



SC/ST EMPLOYEES WELFARE ASSOCIATION OF BSNL (SEWA)

(The Recognised Association in BSNL. Regn. No. S/58891/07 Delhi)

CENTRAL HEAD QUARTER



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SEWA BSNLCHQ/2018-20

Dated 18 .01. 2019

To

Smt. Sujata T. Ray,
Director (HR), BSNL Board,
New Delhi.

Subject: Promotion from AGM (T) to DGM- clear violation of DoPT guidelines/instructions regarding.

Respected Madam,

Kindly refer to our repeated and continuous representations, the latest dated 31.12.2018 addressed to your kind-self (**Copy enclosed**), with regard to promotion from AGM (T) to DGM. Despite repeated requests we are still awaiting response from your side.

2. In furtherance to the submission made in the earlier letters, we would like to submit the following,

- I. As BSNL follows DoPT instructions in the matter of promotions as well as reservation roster/ policy for SC/ST employees, we understand that as per DoPT instructions dated 3.4.2013 with regard to Adhoc appointment/ promotion (**Copy enclosed as Annex-I**) there is very little scope for effecting promotion on Adhoc basis and that too only in exceptional case and for short time, not beyond one years.

: Correspondance : _____

The relevant part of the instructions issued by DoPT vide its Office Memorandum No. 28036/1/2012-Estt(D) dated 3rd April, 2013 is reproduced as below,

"as per the extant policy of the Government, all posts are to be filled in accordance with provisions of the applicable Recruitment Rules/Service Rules. As explained in this Department's O.M. No.28036/8/87-Estt.(D) dated 30.03.1988 read with O.M. No.28036/1/2001-Estt.(D) dated 23.07.2001, promotions/appointments on Adhoc basis are to be resorted to only in exceptional circumstances mentioned therein, to a post which cannot be kept vacant in consideration of its functional/operational requirement."
(Emphasis added)

II. Aforementioned DoPT OM dated 3.4.2013 further stipulates that as far as possible the arrangement should be made on lookafter basis and if it is not possible then promotion are to be made only in line with the instructions as issued vide DoPT OM dated 30.3.1988. These instructions dated 30.3.1988 states that the promotion should be on Regular basis only unless there is any injection/stay from any Hon'ble Court/Tribunal. If there is any court case related to seniority or seniority is under dispute even then also promotion should be made only regular basis by mentioning that the promotions are provisional and subject to outcome of the court case. The relevant part is reproduced as below,

"Where the vacant post cannot be kept vacant for functional considerations, efforts are required to be made to entrust the additional charge of the post to a serving officer under provisions of FR-49, failing which only appointment by ad-hoc promotion/ad-hoc deputation is to be considered in terms of provisions of this

Department's O.M. No.28036/8/87-Estt.(D) dated 30.03.1988."

(Emphasis added)

- III. The relevant part of O.M. No.28036/8/87-Estt.(D) dated 30.03.1988 (Copy enclosed as Annex-II) is reproduced as below,

"(iii) REVISION OF SENIORITY LIST

Another reason for making Adhoc arrangements and delaying regular promotions is that the seniority position of the officer holding the post in the feeder grade is disputed. In all such cases regular DPC may be held based on the existing seniority list. In case such disputed are pending before a Court /Tribunal, unless there is an injunction / stay order against making regular promotion, the appointing authority may convene the DPC and make promotion on the basis of the existing seniority list. However, while issuing the orders in such cases it should be stipulated that these promotions are provisional and subject to the final decision of the Court/ Tribunal. Subsequently, when the direction of the Court / Tribunal become available a Review DPC may be held and the necessary adjustments made in the promotion of officers based upon the revised seniority list. In case any of the officers provisionally promoted do not figure in the list approved by the Review DPC they may be reverted to the posts held by them earlier." (Emphasis supplied)

- IV. The DoPT instructions issued vide OM No. 28036/1/2001-Esttt(D) dated 23rd July,2001, as referred in the OM dated 4.3.2013, deals with Appointment on Adhoc basis only. It stipulates that hereafter no

appointment shall be made on adhoc basis by direct recruitment from opne market. So as we understand it is not directly related to the matter of promotions. (Copy enclosed as Annex-III).

3. From above, it is very clear that:

a) If the context, intent and spirit of DoPT instructions with regard to Adhoc promotion are violated then the co-related part of the instructions also stands altered or become infructuous and hence, cannot be enforced.

