

EXECUTIVE INSTRUCTIONS/GOVERNMENT OF INDIA'S DECISIONS ISSUED UNDER THE ALL INDIA SERVICES (CONFIDENTIAL ROLL) RULES, 1970 WHICH ARE RELEVANT TO THE ALL INDIA SERVICES (PERFORMANCE APPRAISAL REPORT) RULES, 2007

GOVERNMENT OF INDIA'S ORDERS UNDER RULE 3

(I) DOCUMENTS TO BE KEPT IN THE ACR DOSSIERS

1. Placing of report of the Commission of Inquiry about exoneration of the moS- I am directed to invite attention to this Department's letter No. 34/5/71-AIS (III), dated 9/8/72, containing instructions regarding communication of adverse remarks and procedure for expunction of such remarks in the Confidential reports of the members of All India Services.

2. It has been decided that whenever a member of an All India Service is exonerated by any Commission of enquiry, which resulted in the change in his Confidential Report, relevant extracts from the report of the Commission of enquiry may be added to C.R. dossiers of the officer concerned.

[Letter No. 11059/14/75-AIS III, dated 7/4/77]

2. Placing letters of appreciation/commendation granted in ACR Dossier.- I am directed to invite attention to item (i) of this Department's Order No. 11059/8/76-AIS(III), dated the 26th April, 1976 and to say that some State Governments have sought clarifications as to the nature of letters of appreciation which could be included in the Confidential reports of the members of All India Services.

2. The matter has been considered and it is clarified that the general policy in this regard should be to discourage the practice of placing letters of appreciation or notes of commendation granted to members of the All India Services in their Confidential Roll dossiers. However, exceptions may be made in the following types of cases: -

(i) Letters of appreciation issued by Government or Secretary or Head of Department in respect of any outstanding work done by a member of the Service.

(ii) Letters of appreciation issued by special bodies or Commissions or Committees, or excerpts of reports of such bodies expressing appreciation for a member of the Service by name.

(iii) Letters of appreciation from individual non-officials or from individual officials (other than a Secretary or Head of Department) if confined to expressing appreciation of service rendered by the member of the Service far beyond the normal call of duty, and provided the Secretary or the Head of the Department so directs.

3. Appreciation of an officer's work should more appropriately be recorded in the annual confidential report rather than in a letter of appreciation which does not give a complete perspective of his good and bad points. The mere fact that a stray letter of appreciation goes into his Confidential Roll dossier does not give the officer undue advantage in the matter of promotion which is governed more by consideration of general and consistently high performance than by occasional flashes of good work.

4. These instructions are being issued in exercise of the powers of Central Govt. Under Rule 10(A) of the AISI Rules 1970.

[Letter No. 11059/7/77-AIS(III), dated 31/5/1977]

(II) PROCEDURE TO ISSUE A WARNING/DISPLEASURE/REPRIMAND

1. Procedure to issue a warning/displeasure/reprimand.- I am directed to invite a reference to Ministry of Home Affairs letter No. 7/4/59-AIS(II), dated the 20th March, 1959 and letter No. 7/5/60-AIS(III), dated the 4th May, 1960, the contents of which have been reproduced as Government of India decisions 3 and 4 under Rule 6 of the All India Services (Discipline and Appeal) Rules, 1969, at pages 122-23 of the All India Services Manual 4th Edition, Part I, and to say that the matter has been further considered and the following clarifications are given:-

(i) It has been stated in the Ministry of Home Affairs' letter No. 7/5/60-AIS(II), dated 4th May, 1960 that if it is decided, on the conclusion of disciplinary proceedings not to impose any of the prescribed punishments but to administer a warning or reprimand, mention of it should be made in the Confidential Roll. The Delhi High Court in the case of Shri Nadhan Singh vs the Union of India expressed the view that warning kept in the C.R. dossier has all the attributes of 'Censure' which is a formal punishment and which can only be awarded by the competent authority after following the procedure prescribed in the relevant disciplinary Rules. It has, therefore, been decided that where it is considered, after the conclusion of the disciplinary proceedings, that some blame attached to the officer concerned which necessitates cognizance of such fact, the disciplinary authority should award one of the recognized statutory penalties. If the intention of the disciplinary authority is not to award 'Censure', then no recordable warning or reprimand should be awarded.

