

No.13034/247/2014-CPD.
Government of India
Ministry of Home Affairs
UT Division

Dated 5th August, 2014

To

Shri Haruna Cassamo
H.No. 95/5, Bunder Chowk,
Chhipawadam opp. Hotel Samarat,
Diu - 362520 (U.T).

Subject: Request for information- regarding.

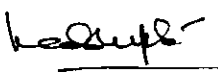
Sir,

Please refer to your RTI Application dated 18.7.2014 which has been received by the undersigned on 28.7.2014.

2. Copy of O.M No.AB.14017/48/2010-Estt. (RR) dated 28.7.2014 and O.M No. AB 14017/6/2004-Estt. (RR) is enclosed.

2. Shri I.S Chahal, JS (UT), MHA, North Block, New Delhi is the Appellate Authority in terms of section 19 of the RTI Act.

Encl: As above.


(Neeta Gupta)

CPIO & Dy. Secretary to the Government of India

Copy to
SO(IT) for uploading on the website of MHA.

No. AB.14017/48/2010-Estt.(RR)
Government of India
Ministry of Personnel, PG & Pensions
(Department of Personnel & Training)

New Delhi the 31st December, 2010

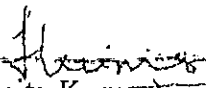
OFFICE MEMORANDUM

Sub: Revision of Guidelines for framing / amendment / relaxation of Recruitment Rules.

The undersigned is directed to state that instructions on framing / amendment of Recruitment Rules were issued in a consolidated form in this Department's OM No. AB.14017/12/87-Estt.(RR) dated 18.3.1988. Subsequently, a number of orders and clarifications have been issued on the subject.

2. The existing instructions have been reviewed in consultation with UPSC and consolidated in the form of "Guidelines on framing / amendment / relaxation of Recruitment Rules", a copy of which is enclosed. The number and the date of original OM has been referred in the relevant instructions for easy reference to the context. The Guidelines on framing / amendment / relaxation of recruitment rules along with the relevant instructions and existing model RRs are available on the DoPT website www.persmin.nic.in* in the dynamic form of Handbook on Recruitment Rules 2010. This Department would continue to update these instructions from time to time.

3. Hindi Version will follow.


(Smita Kumar)
Director (E-1)
Tel: 23092479

*(Link: Circular → Establishment → Recruitment Policies)

To
All Ministries/Departments of the Government of India

GUIDELINES ON FRAMING / AMENDMENT / RELAXATION OF RECRUITMENT RULES

Part- I

General Guidelines

1.1 Introduction of General Principles

As soon as a decision is taken to create a new post / service or to upgrade any post or restructure any Service, action should be taken immediately by the Administrative Ministry / Department concerned to frame Recruitment Rules/ Service Rules therefore.

1.2 Recruitment Rules should be framed for all posts which are likely to last for one year or more. Posts which are created for a lesser duration may be filled on deputation by drawing officers from other offices of the Central Government, holding posts of appropriate level (analogous posts or where necessary, the next-below post with the minimum regular service prescribed for promotion) and possessing necessary qualifications required for the performance of duties attached to the post. Posts in Committees or Commissions set up for a limited duration, may be filled in the manner indicated below:

“The Administrative Ministry / Department concerned with the setting up of the Commission / Committee should make available staff on deputation to the Commission / Committees to the maximum extent possible by drawing persons from within their own Ministry / Department, failing that by circulation on all Secretariat basis and failing both by re-employment of retired pensioners belonging to the same or some other Departments.

If the Sources above are tapped, there should not be any need to resort to direct recruitment through Employment Exchange or otherwise. Where, however, direct recruitment is made, it should be on a clear understanding that their appointment will be co-terminus with the life of the Commission and that they will not have any claim for regular absorption in Government.”

PART-II

PROCEDURE

AUTHORITIES COMPETENT TO APPROVE DRAFT RULES

2.1.1 All recruitment rules including their amendments should be approved at the level of Minister-in-charge, unless the Minister has by general or special order authorized such approval at a lower level(s). The Ministries/ Departments may put up proposals for suitable delegation for approval of the Minister-in-Charge. The following scheme of delegation is suggested:

| Posts/ Services | Authority |
|--|---------------------|
| Groups C | Joint Secretary |
| Groups A & B posts / Services (excepting those indicated below) | Secretary |
| Framing of or important amendments to Recruitment Rules for posts of Heads of Departments or Service Rules for Organized Services | Minister |

The above is only suggestion and the Ministries / Departments are free to follow a different pattern depending on the local situation.

DELEGATION TO THE MINISTRIES

2.1.2 The Administrative Ministries / Departments are empowered to frame / amend Recruitment Rules in respect of Group 'C' posts keeping in view the guidelines issued by this Department on various aspects. In cases of deviations from the existing guidelines, the concurrence of this Department is to be obtained in cases of framing / amendment of Recruitment Rules even for Group 'C' posts. The Ministries / Departments are competent to relax the Recruitment Rules for Group 'C' posts.

