test prescribed for the purpose of regular promotion.

17. An employee who has completed 24 years of service is to be allowed two upgradations directly. What will be the mode of fixation of pay of the employee?

The following illustration shall clarify the doubt: An incumbent in the pay scale of Rs. 4,000- 6,000/- (S-7) has put in 24 years of regular service without a regular promotion. The incumbent shall be allowed two upgradations, i.e., to S-8 and S-9. His pay shall first be fixed in S-8 and then in S-9. Pay fixation directly from S-7 to S-9 shall not be allowed.

18. If special pay has been allowed in lieu of separate pay scale, whether this should be treated as promotion for the purpose of ACPS and also whether the special pay is to be taken into account while fixing the pay under ACPS?

Special pay allowed shall not be counted as promotion for the purpose of ACPS. Also, the special pay drawn in the lower post, in lieu of a higher pay scale shall be taken into account for fixation of pay under ACPS subject to the fulfilment of the following conditions as laid down *vide* Ministry of Finance Office Memorandum No. 6(1)-E.III (B) 65, dated 25-2-1965, reproduced as Government's decision No. 32 under Appendix-3 of FR SR (Part-I) (Thirteenth Edition):-

(i) The special pay in the lower post should have been granted in lieu of separate higher scale (i.e. special pay granted to Stenotypist, Clerk-in-charge, etc.)

(ii) If the special pay has been drawn in the lower post continuously for a minimum period of three years on the date of promotion, the pay in the higher post will be fixed under the normal rules, treating the special pay as part of the basic pay. In other cases, the pay in the time-scale of the higher post will be fixed under the normal rules with reference to the basic pay drawn in the lower post (excluding the special pay); where this results in drop in emoluments the difference between the pay so fixed and the pay *plus* special pay drawn in the lower post will be allowed in the form of personal pay to be absorbed in future increases of pay.

(iii) In both kinds of cases referred to in clause (i) above, it should be certified that, but for the promotion, the Government servant would have continued to draw the special pay in the lower post.

19. Point of Doubt

Based on the categorization of Libraries, Ministry of Finance *vide* Office Memorandum No. 19(1)/IC/86, dated the 24th May, 1990 have prescribed the following pay scales for posts in libraries:—

Post	Pay-scales (pre-revised)	Pay-scales (revised)
Library and Information Assistant	1,400-2600	5,000-8,000
Sr. Library and Information Assistant	1,640-2900	5,500-9,000

Post	Pay-scales (pre-revised)	Pay-scales (revised)
Assistant Library and Information Officer	2,000-3,500	6,500-10,500
Library and Information Officer	3,000-4,500	10,000-15,200
Director (Library and Information)	4,500-5,700	14,300-18,300

In number of cases, depending on the work, etc., there are only first two categories of posts in a library. What should be the channel for upward mobility under ACPS of the library staff in such cases?

Clarification

In order to secure uniformity in the upward mobility of the library staff under the ACPS, it has been decided to adopt the aforesaid pay scales prescribed by the Ministry of Finance subject to the terms and conditions prescribed by them. Posts in the library, if held in different nomenclatures, may, as such, also be re-designated as per the said orders of the Ministry of Finance. However, grant of higher pay scale under ACPS will, as per Condition No. 6, not result in change in the designation, etc., of the beneficiary.

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20.	On upgradation under ACPS, pay of an employee shall be fixed under the provisions of FR 22(X)(1). Whether an option for fixation of pay in the higher grade based on the date of increment may also be allowed?	Yes. The financial benefit allowed under ACPS shall be final and no pay fixation benefit shall accrue at the time of regular promotion. In other words, upgradation under ACPS shall be treated on par with regular promotion in so far as pay fixation is concerned. Therefore, the option of pay fixation in the next higher grade based on the date of increment may be allowed.