(ii) In the Ministry of Home Affairs letter No. 7/4/59-AIS(II) of 20th March, 1959, it is stated that there may be occasions when a superior officer may find it necessary to criticize adversely the work of an officer working under him, and he may feel that while the matter is not serious enough to justify the imposition of a formal punishment, it calls for some informal action such as communication of a written warning, admonition or reprimand. It has now been decided that where such a warning/displeasure/ reprimand is issued, it should be placed in the personal file of the officer concerned. At the end of the year (or period of report), the reporting authority while writing the confidential report of the officer, may decide not to make a reference in the confidential report to the warning/displeasure/reprimand, if in the opinion of that authority, the performance of the officer reported upon after the issue of the warning or displeasure or reprimand, as the case may be, has improved and has been found satisfactory. If, however, the reporting authority comes to the conclusion that despite the warning/displeasure/reprimand, the officer has not improved, it may make appropriate mention of such warning/displeasure/reprimand, as the case may be, in the relevant column in Part-II of the ACR from prescribed under the All India Services (Confidential Roll) Rules, and in that case a copy of the warning/displeasure reprimand referred to in the confidential report should be placed in the ACR dossier as an annexure to the confidential report for the relevant period. The adverse remarks should also be conveyed to the officer and his representation, if any, against the same disposed off in accordance with the procedure laid down in the rules.

2. It is requested that these instructions may be brought to the notice of the members of All India Services functioning under the State Government.

[No.11018/5/79-AIS (III), dated the 3rd April, 1981]

2. Procedure to issue a warning/displeasure/reprimand.- I am directed to invite a reference to this Department's letter No. 11018/5/79-AIS.III, dated 3.4.81, which prescribes the procedure to be followed when the Reporting authority decides to issue a warning/displeasure/reprimand to the officer reported upon. The question of placing in the CR the warning issued by the Government has reconsidered. It has been decided that as soon as the communication conveying the warning/displeasure/reprimand of the Government is issued to the member of the Service concerned, a copy there of shall be kept in his Confidential dossier.

2. Clause (iii) of Govt. of India's decision under rule 2 of the AIS (CR) Rules, 1970, specifying the documents to be kept in the CR Dossier, has been amended accordingly.

3. It is requested that these instructions may be brought to the notice of the members of the AIS functioning under the State Governments.

[Letter No.11059/18/85-AIS-III dt. 8.12.1987]

3. Procedure to issue a warning/displeasure/reprimand.- Ref:

- 1) DP & AR Order No. 11059/16/79-AIS (III), dated 23.5.80
- 2) DP & AR letter No. 11018/5/79-AIS (III) dated 3.4.81
- 3) DP & T letter No. 11059/5/91-AIS (III) dated 25.2.91
- 4) DP & AR Order No. 11018/5/79-AIS (III) dated 31.3.81
- 5) DP & T Order No. 11059/18/85-AIS (III) dated 10.12.87

I am directed to refer to this Departments order mentioned above regarding the procedure for placing of warnings, reprimand etc. given to the members of All India Services, in the Confidential Rolls. According to Rule 2 (b) of All India Services (CR) Rules, 1970, the confidential rolls of an officer includes the confidential report and other documents to be specified by the Central Government. Under the Government of India orders dated 23/5/80, as amended by the orders dated 31/3/81, mentioned above, the following documents can be included in the confidential rolls:

"Copy of the communication addressed to the member of the Service warning him or conveying the displeasure or reprimand of Government, to which a reference is made in the in the confidential report for the relevant period'.

2. The instructions issued vide this Departments letter no. 11018/5/79-AIS (III), dated 3rd April, 1981 provides that -

- a) No reprimand or warning should be awarded to an officer at the conclusion of disciplinary proceedings; in case it is felt that some blame attaches to the officer which necessitates cognizance of such fact, the disciplinary authority should award one of the recognised penalties.

b) In the case of superior officer watching the work of a subordinate member of the Service, there may be occasion to criticise adversely the work of the officer reported upon, though the matter may not be serious enough to justify the imposition of a formal punishment. In such cases, the procedure for recording such warnings etc. in the ACR of the officer has been laid down in detail.

It is necessary in this context to distinguish between a warning issued at the conclusion of a departmental proceeding and a warning issued by way of caution to enable the officer to note his deficiencies and improve himself. As already clarified in this Department's letter dated 3/4/81 the former category has all the characteristics of a Censure and should not be resorted to; however, communications like warnings, displeasure, reprimand issued with a view to enable the officer to note his deficiency and improve himself has the characteristics of an adverse remark in the ACR of the officer.

