

No.GAD-SC-GCS-0035-2020-15643/Gen.

GOVERNMENT OF ODISHA
GENERAL ADMINISTRATION AND PUBLIC GRIEVANCE DEPARTMENT

OFFICE MEMORANDUM

Bhubaneswar, dated the 17th June, 2021

Subject: Promotion of Government servants against whom Disciplinary Proceedings are pending procedure to be followed.

The Procedure to be adopted by the Departmental Promotion Committee while selecting employees for promotion to the next higher grade when any Disciplinary Proceeding is pending has been prescribed in G.A. & P.G. Department Office Memorandum No.3928/Gen., dated 18.02.1994 r/w Office Memorandum No.29699/Gen., dated 01.11.1997. Besides, in order to ensure expeditious disposal of proceedings to facilitate timely promotion of Government Servants, a quarterly review of the Disciplinary Proceeding has been prescribed in G.A. & P.G. Department Office Memorandum No.9162/Gen., dated 29.04.2017.

Instances have come to the notice of the Government that in spite of the afore-stated instructions, the Disciplinary Proceedings against the Government Servants are pending for long period, which unfairly results in depriving Government Servants of getting promotions.

2. After careful consideration of the above aspects, it has been decided by the Government to prescribe the following principles for consideration of *ad hoc* promotion of Government employees against whom Disciplinary Proceedings are pending for more than two years:-

- (i) In cases where Disciplinary Proceedings are pending u/r - 15 of O.C.S. (CC&A) Rules, 1962, the sealed cover procedure as envisaged in G.A. & P.G. Department Office Memorandum No. 3928/Gen., dated the 18th February 1994 should be adopted.
- (ii) In cases where Disciplinary Proceedings against the delinquent Government employees have not come to an end even after the expiry of two years from the

date of the meeting of the Departmental Promotion Committee in which the sealed cover procedure in his/her respect was adopted, the Appointing Authority may review the promotion cases subsequently (provided the delinquent Government employee is not under suspension) to consider the desirability of allowing *ad hoc* promotion, if the delinquent officer has not defaulted in expeditious disposal of Disciplinary Proceedings keeping in view the following aspects :

- (a) Whether the promotion of the employee will be against the public interest;
- (b) Whether the charges are grave enough to warrant continued denial of promotion;
- (c) Whether there is likelihood of the case coming to a conclusion in the near future;
- (d) Whether the delay in the finalization of the proceedings is not directly or indirectly attributable to the employee concerned;
- (e) Whether there is any likelihood of misuse of the Official position that the employee may occupy after *ad hoc* promotion, which may adversely affect the conduct of the departmental case.

3. In case the Appointing Authority considers that it would not be against the public interest to allow *ad hoc* promotion to the employee concerned, his/her case should be placed before the next Departmental Promotion Committee to be held in the normal course to decide whether the employee is suitable for promotion on *ad hoc* basis. If the employee is considered suitable, on the basis of the totality of his/her record of service, without taking into account the pending disciplinary case against him/her, an order of *ad hoc* promotion may be issued in his/her favour from the due date of his/her promotion on notional basis and financial benefits from the actual date of joining against promotional post.

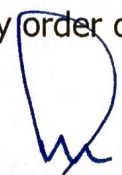
In case the Disciplinary Proceeding continues till the regular promotion of his/her earlier junior officer to the subsequent promotional rank, the officer concerned shall be considered for further *ad hoc* promotion on the basis of totality of his/her record of service without taking into account the pending Disciplinary Proceeding against him.

The order of *ad hoc* promotion shall make it clear that:-

- (I) the *ad hoc* promotion is being made purely on *ad hoc* basis to ensure that the Officer concerned does not suffer due to lingering Disciplinary Proceeding and thus the *ad hoc* promotion will not confer any right for regular promotion; and
- (II) in the event the employee were to be denied promotion consequent upon the decision of the Government on the pending disciplinary proceeding then the case of the employee would be decided as per the decision on the Disciplinary Proceeding and extant Government rules
- (III) the Government reserves the right to cancel the *ad hoc* promotion at any time and revert the employee to the post from which he/she was promoted without assigning any reason there for
- (IV) the name of the officer promoted on *ad hoc* basis shall not be placed in the gradation list which is meant for the regular employees.
- (V) an employee after his/her *ad hoc* promotion, if awarded with major punishment, shall be reverted to the post from which he/she was promoted on *ad hoc* basis and his/her case shall be considered for promotion afresh on regular basis as per the stipulations prescribed at paragraph 7 of GA & PG Department OM No.3928 dt.18.02.1994 read with OM No.29699, dated 01.11.1997 and he/she shall not be entitled for any service/incremental benefit on the basis of the service rendered during the period of his/her *ad hoc* promotion.

This Department Office Memorandum No. 9162/Gen., dated 29.04.2017 stands modified to the above effect. All other conditions contained in the aforesaid Office Memorandum remain unchanged.

By order of Governor



Additional Chief Secretary to Government

Memo No. 15644 /Gen.,

Dated the 17th June, 2021

Copy forwarded to the Odisha Gazette Cell in-charge, Odisha Gazette Cell, C/o. Commerce Department for information with request to publish the Office Memorandum in the extraordinary issue of the Odisha Gazette and supply 200 copies of the same to this Department for official use.

G. Patra
17.6.2021

Additional Secretary to Government

Memo No. 15645 /Gen.,

Dated the 17th June, 2021

Copy forwarded to all Departments of Government/ all Heads of Departments/ all Collectors/ Registrar, Odisha High Court/ Special Secretary, Odisha Public Service Commission, Cuttack/ Secretary, Odisha Staff Selection Commission, Bhubaneswar/Secretary, Odisha Sub-ordinate Staff Selection Commission, Bhubaneswar for information and necessary action.

The Director, Odisha Bhasa Pratisthan, Sanskruti Bhawan, State Museum Campus, Bhubaneswar-14 is requested to take action w.r.t. this Department Memo No. 30208/Gen., dated 24.10.2019.

G. Patra
17.6.2021

Additional Secretary to Government

Memo No. 15646 /Gen.,

Dated the 17th June, 2021

Copy forwarded to all Branches of G.A. & P.G. Department / Guard file (10 copies)/ G.A. & P.G. Department Library (10 copies) for information and necessary action.

G. Patra
17.6.2021

Additional Secretary to Government

Memo No. 15647 /Gen.,

Dated the 17th June, 2021

Copy forwarded to the G.A.&P.G. (A.R. Cell) Department with a request to post this Office Memorandum in the website of G.A. & P.G. Department for general information.

G. Patra
17.6.2021

Additional Secretary to Government