21. In terms of DoP & T Office Memorandum No. 6(2)/23/ 77-Welfare, dated the 11th December, 1979, all posts in the canteen and tiffin room being run departmentally by the Government of India were treated as direct recruit on regular basis as the crucial date for granting the 1st/2nd upgradations. Memorandum No. 12/592- Director [C] dated 16-9-1992, canteen employees were declared as Central

Clarification

Government employees with promotions have not been made even after putting in 12/24 years of regular service counted in the manner indicated above.

22. (a) Annexure-I of ACPS stipulates that if the first upgradation gets postponed on account of the employee not found fit or due to *departmental proceedings*, etc., this would have consequential effect on the second upgradation which would also get deferred accordingly. In other words, the employee who has been denied the first financial upgradation (meaning withholding of this benefit) would again be penalized even after having completed 24 years of regular service. This certainly is a case of double jeopardy and should not be inflicted.
- (b) Annexure-I of ACPS unnecessarily provides for deferment of financial upgradation by the period for which an employee is *debarred from regular promotion* in the higher grade. In other words, it connects the second upgradation under ACPS with regular promotion to the 1st ACP Grade. This is quite unwarranted as the schemes of ACP and regular promotions are to run concurrently and parallel to each other and should, therefore, not be connected in the manner it has been done. This condition may, therefore, be withdrawn.

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| 23. | The Administrative Ministry/Department, not the employees have been given option in the matter to choose between two schemes, i.e. existing time-bound promotion scheme or the ACP Scheme. It is suggested that the said option should be exercised by the Administrative Ministry/Department after consulting the staff representatives in the forum of respective Departmental Councils. | The ACPS has been introduced after consulting all concerned including the Staff Side in the National Council of JCM and with the approval of the Cabinet. Hence, there is no need to associate the Staff Side while exercising the said preference by the Administrative Ministry/Department concerned. However, their viewpoint could be taken into account while exercising such preference. The Administration will, however, not be bound by it. |
| 24. (a) | Appointment in LDC Grade from Group 'D' should not be treated as promotion because LDC is not in the direct line of promotion for Group 'D' employees. Two services are altogether different. No Group 'D' employee can be appointed/promoted to a Group 'C' post like LDC, etc., who does not possess the educational qualifications prescribed in the Recruitment Rules. The Group 'D' employees have to satisfy certain minimum standards of selection and only then they are eligible for appointment to Group 'C' posts like LDC. Besides, Government have already agreed in the case of P&T Department not to treat appointment/promotion of Postman as Postal Clerk, etc., as promotion for the purpose of OTB. OTEP is given to such employees (Postman, etc.) after completing period of residency as Postal Clerk. The same decision may be made applicable to ACP as well. | (a) As already clarified in relation to item at S.No. 8, in the existing arrangement, specified quota of LDC vacancies are filled by Group 'D' staff on the basis of Limited Departmental Competitive Examination. As such, post of LDC may be treated as promotion post under ACPS for Group 'D' staff. |
| (b) | A number of Group 'D' employees are appointed as Despatch Riders/Staff Car Drivers, Gestener | (b) The appointment of Group 'D' employees as Despatch Rider/Staff Car Driver is on transfer basis in a |

- | Sl. No. | Point of Doubt | Clarification |
|---------|--|--|
| 25. | An employee may be given second upgradation under ACPS as soon as he completes 12 years of regular service from the date of his further promotion or as soon as he completes 24 years of regular service, whichever is earlier. | Operators, etc. Since these posts are not in the direct line of promotion for Group 'D' employees and are in the normal course meant to be filled by direct recruitment, such appointments should not be treated as promotion for ACPS. |
| 26. | LDCs/UDCs in administrative offices of the Government of India are having overlapping duties as well as overlapping scales of pay. Both are inter-changeable. In fact, division in the duties is more artificial than real. Therefore, promotion of LDC to the post of UDC should not be treated as promotion for the purpose of ACPS. | The periodicity of 12/24 years of regular service for grant of upgradation under ACPS cannot be relaxed. Grant of the first regular promotion prior to completion of 12 years of regular service from the direct entry grade shall have no bearing on the periodicity of the second upgradation under ACPS, which shall be granted only after completion of 24 years of regular service and only if the second regular promotion has not been earned in between. |
| 27. | The Condition No. 3 of the Annexure-I of the DoP & T O.M., dated the 9th August, 1999 operates very harshly against senior employees. It will give rise to serious anomalies in a situation where junior employee in a grade being direct recruit are given ACP upgradation on completing period of residency, claims of senior employees in the same grade and in the same department are ignored merely on the | Both the posts constitute two rungs in a hierarchy and as such, promotion of LDCs as UDCs shall be treated as promotion for the purpose of ACPS. Moreover, ACPS is not designed to interfere with the existing cadre structure. |
| | | The ACPS is to act as a 'safety net' to provide relief in cases of acute stagnation. The concept of "senior-junior" is quite alien to the idea behind the ACPS recommended by the Fifth Central Pay Commission which had also specifically recommended against it. Benefits granted under the Scheme are "personal" in nature and in recognition of long hardships faced by stagnating employees. Moreover, it |