Until August, 2013, BSNL had issued promotions from SDE to AGM/DE on Adhoc basis only. Even though it is clearly mentioned in the DoPT instructions that not following the instructions may leads to violation of statutory provisions, however, BSNL blatantly breached the instructions of DoPT by granting Adhoc promotion perpetually and as doing so, BSNL has altered the context, intent and spirit of the aforesaid instructions of DoPT in the matter. So the co-related provisions of the aforesaid instructions of DoPT, particularly not to consider of Adhoc service period for reckoning of seniority, stands altered and become infructuous and hence, cannot be taken as reference for deciding the seniority. Therefore, the benefit of Adhoc service rendered by an employee, that too for a period of more than one year and without break, cannot be snatched away on the strength of interpretation of aforesaid instructions which are violated by BSNL itself.

b) With regard to Adhoc promotions, DoPT instructions dated 30.3.1988 as mentioned above deals with the matter, and in accordance to these instructions, only Regular promotion can be given unless there is an injunction / stay order against making regular promotion.

Even though there may be some court cases related to seniority; however, there has been no order/stay from any Hon'ble Court/Tribunal directing BSNL for not making regular promotions. Therefore, it is evident, that only the concerned Officers dealing with the matter and the Authority, have conveniently adopted this unjustified, discriminatory and flouting practice so as to snatch away the benefit of consequential seniority available to SC/ST executives as granted by the Constitution of India which is endorsed by DoPT vide Memorandum No. 200 11/1/200 I-Estt. (D) Dated 21st January, 2002 (Copy enclosed as Annex-IV).

4. In addition to above, the following facts are submitted for kind consideration:

- A. The procedure is same for issuing promotion order for both Adhoc and Regular basis by conducting DPC, Assessment of APAR, VC, applying reservation roster for SC/ST employees etc. In other word, the promotions to the post of AGM (Adhoc) were made after following the due procedure as required for Regular promotion and based on the seniority in the previous cadre i.e. SDE (T).
- B. BSNL CO first time adopted the practice of regularizing the existing AGM (Adhoc) vide L.No.412-16/2013-Pers.I dated 16.8.2013, and continued the same by another orders of regularization vide L.No.412-16/2013-Pers.I dated 25.10.2013.
- C. Naturally the same practice was required to be adopted for remaining AGM (Adhoc). However, the same practice was not followed by Pers Cell of BSNLCO for the remaining AGM (Adhoc) who were required to be regularization first before issuing any subsequent promotion order to the post of AGM on regular basis.

- D. While regularization of the existing AGM (Adhoc) vide letter No 412-16/2014-Pers.I dated 20th August, 2014 Pers Cell simultaneously inducted hundreds of SDE directly to the Post of AGM on regular basis, resulting in the loss of consequential seniority to SC/ST executives.
- E. So in the first instance by issuing promotion only on Adhoc basis instead of Regular basis to the post of AGM (T), the concerned Officers dealing with the matter and the Authority defied the DoPT instructions and violated the spirit of Constitution of India.
- F. The things were not stopped here, and Pers Cell went a step further - the concerned Officers of Pers Cell, who may be associated with some associations/ particular group of executives and working in covert & clandestine manner, and the Authority knowingly adopted blatant discriminatory, irrational, unjust, illegal, and against the natural justice approach to induct simultaneously the several hundred SDEs directly to the post of AGM on Regular basis in 2014 without regularizing the existing AGM first who were already working on Adhoc basis since 2013. This was done with a very calculated manner in an attempt to nullify the benefit of consequential seniority as available to SC/ST in accordance with the DoPT instructions dated 21.01.2002 as mentioned above & as per the provisions of Constitution of Indian,
- G. It is worthwhile to mention here that the instructions issued by Government of India through DoPT cannot be tweaked by any authority working under the control of Government of India.
- H. As stated above, the principle of natural justice has also been grossly violated by not regularization of all AGM (Adhoc) working at that time prior to making any subsequent promotion to the post of AGM on Regular basis.
- I. Ironically, now again BSNL Management is trying to cause injustice permanently to hundreds of SC/ST executives by proceeding to issue

- I. Ironically, now again BSNL Management is trying to cause injustice permanently to hundreds of SC/ST executives by proceeding to issue promotion orders to the post of DGM (T) giving benefit to O/C candidates, who were promoted in 2014 as AGM, ignoring the already working AGMs of SC/ ST since 2013.
- J. It is also bring to your kind notice that Pers. Cell vide its L.No. 314-6/2018-Pers.I dated 25.10.2018 and 13.12.2018 has assigned the charge of DGM(T) on lookafter basis in BSNLCO to some of 2014 promotee as AGM (Shri Praveen Bhagwat, Shri Devesh Kumar & Shri ML Swarnkar), as per record of Pers Cell, and ignoring the SC/ST executives of 2013 promotee as AGM {Copy enclosed as Annex-V (A) & V (B)}.