Even in the cases where a warning etc. is issued to an officer with a view to bringing the deficiency in his performance to his notice for making improvements, a distinction has to be made between

c) Warning etc. issued by the Government; and warning etc. issued by the authorities other than the Government. Reprimands, warning and communications of displeasure etc. issued by the Government should straight away be placed in the confidential rolls of the officer. In so far as any warning issued by the reporting/reviewing/accepting authority is concerned, it would be obligatory for the authority concerned to follow the procedure laid down by this departments letter dated 3/4/81 refer to in para 2 above. In regards to warning etc. issued by any other authority including a constitutional authority other than the government it would be for the government to decide, after a careful consideration of the circumstances, whether the same should be placed in the CR of the officer.

3. In every situation where a copy of a communication of warning, reprimand etc. is placed in CR of the officer, such communication should be treated as an adverse remark in the ACR for the relevant period and the procedure prescribed for the communication of adverse remark and consideration of the representation by the officer against the same should be followed.

{No.11059/8/93-AIS (III), dated the 3rd Dec., 1993}

GOVERNMENT OF INDIA'S ORDERS UNDER RULE 5

(I) LAYING DOWN THE CHANNEL FOR WRITING PERFORMANCE APPRAISAL REPORT

1. Prescribing the reporting, reviewing and accepting authorities.- I am directed to refer to para 2 of this Department's letter No. 10(2) EO (PR/75, dated the 24th January, 1975, wherein the State Governments were requested to adhere strictly to the definition of this terms "reporting", "reviewing" and "accepting". authorities as given in the All India Services (Confidential Rolls) Rules, 1970. In order to ensure uniformity in writing the confidential reports, it is requested that the State Governments may issue detailed instructions prescribing the reporting, reviewing and accepting authorities for various posts under the State Government to which normally members of the All India Service are appointed. A copy of such order may be endorsed to this Department for record.

[Letter No. 11059/3/75-AIS III, dated 16th Sept., 1975]

2. Laying down channels for recording of remarks by the Ministries/Departments of the Government of India.- The undersigned is directed to say that in case of members of the All India Services serving in connection with the affairs of the Union or any public sector undertaking, autonomous or other body within the administrative purview of the Government of India, the concerned ministries are authorised to lay down the channel of recording of remarks in the ACRs of the members of the service as provided for in the All India Services (Confidential Rolls) Rules 1970.

2. It may be pointed out that especially in cases of public sector undertakings, cooperatives and other autonomous bodies, the actual channel of supervision and the linkage thereof may not be clear and, therefore, it is all the more necessary that the linkage and consequently the channel for recording the remarks in the ACRs of the officer needs to be laid down clearly by the ministries concerned with the approval of the competent authority.

3. It has been noticed that some ministries are yet to lay down the channel of recording of the ACRs in case of members of this service serving within their administrative purview especially in the case of cooperatives, autonomous bodies, etc. It is requested that the situation may please be got rectified immediately and orders issued in this regard may be endorsed to this Department for information.

[No. 11059/9/93-AIS, dated the 30 August, 1993]

3. Reporting Authority should be immediately superior to the member of the Service or any other authority empowered by the Government. I am directed to say that there is an impression in some quarters that according to clause (e) of Rule 2 of the All India Services (Confidential Rolls) Rules, 1970, the Reporting Authority can be either the authority immediately superior to the member of the Service reported upon or such other authority as may be specifically empowered in that behalf by the Government. It is hereby clarified that subject to the provision of sub-rule (6) of Rule 5 of the said Rules, the authority who was, during, the period for which the confidential reports is written, immediately superior to the member of the Service, has necessarily to record his report on the performance of the member of the Service. In addition, any other authority may be specially empowered by the Government to act as the Reporting Authority. The use of the conjunction "and" to join two sub-clauses in clause (e), ibid makes the above position abundantly clear.

2. It is requested that the above clarification may be brought to the notice of all concerned so that the procedure followed in the matter of writing confidential reports on the members of the All India Services is in consonance with the rules.

[Letter No. 11059/5/77-AIS III, dated 8/7/1977]

4. Reporting Authority should be in a higher grade of pay than the officers reported upon and the Reviewing Authority should be in a higher grade than the Reporting Authority.- I am directed to refer to Rule 2(e) of the AIS (CR) Rules, 1970, wherein the reporting authority has been defined as the authority or authorities supervising the performance of the member of the Service reported upon as may be specifically empowered in this behalf by the Government.

