

No. X-7/6/2022-SPN-II
Government of India
Ministry of Communications
Department of Posts

Dak Bhawan, Sansad Marg
New Delhi – 110 001
May 17, 2023

To,

- a) All Chief Postmasters General,
- b) Chief General Manager, PLI / Parcel / BD Directorate
- c) Director RAKNPA / Director of all Postal Training Centres
- d) Add. Director General, Army Postal Service
- e) All General Manager (Finance) / Director of Accounts (Postal)

Subject:-Promotion of Government servants through Limited Departmental Competitive Examination against whom disciplinary / criminal prosecution are pending – reg.

Madam/Sir,

I am directed to refer to Directorate letters of even number dated 12.04.2022 and dated 10.11.2022 on the above mentioned. Instructions issued vide said two communications have been reviewed and it has been decided to issue revised instructions as mentioned herein.

2. **All eligible candidates to be allowed:-** Government servant applying for Limited Departmental Competitive Examination (LDCE) for promotion to higher grade and eligible as per the relevant notification shall be allowed to appear in examination even if falling under the following categories:-

- (i) Government servant on whom a penalty has been imposed after conclusion of disciplinary proceedings.
- (ii) Government servant under suspension;
- (iii) Government servant against whom a charge sheet has been issued and the disciplinary proceedings are pending; and
- (iv) Government servant against whom prosecution for a criminal charge is pending.

3. **When disciplinary / criminal prosecution is pending:-**

- (i) Before declaring results of LDCE, authority concerned shall obtain 'Vigilance Clearance' in respect of all candidates who had appeared. Results of candidates falling under one or more of the following categories, on the date of declaration of results, shall not be declared and shall be kept in 'Sealed Cover':-
 - a) Government servant under suspension;
 - b) Government servant against whom a charge sheet has been issued and the disciplinary proceedings are pending; and



- c) Government servant against whom prosecution for a criminal charge is pending.
- (ii) Before relieving an official to join higher post on promotion and giving appointment to the promoted post, authority concerned shall check to ensure that the official is not falling any one or more categories mentioned at (a) to (c) of para 3 (i) above. However, if an official is falling any one or more categories mentioned at (a) to (c) of para 3 (i) above, her / his results shall be deemed to have been kept in 'Sealed Cover'.
- (iii) After conclusion of disciplinary proceedings / criminal prosecution, which results in complete exoneration or dropping of allegations / charges leveled against an Government servant or the Government servant is not found guilty, 'Sealed Cover' shall be opened and results shall be declared. If the Government servant is declared successful for promotion, the due date for promotion shall be determined with reference to the position assigned to her / him in the results of LDCE and with reference to the date of promotion of his junior on the basis of such position. In cases where the Government servant happens to be junior most as per the position in the results of LDCE due date for promotion shall be determined with reference to the date of promotion of immediate senior on the basis of such position.
- (iv) If any penalty is imposed on the Government servant as a result of the disciplinary proceedings or if he/she is found guilty in the criminal prosecution, 'Sealed Cover' containing results of the Government servant shall not be acted upon, i.e. 'Sealed Cover' shall not be opened.

4. **When penalty is current on the date of declaration of results:-** As per prevailing instructions while imposition of penalty does not debar promotion, a Government Servant should not be promoted during currency period of a penalty. Therefore, before declaring results of LDCE, authority concerned shall check whether any penalty has been imposed on any Government servant who had appeared in the LDCE. In cases where penalty has been imposed, action shall be taken with reference to the nature of penalty as under:-

a) **Minor Penalty - Censure:-** There is no currency period of 'Censure'. Thus, if penalty of 'Censure' has been imposed, results shall be declared and the official may be promoted after figuring in the merit list of LDCE.

b) **Minor Penalty - Withholding of Promotion:-**

- i. Ideally the order imposing the penalty of 'Withholding of Promotion' should clearly indicate the period upto which promotion to be withheld and in that case results of LDCE shall be declared. In case of the official who is figuring in the merit list of LDCE, results of LDCE should clearly mention – *'although the official has been declared successful, promotion will be effective after (date to be specified) because of the penalty imposed vide Order No.....dated.....'*.