Therefore, we humbly request to your kind-self to kindly consider our repeated representations as well as verbal discussions in the matter so that past discriminatory actions of denying promotion to the post of DGM(T) to some of SC/ ST executives of 2010 promotee as AGM(Adhoc) is not repeated with the SC/ST promotee of 2013 as AGM(Adhoc),


Keeping in view of the all above facts, it is humbly requested to:

1. Kindly consider the Adhoc service of SC/ST executives for the purpose of reckoning of seniority as well as promotion to the higher grade i.e DGM(T).
2. Kindly get circulated the seniority list of AGM/DE before issuing of any promotion order to the post of DGM (T).
3. Kindly considered all SC/ST executive of 2013 promotee AGM(Adhoc) for assigning the charge to the post of DGM(T) on lookafter basis in BSNLCO as OC category executives of 2014 promotee as AGM have already been considered for the same.

4. Kindly ensure to issue promotion on Regular basis in accordance with the DoPT O.M. No. 28036/1/2012-Estt(D) dated 3rd April, 2013 & OM No. O.M. No.28036/8/87-Estt.(D) dated 30.03.1988.

With kind regards

Sincerely yours


(N D Ram)

General Secretary,
SC/ST Employee Welfare Association, (SEWA) BSNL
New Delhi.

Copy for information and n/a to:

1. The Hon'ble Chairman, Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes, Parliament House Annexe, New Delhi - 110001.
2. Shri Manoj Sinha, Hon'ble MOSC (I/C), Sanchar Bhawan, Ashoka Road, New Delhi.
3. The Hon'ble Chairman National Commission for Schedule Castes New Delhi.
4. The Hon'ble Chairman National Commission for Schedule Tribes New Delhi.
5. Smt. Aruna Sundararajan, Secretary, DoT, Sanchar Bhavan, Ashoka Road New Delhi- 110001.
6. Shri Anupam Srivastava, CMD BSNL, New Delhi.
7. Shri Arun Kumar, GM (Pers.) BSNL Corporate office, New Delhi.
8. Shri A.M.Gupta, GM (SR) BSNL Corporate office, New Delhi.
9. Shri Surendra Singh GM&CLO(SCT), BSNL Corporate office, New Delhi.

No.28036/1/2012-Estt(D)
GOVERNMENT OF INDIA
MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS
DEPARTMENT OF PERSONNEL & TRAINING
** ** *

North Block, New Delhi,
Dated the 3rd April, 2013

OFFICE MEMORANDUM

Subject: Ad-hoc Appointment/Promotion – Review of - Regarding.

The undersigned is directed to say that as per the extant policy of the Government, all posts are to be filled in accordance with provisions of the applicable Recruitment Rules/Service Rules. As explained in this Department's O.M. No.28036/8/87-Estt.(D) dated 30.03.1988 read with O.M. No.28036/1/2001-Estt.(D) dated 23.07.2001, promotions/ appointments on ad-hoc basis are to be resorted to only in exceptional circumstances mentioned therein, to a post which cannot be kept vacant in consideration of its functional/operational requirement. In spite of these express provisions, it has come to the notice of this Department that the Ministries/Departments are resorting to ad-hoc arrangements in total disregard to the statutory provisions/instructions on the subject as well as proper manpower management and career advancement of the employees.

2. This Department has been impressing upon all the Ministries/ Departments from time to time to take adequate steps in advance so as to achieve the desired objective of timely convening of the Departmental Promotion Committee (DPC) meetings and preparing the approved select panels for regular appointments/promotions within the prescribed time limits. However, at many a time, due to non-adherence to the prescribed norms and procedures by the Ministries/Departments, the approved select panel is not ready in time and ad-hoc arrangements are resorted to. Some Ministries/Departments have taken non-acceptance of their incomplete proposals for DPCs, by the UPSC, as the reason for resorting to ad-hoc appointments. In this regard, as already emphasized in this Department's O.M. No.22011/3/2011-Estt.(D) dated 24.03.2011, it is reiterated that the responsibility of sending the DPC proposals, complete in all respect, to the UPSC, lies entirely on the administrative Ministries/ Departments concerned.