2. It appears that some States have kept in view the seniority and pay scale of the reporting officer vis-à-vis the Member of the Service reported upon while assigning reporting authorities whereas others have not. Instances have come to the notice of this Department

wherein ACRs of the members of All India Service have been initiated by officers belonging to the same batch or drawing pay in the same scale as that of the officer reported upon.

3. It is suggested to the State Govts. that while assigning reporting/reviewing authorities efforts may be made to ensure that a member of the Service or any other officer does not initiate the C.R. of another member of the Service in the same grade of pay. It is also desirable that the reviewing authority is in a higher grade than the reporting authority within the limits of administrative convenience.

{No. 11059/4/89-AIS.III, dated the 28th December, 1990.}

5. Writing of ACRs by a relative of a member of the Services.- I am directed to forward a copy of the O.M. No. 21011/3/78-Estt. (A), dated 31.5.1978, the instructions stipulated therein shall also apply to the member of All India Services.

2. An instance had come to the notice of the Government in which a reporting officer wrote confidential report on his subordinate who happened to be his close relative. In this connection, a question had arisen whether a reporting officer could write report on his close relative who may happen to be his subordinate officially. The matter had been examined carefully and the following decisions taken:-

- (i) The administrative authority may take care that to the extent possible, a close relative of an official is not placed under the direct charge of that official where the latter has to write the C.R of the former.
- (ii) Should such a situation become inescapable, it should not be allowed to continue beyond the barest minimum time possible.
- (iii) In such a situation, the employee should abstain from writing the ACR of the employee who is his close relative and instead, the reviewing officer should take on the role of the reporting officer.
- (iv) If a similar relationship exist between the reviewing officer on one hand and the officer reported upon then the other, the same would apply in respect of the reviewing officer and the role of the reviewing officer would be transferred to the authority next higher up.
- (v) In case of this nature, where there is any doubt, it would be incumbent upon the reporting officer to consult the next higher authority before he writes the confidential reports.

[Letter No. 11059/13/2000-AIS (III), dated the 18th August, 2000]

(II) CHANNEL OF WRITING REPORTS OF CVOs.

1. Channel of writing Reports of Chief Vigilance Officers in the Ministries/Departments of Government of India, Central Public Sector Undertakings, etc.- I am directed to say that the authority to record remarks in the Annual Confidential Reports of All India Service Officers has been provided for in Rules, 5,6 and 6A of the All India Services (Confidential Rolls) Rules, 1970. The particular Channels for writing the ACRs are prescribed by the concerned Ministries/Departments in the Government of India and by the State Governments in the case of All India Services officers working in connection with the affairs of the States.

2. As per the provisions contained in the para 7 of the Ministry of Home Affairs' Resolution No. 24/7/64-AVD dated the 11th February 1964, the Central Vigilance Commissioner (CVC) has been empowered to assess the work of Chief Vigilance Officers and Vigilance Officers and to record such assessments in their character rolls. In accordance with the existing practice, the CVC records his assessment of the work done by the CVOs on a separate sheet which is later added to the confidential character rolls of the officer concerned. In order to further streamline the procedure in this regard, it is felt that a measure of uniformity needs to be brought about in the channel for recording remarks in the confidential reports of officers working as Chief Vigilance Officers etc.

3. It is, therefore, considered that the Annual Confidential Report of Chief Vigilance Officers of Public Sector Undertakings/Organisations, whether working on a full-time or part-time basis should be initiated by the Chief Executive (Chairman/Chairman-cum-managing Director/Managing Director, as the case may be) of the concerned organisation/undertaking, reviewed by the Secretary of the Administrative Ministry/Department (Wherever such review is presently being done, depending on the level of the CVO) and will be sent to the Central Vigilance Commissioner for adding his remarks as the accepting authority.

4. In respect of Chief Vigilance Officers in the Ministries and Departments of the Government of India and their attached/subordinate Offices who look after the vigilance functions in their respective organisations in addition to their normal duties, the assessment made by the Central Vigilance Commissioner will continue to be recorded on a separate sheet to be subsequently added to the confidential rolls of the officer concerned.

5. It is requested that instructions in regard to the channel for writing the ACRs of Central Vigilance Officers as mentioned above may please be circulated to all concerned offices/organisations/undertakings in their administrative purview and the same may please be intimated to this department for information.