(DOPTOM No. CD.14017/10/85-Estt.(RR) dated 21.3.85 & 5.6.85)

The provisions of the Recruitment Rules governing upper age limit or qualifications for direct recruitment which are generally based on the policy guidelines issued by the Department of Personnel & Training, should not, however, be relaxed without prior concurrence of this Department.

FORMATS & FORMS

2.1.3 Recruitment Rules for Groups 'A' & 'B' posts / services as approved by the Administrative Ministry / Department should be referred to the Department of Personnel & Training first for clearance as early as possible, and not later than one month from the date of the creation of posts / Service. This is generally done by referring the file to the administrative Ministry with a self-contained note, accompanied by inter-alia, the following:

- i) Draft Recruitment Rules (for posts other than those in the Organized Services) in the proforma in Annexure I.
- ii) Supporting particulars in Annexure II.
- iii) Recruitment Rules for the feeder posts(s) and the higher post, if any.
- iv) Present sanctioned strength of the post for which rules are being framed as also of the lower and higher posts.

2.2 Model Recruitment Rules for a number of posts framed in consultation with the Union Public Service Commission, have been circulated to all Ministries/ Departments. While framing Recruitment Rules for such posts, the Model Rules should be adhered to.

2.3 In respect of framing of Recruitment Rules for posts which are not covered by any of the Organized Services, the format of a Notification accompanied by the 13 column Schedule as given in Annexure I* shall be used. As for Organized Services, comprehensive Service Rules shall be framed covering, inter alia, the following aspects:-

1. Short Title and Commencement
2. Definitions
3. Constitution
4. Grades, Authorized Strength and its review
5. Members of the Service
6. Initial constitution of the service.
7. Future maintenance of the service
8. Appointments by deputation
9. Seniority
10. Probation
11. Appointment to the service
12. Liability for service in any part of India and other conditions of service.
13. Disqualifications
14. Power to relax
15. Savings
16. Interpretation
17. Repeal



- 8
- * The column 6 of the erstwhile schedule related to benefit of added years of service has been deleted in view of instructions issued vide DOP&PW OM No. 7/7/2008-P&PW (F) dated 13.2.2009 in which the benefit of adding years of qualifying service is withdrawn for the purpose of computing pension as well as other related benefits such as gratuity.

CONSULTATION WITH DOPT

2.4 Ordinarily, the draft Recruitment Rules will be returned by the Department of Personnel & Training with their comments, within a month from the date of reference to that Department. If the circumstances of a case require more time for scrutiny / discussion, the administrative Ministry / Department will be informed of the same and where there are many points for clarification, the Ministries may also be requested to discuss the case with the officers of the Department of Personnel & Training.

CONSULTATION WITH UPSC

2.5 After obtaining the concurrence of the Department of Personnel & Training, the Administrative Ministry / Department should refer the draft Recruitment Rules for posts/ services which are within the purview of the UPSC in a self-contained letter to the Commission, along with the information in the prescribed proforma (Annexure II). It should be stated in the letter to the Commission whether the clearance of the Department of Personnel & Training (and also the Department of Pension & Pensioners' Welfare where required) has been obtained in respect of the proposals in question. Where the procedure for consultation with the Commission has been followed and information necessary for consideration of the proposal has been fully given, it should be possible for the Commission to convey their advice ordinarily within 4 to 5 weeks. If the Commission's advice is not received within this time, the administrative Ministry / Department may settle the matter by personal discussion with the officers concerned in the Commission.

No. AB. 14017/ 6/2004-Estt. (RR)
Government of India
Ministry of Personnel, PG and Pensions
Department of Personnel and Training
New Delhi

Dated the 8th March, 2004

OFFICE MEMORANDUM

Subject: Notification of Recruitment Rules- amendment to para 5
relating to power to relax

As the Ministries/Departments are aware, Recruitment Rules (RRs) for Group A and B posts (other than posts exempted from the purview of UPSC) can be notified only after these are concurred in by the Union Public Service Commission. In accordance with the guidelines issued by this Department, the Commission has certain discretionary powers to relax educational qualifications/extent of experience prescribed in the RRs while making direct recruitments. Despite the above, para 5 of the covering notification on RRs on "power to relax" does not specifically incorporate that concurrence of the Commission shall be obtained before the Central Government resorts to relax any of the provisions in the Recruitment Rules. The exact proviso to be incorporated as para 5 of the covering notification has been examined in consultation with the UPSC and it has been decided that the proviso may be as below:-

"Where the Central Government is of the opinion that it is necessary or expedient to do so, it may, by order and for reasons to be recorded in writing, and in consultation with Union Public Service Commission relax any of the provisions of the rules with respect to any class or category of persons".

2. All Ministries/Departments are requested to ensure that the proviso as above is incorporated as para 5 in the covering notification of all RRs which are notified with the concurrence of the Commission.

(S.J. Kumar)

Under Secretary to the Government of India
Tel. 2309 4254

To

All Ministries/Departments of the Government of India