3. Other reasons for resorting to ad-hoc arrangements are absence/revision of Recruitment Rules, disputed Seniority Lists etc. With regard to tackling the problem of absence of RRs, it may be pointed out that the OM No. AB 14017/79/2006-Estt. (RR) dated 6th September, 2007 provides that where no Recruitment Rules exist or where the existing Recruitment Rules are repealed as per the prescribed procedure, the option of approaching the UPSC for one time method would be available. These instructions further provide that it will not be feasible or advisable for the UPSC to suggest one time method of recruitment in cases where Recruitment Rules exist even if they are perceived as unworkable. In such situations, the administrative Ministries/Departments will have to process necessary amendments required in the Recruitment Rules and, thereafter, initiate the recruitment process.

4. Ad-hoc appointments/promotions should be made only in rare cases and for exigencies of work, where the post cannot be kept vacant until regular candidate becomes available. Persons appointed on ad-hoc basis to a grade are to be replaced by persons approved for regular appointment by direct recruitment, promotion or deputation, as the case may be, at the earliest opportunity. As already provided in this Department's O.M. No.28036/1/2001-Estt.(D) dated 23.07.2001, no appointment shall be made on ad-hoc basis by direct recruitment from open market. Where the vacant post cannot be kept vacant for functional considerations, efforts are required to be made to entrust the additional charge of the post to a serving officer under provisions of FR-49, failing which only appointment by ad-hoc promotion/ad-hoc deputation is to be considered in terms of provisions of this Department's O.M. No.28036/8/87-Estt.(D) dated 30.03.1988.

5. As already provided in this Department's O.M. No.22011/3/75-Estt.(D) dated 29th October, 1975, and reiterated in O.M. No.28036/8/87-Estt.(D) dated 30.03.1988 and O.M. No.28036/1/2001-Estt.(D) dated 23.07.2001, an ad-hoc appointment does not bestow on the person a claim for regular appointment and the service rendered on ad-hoc basis in the grade concerned also does not count for the purpose of seniority in that grade and for eligibility for promotion to the next higher grade. As per existing provisions, these facts are to be clearly spelt out in the orders of the ad-hoc promotions/ ad-hoc appointments. Therefore, such ad-hoc arrangements are neither in the interest of the individuals nor the organizations concerned. It is, thus, not appropriate to resort to ad-hoc arrangements in a routine manner.

6. As per existing instructions vide O.M. No.28036/8/87-Estt.(D) dated 30.03.1988 and O.M. No.28036/1/2001-Estt.(D) dated 23.07.2001, the total period for which the appointment/ promotion may be made, on an ad-hoc basis, keeping in view the exceptionalities anticipated in these OMs, by the respective Ministries/ Departments, is limited to one year only. These instructions further provide that in case of compulsions for extending any ad-hoc appointment/promotion beyond one year, the approval of the Department of Personnel and Training is to be sought at least two months in advance before the expiry of the one year period. Also, if the approval of the Department of Personnel & Training to the continuance of the ad-hoc arrangement beyond one year is not received before the expiry of the one year period, the ad-hoc appointment/promotion shall automatically cease on the expiry of the one year term. Notwithstanding these provisions, instances have come to notice of this Department where Ministries/ Departments have continued ad-hoc arrangements beyond one year without express approval of this Department, and later on, approached this Department to seek ex-post facto approval for continuation of such arrangements. It is reiterated that continuation of any ad-hoc arrangement beyond one year and release of pay and allowances for the same, without express approval of this Department is not in order.

7. This Department vide O.M. No.39036/02/2007- Estt.(B) dated 14.11.2008, has requested all the Ministries/ Departments to comply with the regulation-4 of the UPSC (Exemption from Consultation) Regulations, 1958, which provide that if a temporary or officiating arrangement made by ad-hoc appointment to a post falling within the purview of UPSC is likely to continue for a period of more than one year from the date of appointment, the Commission shall immediately be consulted in regard to filling up of the post. For this purpose, the Ministries/Departments are required to furnish monthly and six-monthly returns to the Commission showing all such Group 'A' and 'B' Gazetted appointments and promotions made without reference to the Commission, as emphasized in this Department's OM No. 39021/1/94-Estt.(B) dated 22.07.1994. These instructions are again reiterated and all the Ministries/Departments are requested to ensure that requisite returns are furnished to the Union Public Service Commission as per the time schedule prescribed so as to effectively monitor the ad-hoc appointments being resorted to by various Ministries/Departments without consulting the UPSC.