[No. 11059/2/93-AIS (III), dated the 13 March, 1993 & 14th April, 1993]

(II) WRITING OF REPORTS OF JOINT SECRETARIES, DIRECTORS IN CHARGE OF THE PUBLIC SECTOR UNDERTAKINGS

1. Writing of reports of Joint Secretaries, Directors in charge of the Public Sector Undertakings.-

The undersigned is directed to forward herewith a copy of the O.M No. 21011/2/2000-Estt.(A) Dated 9.3.2000 laying down the procedure for writing ACRs of Joint Secretaries and Directors of PSU prescribed therein shall apply mutates mutandis to member of All India Services also.

2 The creation of the Department of Disinvestment, which is fully dedicated to and responsible for disinvestments, it has become necessary to equip this Department with appropriate control, only for the purpose of disinvestments, over the officers of administrative Ministries dealing with the Public Sector Undertakings.

3. It has, therefore, been decided that for implementation of Government's Decisions relating to disinvestments of Government equity from a PSU, the JS or the Director in charge concerned with the PSU in the administrative Ministry would continue to be responsible. He/She would, therefore, put up the files to Secretary/Minister DOD instead of the Secretary/Minister of the administrative Ministry concerned, using the existing intermediate channels. It has also been

decided that the ACRs of such a Joint Secretary or Director in charge would be written at the level of Secretary to Government by both, Secretary of DOD as well as the Secretary of the administrative Ministry in the following manner: -

- (i) ACR of officer concerned would be first written by the Secretary of the administrative Ministry/Department under whose administrative control the PSU falls.
- (ii) The Secretary, DOD would also written a report on JS or Director in charge of the PSU in the administrative Ministry/Department. If the Director/Joint Secretary of the administrative Ministry/Department is looking after more than one component of work in addition to the disinvestments work, then the report/review/acceptance of the ACR by the DOD will be limited only to the disinvestments component of work.
- (iii) The report referred to at (i & ii) above would then be submitted to the Minister-in-Charge of the administrative Ministry for a review.
- (iv) After the review by the Minister-in-Charge, the report would be submitted to the Minister-in-Charge of DOD for his countersignature.
- (v) Where the Minister-in-Charge in administrative Ministry is the Prime Minister himself, the report at (i & ii) above would in the first instance be submitted to the Minister-in-Charge, DOD for a review and thereafter submitted to PM.
- (vi) The ACR will be recorded in Form II of the format prescribed for IAS officers (Super Time Scale).

[O.M. No. 11059/3/2000-AIS-III, dated the 24th March, 2000]

2. Writing of Reports of Joint Secretaries/Directors in charge of the Public Sector Undertakings in the Administrative Ministry under whose control the PSU falls.- The undersigned is directed to state that vide this Department's Officer Memorandum of even number dated the 24th March, 2000, forwarded a copy of O.M. dated 9th March, 2000, laying down the procedure for writing of ACRs of Joint Secretaries/Directors/Deputy Secretaries handling matters on PSUs in the administrative Ministry under the control of which the PSUs fall. Those instructions have been modified vide this Department's O.M. No. 21011/2/2000-Estt.(A) dated 06/12/2000 (copy enclosed). The revised instructions will apply mutatis mutandis to members of the All India Service also.

2. It is requested that the above said instructions may be brought to the notice of members of All India Services dealing with the Public Sector Undertakings.

[O.M. No.11059/03/2000-AIS (III), dated the 7th February, 2001]

(IV) WRITING OF REPORTS ON THE INTEGRATED FINANCIAL ADVISERS (IFA)

1. Writing of Confidential Reports on the Integrated Financial Advisers (IFA).- The undersigned is directed to say that the Cabinet had in August, 1975, while approving the scheme of Integrated Financial Advisers, noted that the IFA attached to a Ministry would be selected jointly by the administrative Ministry and the Finance Ministry even though he would be under the administrative control of the Ministry appointing him. It was considered that this arrangement would help in rendering objective and dispassionate advice by the IFA, on all financial matters. It is in this light that the question of devising suitable arrangements for the assessment of the

performance of IFA both by the administrative Ministry and the Finance Ministry was considered and the following decisions taken:-

- (1) The confidential report on the Integrated Financial Advisers would be initiated by the Secretary of the administrative Ministry/Department to which the IFA is attached.
- (2) Where the IFA is attached to more than one Ministry/Department, the Secretaries in the Ministries/Departments concerned would write separate reports.
- (3) The Secretary in the Ministry of Finance, dealing with the officer reported upon, would write a report on each of the Integrated Financial Adviser.
- (4) The report referred to at (1,2 & 3) above, would then be submitted to the Minister-in-Charge of the administrative Ministry for a review.
- (5) After review by the Minister(s) in the administrative Ministry/Ministries report or reports would be submitted to the Finance Minister for his counter signature.