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	ground that they have already been promoted twice earlier. It would, as such, be very unfair to ignore the claim of seniors as that would lead to heart-burning and demoralization.	does not grant any status-related benefits nor does it change the seniority position. Senior will continue to be senior even if his junior has earned upgradations under ACPS. Relief granted to Government servants facing stagnation/hardships, as visualized by ACPS, cannot provide a ground for claiming identical relief by others who are not similarly circumstanced.
28.	All retirement and other terminal benefits would be granted on the basis of actual pay drawn in the upgraded ACP scale and Condition No. 6 of Annexure-I to the effect that it would not confer any privileges related to higher status would not be invoked to deny the retirement/terminal benefits based on the actual pay drawn in 1st/2nd ACP grades at the time of retirement.	Yes. The retirement/terminal benefits would be on the basis of upgraded pay scale, if any, granted under ACPS.
29.	Whether the upgradations under ACPS are to be allowed to the employees who are on deputation in other organizations/on training/on study leave?	It has been clarified vide Condition No. 6 of ACPS that such upgradation shall not entitle for deputation to higher posts. Therefore, as a corollary, upgradation under ACPS shall be allowed, in respect of employees who are on deputation, only on notional basis, as otherwise such upgradation in the cadre may have bearing on the deputation pay of the official. However, an employee will get the actual benefit on the basis of such notional pay fixation under ACPS with prospective effect only on repatriation. Similarly, since an employee draws leave salary while on leave, he will get similar treatment as allowed to a person on deputation. However, upgradation under ACPS may

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be allowed to an employee who is on training as he is on duty for all practical purposes.

30. Whether the benefit of past service will be extended to temporary status employees after their regularization for the purpose of ACPS.

No, the benefit of past service shall not be extended to temporary employees after their regularization for the purpose of ACPS.

31. What is an isolated post for the purpose of the ACP Scheme?

Isolated post is a *stand alone* post, having neither feeder grade nor promotional grade. As such, a post having no promotional grade but having a feeder grade and vice-versa shall not be treated as isolated post for the purpose of ACPS.

32. Where the cadres/hierarchy is limited to two grades only, what should be the pay scale for grant of second upgradation under ACPS?

Such a cadre/hierarchy shall not fall in the isolated category as defined at S. No. 31 above. Hence, the standard/common pay scales mentioned in Annexure-II of the Office Memorandum, dated 9-8-1999 shall not be applicable in such cases. Action in such cases may, therefore, be taken as per following clarifications:—

(i) If such cadre/hierarchy exists in the Ministry/Department concerned, the second upgradation may be allowed in keeping with the pay scale of an analogous grade of a cadre/post in the same Ministry/Department. However, if no such grade exists in the Ministry/Department concerned, comparison may be made with an analogous grade available in other Ministries/Departments.

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		(c) In the case of attached/ subordinate offices, the second upgradation under ACPS may be given in keeping with the pay scale of an analogous grade of a cadre/post of the concerned office. However, if no such cadre/post exists in the concerned office, comparison may be made with an analogous grade available in other attached/subordinate offices of the Ministry/Department concerned.