- ii. In cases where the order imposing the penalty of 'Withholding of Promotion' does not indicate the period upto which promotion to be withheld, an outer limit of three (3) years shall be fixed for withholding the promotion. In such types of cases results of LDCE shall be declared. The official, who is figuring in the merit list of LDCE, may be promoted after expiry of the 3 years from the date of imposition of penalty. Results of LDCE should clearly mention – *'although the official has been declared successful, promotion will be effective after (date to be specified) because of the penalty imposed vide Order No.....dated.....'*.
- c) **Minor Penalty - Recovery from Pay:-** Where penalty of 'Recovery from Pay' has been imposed, results shall be declared and the official may be promoted after figuring in the merit list of LDCE.
- d) **Minor Penalty- Reduction to a lower stage in the time-scale of pay by one stage for a period not exceeding 3 years:-** As per Ministry of Finance OM No.F.2(34)-E.III / 59 dated 17.08.1959, 09.06.1960 and 24.06.1963, every order imposing the penalty of reduction to a lower stage in a time scale should indicate the start and end dates, i.e. the period for which the penalty shall be operative. Therefore, in such cases, results shall be declared. Candidates figuring in the merit list of LDCE may be promoted immediately after the penalty operative period is over. Results of LDCE should clearly mention – *'although the official has been declared successful, promotion will be effective after (date to be specified) because of the penalty imposed vide Order No.....dated.....'*.
- e) **Minor Penalty – Withholding of increments of pay:-** As per DG P&T's letter No. 6/4/55-Disc dated 27.10.1965, when the penalty of withholding of increment is awarded to an employee, it is obligatory on the part of the disciplinary authority to specify the period for which the penalty should remain current. Therefore, in such cases, results shall be declared. Candidates figuring in the merit list of LDCE may be promoted immediately after the penalty operative period is over. Results of LDCE should clearly mention – *'although the official has been declared successful, promotion will be effective after (date to be specified) because of the penalty imposed vide Order No.....dated.....'*.
- f) **Major Penalty- Reduction to a lower stage in the time-scale of pay for a specified period:-** Where penalty of 'Reduction to a lower stage in the time scale of pay for a specified period' has been imposed, results shall be declared. Candidates figuring in the merit list of LDCE may be promoted immediately after the penalty operative period is over. Results of LDCE should clearly mention – *'although the official has been declared successful, promotion will be effective after (date to be specified) because of the penalty imposed vide Order No.....dated.....'*.
- g) **Major Penalty – reduction to lower time scale of pay, grade, post or service which shall ordinarily be a bar to the promotion to the time scale of pay, grade, post or service from which reduced:-** As per prevailing instructions, this penalty can be for an unspecified period also where clear intention is that the reduction should be permanent or for an indefinite period. It may also be noted that this penalty



shall ordinarily be a bar to the promotion. Accordingly, in such type of cases, action shall be taken as under:-

- i. ***Currency period of Penalty:-*** Currency period of the penalty shall be as mentioned in the orders imposing the penalty and in cases where no such period is mentioned it shall be treated as three (3) years.
 - ii. ***Where this penalty is imposed before applying for LDCE:-*** Government servant shall not be eligible for appearing in the LDCE for promotion for the specified period of penalty or three (3) years where no such period is specified. Eligibility will be examined w.r.t. the crucial date of eligibility.
 - iii. ***Where this penalty is imposed after applying for LDCE:-*** If the penalty is imposed after a Government servant has already applied for appearing in LDCE, results of the Government servant shall not be declared. However, Covering Note (write up) of LDCE Results should clearly mention – ***‘Results of ...(name of the employee)... has not been declared as he/she is not eligible for promotion because of the penalty imposed vide Order No.....dated.....’***.
- h) **Major Penalty – Compulsory Retirement / Removal or Dismissal from service:-** After imposition of penalty of ‘Compulsory Retirement / Removal / Dismissal from service’, the candidate will be no more in service and thus question of promotion does not arise. Therefore, in such cases, results shall not be declared. However, Covering Note (write up) of LDCE Results should clearly mention – ***‘Results of ...(name of the employee)... has not been declared as he/she is no more in service because of the penalty imposed vide Order No.....dated.....’***.
5. **Suspension:-** When results of LDCE are in ‘Sealed Cover’ / deemed to be in ‘Sealed Cover’, because of a Government Servant being under ‘Suspension’, following action shall be taken:-
- (a) When ‘Suspension’ is revoked before issue of charge sheet but it is decided to go ahead with disciplinary proceedings, results shall continue to be in ‘Sealed Cover’ / deemed to be in ‘Sealed Cover’ and further action shall be taken on the basis of outcome of disciplinary proceedings as per para-3(iii) or 3(iv) hereinabove, as the case may be.
 - (b) When ‘Suspension’ is revoked after issue of charge sheet, results shall continue to be in ‘Sealed Cover’ / deemed to be in ‘Sealed Cover’ and further action shall be taken on the basis of outcome of disciplinary proceedings as per para-3(iii) or 3(iv) hereinabove, as the case may be.
 - (c) When ‘Suspension’ is revoked and it is decided not to initiate disciplinary proceedings, ‘Sealed Cover’ / deemed to be in ‘Sealed Cover’ shall be acted upon, i.e. results shall be declared.



6. Applicability:- These instructions shall come into force with immediate effect and shall be applicable in all cases wherein results of Departmental Examination are yet to be declared. However, these instructions shall not be applicable in cases wherein results have been published fully or partially. Past cases already decided as per the provisions of communications of even number dated 12.04.2022 and 10.11.2022 shall not be reopened.

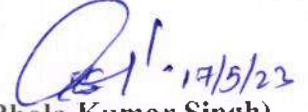
Yours faithfully,



(Satya Narayana Dash)
Director (SPN)

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(Bhola Kumar Singh)
Assistant Director (SPN)