8. All the administrative Ministries/Departments are requested to review the ad-hoc appointments/promotions made by them, from time to time, and at least once a year, on the basis of the guidelines and instructions in force, so as to bring down the instances of such ad-hoc manpower arrangements to the barest minimum, in respect of both Secretariat as well as non-Secretariat offices under them.

Murman

(Pushpender Kumar)

Under Secretary to the Government of India
Telephone No. 2309 3804

To,

All Ministries/Departments of the Government of India

Copy to:

1. President's Secretariat, New Delhi
2. Vice-President's Secretariat, New Delhi
3. The Prime Minister's Office, New Delhi
4. Cabinet Secretariat, New Delhi
5. Rajya Sabha Secretariat/Lok Sabha Secretariat, New Delhi
6. The Registrar General, the Supreme Court of India, New Delhi.
7. The Registrar, Central Administrative Tribunal, Principal Bench, New Delhi.
8. The Comptroller and Auditor General of India, New Delhi
9. The Secretary, Union Public Service Commission, New Delhi
10. The Secretary, Staff Selection Commission, New Delhi
11. All attached offices under the Ministry of Personnel, Public Grievances and Pensions
12. National Commission for Scheduled Castes, New Delhi
13. National Commission for Scheduled Tribes, New Delhi
14. National Commission for OBCs, New Delhi
15. Secretary, National Council (JCM), 13, Ferozeshah Road, New Delhi.
16. Establishment Officer & A.S.
17. All Officers and Sections in the Department of Personnel and Training.
18. Facilitation Center, DOP&T (20 copies)
19. NIC (DOP&T) for placing this Office Memorandum on the Website of DOP&T.
20. Establishment Section (50 copies).

Murman

(Pushpender Kumar)

Under Secretary to the Government of India
Telephone No. 2309 3804

Annex-II

NO 39036/8/87-ESTT.(D)
GOVERNMENT OF INDIA
MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES
AND PENSIONS
DEPARTMENT OF PERSONNEL & TRAINING

New Delhi, the 30th March, 1988.

OFFICE MEMORANDUM

Sub: Ad-hoc appointment - Revision of instructions on.

The undersigned is directed to say that instructions have been issued from time to time by the Department of Personnel & Training requesting all Ministries/Departments to fill all posts only in accordance with the prescribed procedure and Recruitment Rules on a regular basis. Consequently, Ministries/Departments are required to ensure that all appointments made on an ad-hoc basis are limited to posts which cannot be kept vacant until regular candidates become available. However, it has been noted that appointments continue to be made on an ad-hoc basis and proposals are being received in this Department for regularisation of these appointments on the grounds that the persons concerned have been working against these posts for a long time. This has led to instances where Courts and Tribunals have directed the Government to fix seniority after taking into consideration the period of service rendered on an adhoc basis. This unintended benefit of adhoc service has, therefore, been bestowed to a number of persons whose adhoc promotions have been made on the basis of seniority-cum-fitness, even though the Recruitment Rules for the post may have prescribed promotion by selection.

2. In view of the position explained above, it has been decided that the Ministries/Departments may not make any appointment on an adhoc basis including appointments by direct recruitment, promotion, transfer on deputation etc. The procedure to be followed in circumstances when adhoc appointments are presently frequently being resorted to, is explained below :-

(1) ABSENCE OF RECRUITMENT RULES:

Adhoc appointments are frequently resorted to on the grounds that Recruitment Rules for the post are in the process of being framed. In this Department's O.M. No.39021/5/83-Estt.(B) dated 9th July, 1985, all Ministries/Departments have been advised that if there are overriding compulsions for filling any Group A or Group B post in the absence of Recruitment Rules, then they may make a reference to the Union Public Service Commission (UPSC) for deciding the mode of recruitment to that post. Further action to fill the post may be taken according to the advice tendered by the UPSC. All such appointments will be treated as regular appointments. In the case of Group C and D posts which are outside the purview of UPSC, powers to frame Recruitment Rules without consulting the Department of Personnel