2. Where the Minister in the administrative Ministry is the Prime Minister himself, the report referred to at (1,2, &3) above would be, in the first instance, be submitted to the Finance Minister for a review and thereafter submitted to the Prime Minister who would act as the counter signing authority.

[O. M. No. 21011/2/77-Estt. (A) DP&AR, dated the 22nd June, 1977]

(V) WRITING OF REPORTS OF MEMBERS OF THE INDIAN FOREST SERVICE

1. **Writing of Reports of members of the Indian Forest Service.-** Attention of the State Government is invited to this Ministry's letter No. 14/20/2000-SU dated 28th September, 2000 vide which a copy of order dated 22/09/2000 passed by the Hon'ble Supreme Court in I.A. No. 424 (Civil Writ Petition No. 202 of 1995) : T.N. Godavarman Thirumulkpad had been forwarded for implementation of various directions given by the Apex Court.

2. One of the directions of the Apex Court was in regard to writing of Annual Confidential report of the members of the Indian Forest Service. The Hon'ble Supreme Court had directed that upto the officers of the rank of Addl. Principal Chief Conservator of Forests the reporting authority has to be the immediately superior officer within the Forest Department. It is only in the case of Principal Chief Conservator of Forest that the reporting authority would be a person other than the one belonging to the Service because there is no one superior to him within the EFS. Therefore, in his case the reporting authority would be a person to whom he reports and who is superior to him in hierarchy.

3. Keeping in view the directions given by the Hon'ble Supreme Court, all the State Governments are advised to ensure that for writing the Annual Confidential Reports of the IFS officers upto the rank of Additional Principal Chief Conservator of Forests, the reporting authority should be their immediate superior authorities in the Forest Department. As regards reviewing/reporting authority in relation to officers of the rank of Addl. Principal Chief Conservator of Forests and Principal Chief Conservator of Forests, the concerned authority would person who is familiar with their work and that will be the person to whom addl. PCCF/PCCF reports and who is superior to them in rank and hierarchy.

4. The State Government may, if necessary direct the Collectors and Commissioners to record their comments on a separate sheet about the performance of the IFS officers in relation to implementation of developmental work (including 20-point programme) funded by the District

Administration for being considered by the superior departmental officers at the time of writing of ACRs.

5. The State Governments are requested to ensure that the directions given by the Hon'ble Supreme Court in the matter of writing of ACRs, as explained above, are strictly followed.

[Copy of the Ministry of Environment & Forest's letter No. 2019/01/2001-IFS-I, dated the 8th November, 2001]

(VI) WRITING OF REPORTS OF ALL INDIA SERVICES OFFICERS – INSTRUCTIONS REGARDING.

1. Writing of reports by the Reporting/Reviewing/Accepting Authorities after demitting office.-

Clarifications have been sought in the matter of writing, reviewing, accepting of an Annual Confidential Report of a member of the Service by a person who is not a Government servant. The same is clarified as under:-

(i) The Reporting Authority, Reviewing Authority or the Accepting Authority, as the case may be shall not be competent to write a Confidential Report in respect of a member of the Service after he demits office.

{Rule 5 of All India Services (Confidential Rolls) Rules, 1970}

(ii) The Reviewing Authority or the Accepting Authority, as the case may be, shall not be competent to review a Confidential Report in respect of a member of the Service after one month of the date on which he demits office.

{Rule 6 of All India Services (Confidential Rolls) Rules, 1970}.

(iii) The Accepting Authority shall not be competent to accept and counter-sign a Confidential Report in respect of a member of the Service after one month of the date on which he demits office.

{Rule 6 A of All India Services (Confidential Rolls) Rules, 1970 }.

