

No. C-30013/2/2017-Ad.IVA
Government of India
Ministry of Finance
Department of Revenue
Central Board of Excise and Customs

5th floor, HUDCO Vishala Building,
Bhikaji Cama Place, New Delhi
Dated 23 January, 2017

To

All Pr. Chief Commissioners/Chief Commissioners/All
Commissioners/Directors General under CBEC.


Sub: Guidelines on treatment of effect of penalties on promotion - role of
Departmental Promotion Committee.

Sir/Madam,

I am directed to forward herewith a copy of O.M. No. 22011/4/2007-
Estt.(D) dated 21.11.2016 received from Ministry of Personnel, Public and
Training (Department of Personnel and Training) New Delhi on the subject
mentioned above for information and necessary action.

Yours faithfully,

Encl. As above.

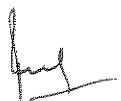

23.1.2017

(Rajpal Singh)

Under Secretary to the Govt. of India

Copy to:

1. The DG (Systems), New Delhi with the request to kindly upload this
circular on the Website of CBEC.
2. Dir.(Ad.II)/DS(Ad.II AB)DS(Ad.IIIA/VIII EC)/DS (Ad.IIIB).


23.1.2017

(Rajpal Singh)

Under Secretary to the Govt. of India



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No.22011/4/2007-Estt. (D)

Government of India

Ministry of Personnel, Public and Training
(Department of Personnel and Training)

North Block, New Delhi – 110 011

November 21, 2016

OFFICE MEMORANDUM

Sub: Guidelines on treatment of effect of penalties on promotion – role of Departmental Promotion Committee

The Department of Personnel & Training vide its OM of even number dated 28.4.2014 issued instructions on the above subject. Paragraph 7(d), 7(f) and 7(g) of the said OM provides as follows:

7(d) *If the official under consideration is covered under any of the three condition mentioned in paragraph 2 of OM dated 14.9.1992, the DPC will assess the suitability of Government servant along with other eligible candidates without taking into consideration the disciplinary case / criminal prosecution pending. The assessment of the DPC including 'unfit' for promotion and the grading awarded are kept in a sealed cover. [Paragraph 2.1 of DoPT OM dated 14.9.1992]*

7(f) *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 against him / her, the findings of the sealed cover / covers shall not be acted upon. His / her case for promotion may be considered by the next DPC in the normal course and having regard to the penalty imposed on him / her [paragraph 3.1 of DoPT OM dated 14.9.1992].*

*Pl forward to
revised Admin branch
of Subordinate/DOPT
offices/DOPT*

In assessing the suitability of the officer on whom a penalty has been imposed, the DPC will take into account the circumstances leading to the imposition of the penalty and decide whether in the light of general service record of the officer and the fact of imposition of penalty, the officer should be considered for promotion. The DPC, after due consideration, has authority to assess the officer as 'unfit' for promotion. However, where the DPC considers that despite the penalty

SO (Coord)

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D/o Revenue.

*322237/2016/Coord
30.11.2016*

(8)

the officer is suitable for promotion, the officer will be actually promoted only after the currency of the penalty is over [paragraph 13 of DoPT OM dated 10.4.1989].

2. Questions have been raised by the Ministries and Departments asking whether this is applicable in the case of 'Censure' also. In this regard, it is reiterated that paragraphs 7(d), 7(f) and 7(g) cited above are applicable in all the recognized penalties under CCS (CCA) Rules including the minor penalty of Censure as well for which no currency has been prescribed, it would mean that as per para 7(g), if the DPC considers the officer fit for promotion notwithstanding the award of censure, he / she can be promoted without referring to the currency of penalty.

G. Jayanthi

(G. Jayanthi)

Director

Tel. no. 2309 2479

All Ministries / Departments of the Government of India

Copy to:

- (i) The President's Secretariat, New Delhi
- (ii) The Vice- President's Secretariat, New Delhi
- (iii) The Prime Minister's Office, New Delhi
- (iv) The Cabinet Secretariat, New Delhi
- (v) The Rajya Sabha Secretariat, New Delhi
- (vi) The Lok Sabha Secretariat, New Delhi
- (vii) The Controller and Auditor General of India, New Delhi
- (viii) The Secretary, Union Public Service Commission
- (ix) The Secretary, Staff Selection Commission
- (x) All Attached offices under the Ministry of Personnel, Public Grievances and Pensions
- (xi) All Officers and Section in the Department of Personnel & Training
- (xii) Establishment (D) Section, DoP&T (10 copies)
- (xiii) NIC for uploading on the website under
 - (a) OM's / Orders → Establishment → Promotion; and
 - (b) OMs / Orders → Establishment → CCS (CCA) Rules.

Rajesh Sharma

(Rajesh Sharma)

Under Secretary to the Govt. of India

Tel no. 2304 0340