2/-

and Training, have already been delegated to the Administrative Ministries vide this Department's O.M. No. CD-14017/ Estt.(RR) dated 21st March, 1985. Therefore, no appointments may be made to any post on an adhoc basis on the ground that no Recruitment Rules exist for the same

(ii) REVISION OF RECRUITMENT RULES:

Adhoc appointments are also frequently resorted to on the ground that proposals are under consideration to amend the existing Recruitment Rules. The legal position in this regard is that posts are to be filled as per eligibility conditions prescribed in the rules in force at the time of occurrence of the vacancies unless the amended Recruitment Rules are brought into force with retrospective effect. In fact, the practice has been to give effect to amendments in the Recruitment Rules only prospectively, except in rare cases. Hence, regular appointment/promotions may be made in all such cases in accordance with the Recruitment Rules in force at the time when the vacancy arises. No adhoc appointments/promotions may be made on the grounds that the Recruitment Rules are being revised or amended.

(iii) REVISION OF SENIORITY LIST:

Another reason for making adhoc arrangements and delaying regular promotions is that the seniority position of the officer holding the post in the feeder grade is disputed. In all such cases regular DPCs may be held based on the existing seniority list. In case such disputes are pending before a Court/Tribunal, unless there is an injunction/stay order against making regular promotions, the appointing authority may convene the DPC and make promotions on the basis of the existing seniority list. However, while issuing the orders in such cases it should be stipulated that these promotions are provisional and subject to the final decision of the Court/Tribunal. Subsequently, when the directions of the Court/Tribunal become available, a Review DPC may be held and the necessary adjustments made in the promotions of officers based upon the revised seniority list. In case any of the officers provisionally promoted do not figure in the list approved by the Review DPC they may be reverted to the posts held by them earlier.

(iv) SHORTAGE IN DIRECT RECRUITMENT QUOTA:

Adhoc appointments are also made on the consideration that adequate number of qualified candidates are not available for filling the vacancies through the direct recruitment quota prescribed in the Recruitment Rules. In some cases, even though, the required number of candidates are recommended by the Union Public Service Commission / Staff Selection Commission, some of them do not join or they join and then resign thereafter.

According to the instructions contained in this Department's O.M. No.24012/34/80-Estt.(B) dated 20th February, 1981, while notifying vacancies to recruiting agencies, especially the SSC, the appointing authority is expected to compute

the total number of vacancies taking into consideration the likely vacancies during the period beginning from the date of announcement of the examination in question upto the date of announcement of the subsequent examination so that the total number of posts to be kept vacant may be very few.

Inspite of this, if some vacancies still remain unfilled, the following measures may be adopted:-

- (a) Wherever feasible, the posts may be allowed to remain vacant until qualified candidates become available at the next examination.
- (b) Wherever the Recruitment Rules for the posts provide alternative methods of recruitment, i.e. not only by the direct method but also by transfer on deputation, efforts may be made to fill those vacancies which cannot be held over (until candidates of the next examination become available), by the alternative methods i.e. by transfer on deputation etc.
- (c) However, in cases where direct recruitment is the only method provided in the Recruitment Rules, Ministries/Departments have been advised vide O.M. No. 14017/8/84-Estt.(RR) dated 19th June, 1986, that the Rules may be amended to provide for transfer on deputation as an alternative method to fill short-term vacancies in the direct recruitment quota. In case the rules have not been amended the Ministries/Departments may take steps to do so immediately so that the shortage of qualified candidates against the DR quota, may be met by filling the vacancies through transfer on deputation for short periods.
- (v) Whenever short-term vacancies are caused by the regular incumbents proceeding on leave for 45 days or more, study leave, deputation etc. of less than one year duration, they may be filled by officers available on an approved panel. Such a panel may be maintained taking into account not only the actual but also the vacancies anticipated over a period of 12 months in accordance with the existing instructions of holding DPCs. Wherever an officer is not available on an approved panel the post may be kept vacant, as far as possible.

3. If the prescribed instructions and procedures are strictly adhered to, it may be seen that there will be very few cases where appointments need to be made on an adhoc basis. Such circumstances may be -

- (i) where there is an injunction by a Court/Tribunal directing that the post may not be filled on a regular basis and if the final judgement of the Court/Tribunal is not expected early and the post also cannot be kept vacant.
- (ii) where the DR quota has not been filled and the RRs also do not provide for filling by transfer or deputation temporarily and the post cannot also be kept vacant.
- (iii) In short term vacancies due to regular incumbents being