[Letter No. 11059/6/96-AIS(III), dated 14th May, 1996]

2. Writing of ACRs of All India Services Officers – instructions regarding.- The Hon'ble Supreme Court in I.A. No.424 in Writ Petition (Civil) No. 202 of 1995 (T.N. Godavarman Thirumulkpad Vs. Union of India & Others) had considered the issue of the competent authority to write the confidential report of Forest Department Officers (implementation of the judgement of the Hon'ble Supreme Court). The Ministry of Environment & Forests issued instructions vide letter No. 22019/1/2001-IFS-I dated 8th November, 2001 (Copy enclosed) .

2.1 This Department filed I.A.No. 477/2003 for modification or clarification of the above order of the Hon'ble Supreme Court. The Hon'ble Supreme Court directed that the matter be heard by the Central Empowered Committee (CEC), constituted by the Hon'ble Supreme Court of India. The CEC has agreed with the views of Department of Personnel & Training (DOP&T) that the Hon'ble Court's order dated 22.09.2000 was issued in a particular context and should

not be generalized to cover other Services. It has also agreed with the view of the DOP&T that if the Forest Officer is working in the Secretariat or other Departments where his immediate supervising officer is a non-forest officer, his C.R should be written by such an officer [para 8(x)].

2.2 The relevant recommendation of the CEC is reproduced below:-

“In the light of the above, the Committee is of the considered view that this Hon’ble Court’s order dated 22.09.2000 requires no modification. The Hon’ble Court’s order has set right the anomaly that existed in the State of Madhya Pradesh regarding CRs of the Forest Officers. The Hon’ble Court’s order is not inconsistent with the amended CR Rules. It may be clarified that the order of 22.09.2000 of this Hon’ble Court is applicable only for reporting, reviewing or accepting the confidential reports of the Forest Officers working within the Forest Department and is not applicable for Forest Officers working outside the Department or for other Services”.(para 10) .

2.3 In pursuance of the recommendations of CEC, the Hon’ble Supreme Court has in its order of 26th April, 2004 in I.A.No. 1035, (Report of the Central Empowered Committee in I.A. No. 776) in WP (Civil) No. 202 of 1995 , agreed with the same and has dismissed I.A.No. 424 and disposed of I.A.No. 1035. A copy of the Recommendation of the CEC can be made available on request.

2.4 It is therefore, clarified that the order passed by Hon’ble Supreme Court on 22.9.2000 is applicable to Forest Officers working within the Forest Department and is not applicable to Forest Officers working outside the Department. It is also clarified that if the Forest Officer is working in the Secretariat or other Department where his immediate superior officer is a non-Forest officer, his CR should be written by that superior officer. This order of the Hon’ble Apex Court is also not applicable to other Services viz., the Indian Administrative Service and the Indian Police Service.

[DOPT O.M. No.22012/4/2001-AIS(III) dated 2nd September, 2004]

(VII) TREATMENT OF THE PERIOD OF TRAINING/LEAVE ETC. FOR THE PURPOSE OF COMPUTING 3 MONTHS

1. Treatment of the period of training for the purpose of computing 3 months under Rule 5(4) & 5(5) of AIS (CR) Rules, 1970.- I am directed to say that as per rule 5(5) of the AIS (CR) Rules where the reporting authority, reviewing authority and the accepting authority have not seen the performance of a member of the Service for at least three months during the period for which the report is to be written, an entry to that effect shall be made in the confidential report for any such period by Government.

2. Doubts have been raised whether a period of training should be excluded from the period of the report for computing the 3 months period under Rule 5(4). The matter has been considered and it has been decided that as the member of the Service would not be physically present during the period of training and his performance cannot be observed by the reporting/reviewing/accepting authorities that period of training should be excluded from the period of the report.

3. For computing the 3 months period under Rule 5(4) also the above decision may be applied.

{Department of Personnel & Training letter No. 11059/3/91-AIS.III,dated the 30 January, 1991}

2. Treating the period of Earned Leave for the purpose of computing 3 months for writing reports.-

I am directed to state that as per rule 5(4) of AIS (CR) Rules, 1970 where the Reporting / Reviewing / Accepting authorities have not seen the performance of a member of the Service for at least three months during the period for which the report is to be written, an entry to that effect shall be made in the confidential report for any such period by Government.

2. In case of training, it has been clarified vide letter No.11059/3/91-AIS-III, dated 30.1.1991 that since a member of Service would not be physically present during the period of training and his performance cannot be observed by the Reporting / Reviewing / Accepting authorities, that period of training should be excluded from the period of Report.

3. On the analogy of aforementioned instructions, it has been decided that where an officer has taken Earned Leave for a long period, which is being defined as more than 15 days, the total period spent on leave can be deducted from the total period spent on any post, for purposes of computing the period of three months which is relevant for writing of entries under Rule 5 (4) of AIS (CR) Rules, 1970. Leave taken for a shorter duration need not be treated as relevant for the purpose.

[Letter No. 11059/7/2003-AIS-III, dated the 11th November, 2003]

(VIII) INTEGRITY COLUMN

1. **Filling up 'Integrity Column'.**- Attention is invited to the instructions issued vide MHA O.M. No.51/4/64-Estt.(A) dated the 21st June, 1965, which are incorporated in the Note- below ACR Format under AIS(CR) Rules,1970 regarding filling up Integrity Column of a member of the All India Service. Instances have come to the notice of this Department where the prescribed procedure regarding filling up the 'Integrity Column' has not been followed by the concerned authorities.

2. It is again emphasized that while filling up the '**Integrity Column**', the concerned authority should either write '**beyond doubt**' or the column should be **left blank** and the procedure prescribed therein should be followed. No other words such as 'certified' or 'not certified' should be used by the concerned authorities.

3. It is requested that these instructions may be brought to the notice of all concerned authorities.

[Letter No.11059/26 /2005-AIS (III), dated the 2nd January, 2006]

MISCELLANEOUS

1. Retention of ACRs

I am directed to say that enquiries in the recent past have been received from certain State Government as to the period for which the Confidential Rolls of the members of the All

India Service who retired and/or who die while in service should be retained. It is hereby clarified that the Confidential Rolls relating to a deceased officer may be destroyed after a period of two years after his death or retirement.

[Letter No. 11059/16/76-AIS (III) dated 26/2/77]

2. Retention of ACRs

I am directed to refer to this Department's letter No. 11059/16/76-AIS (III), dated the 26th February, 1977, a copy of which is enclosed, and to say that the confidential dossiers of members of All India Services, who are retired from service in public interest under rule 16(3) of All India Services (DCRB) Rules, 1958 should not be destroyed five years after the date of their retirement from service if the officer concerned has submitted representation/memorial against the order of his retirement from service or if he has challenged the order of his retirement in a court of law. In such cases, the confidential dossiers should be retained till the representation/memorial is finally disposed of or, if the officer has gone to the court, the judicial proceedings, including possible appeal against the ruling of the lower court, are over.

[Letter No. 11059/11/78-AIS III, dated 16th May, 1978]

2. Dispensing with the need of writing ACR of - Direct Recruit IAS officers during the period of probation.-

I am directed to state that under the AIS (Probation) Rules, 1954, an Assessment Report has been prescribed to maintain a record of the performance of Direct Recruit Probationers undergoing training under the charge of the Director, LBSNAA, This Assessment Report is designed to assess whether the probationer has the requisite qualities of mind, character and aptitude to be confirmed in the service. If the Competent Authority on considering the Assessment Report is of view that the probationer lacks qualities of mind, character and aptitude to be confirmed in the service, then he can be discharged under the probation rules.

[No.11059/10/95-AIS (III) dt.09.10.1996]

SUBJECT: AIS (CR) Rules, 1970 – Writing of Confidential Reports by a Minister who has demitted/changed portfolio – Clarification regarding.

I am directed to refer to this Department's letter NO. 11059/11/85-AIS(III) dated 19.9.1985 on the subject mentioned above and to say that the question as to what constitutes the demission of office by a Minister, under Rule 5,6 & 6A of All India Services (CR) Rules, 1970, has been re-examined in consultation with the Ministry of Law and in supersession of this Department's earlier letter No. 11059/11/85-AIS-III dated 19.9.1985, it has been decided as follows:-

- (i) A Minister will not be deemed to have demitted office if he continues in the same Council of Ministers holding a different portfolio as a result of a reshuffle of the Council of Ministers or if the Council of Ministers resigns and another Council of Ministers take over which the same Minister if included, holding the same or a different portfolio.
- (ii) However, the Minister will be deemed to have demitted office if the Council of Ministers re-constituted as a result of fresh elections, even if the Minister who was in the earlier Council of Ministers finds a place in the new Council of Ministers with the same or a different portfolio.

As a result, in a situation mentioned in the preceding paragraph, the Minister, who is deemed to have demitted office, cannot continue to be the reporting, reviewing or accepting authority beyond the period prescribed for this purpose under the rule after the date of demission in respect of those who were working under him before such date of demission.