

No. 28036/08/2022-Pers. Policy(D)
Government of India
Ministry of Personnel, Public Grievances and Pensions
(Department of Personnel and Training)

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North Block, New Delhi

Date : 15.12.2023

**OFFICE MEMORANDUM**

Subject : Ad-hoc appointments in Group 'B' and 'A' posts – regarding.

The undersigned is directed to invite reference to this Department's Office Memorandum No. 28036/8/97-Estt(D) dated 30.03.1988 and Office Memorandum No. 28036/1/2012-Estt(D) dated 03.04.2013 regarding ad-hoc appointment/promotion and to draw attention to the following provisions contained in these OMs pertaining to Group 'B' and 'A' posts:

- i. 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 at the earliest opportunity.
- ii. The total period for which the appointment/ promotion may be made to these posts, on an ad-hoc basis, keeping in view the exceptionalities anticipated in the aforementioned OMs, by the respective Ministries/ Departments, is to be limited to one year only. 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 prescribed limit. Also, if the approval of the Department of Personnel & Training to the continuance of the ad-hoc arrangement is not received before the expiry of the prescribed limit, the ad-hoc appointment/promotion shall automatically cease on the expiry of the current term. It is reiterated that continuation of any ad-hoc arrangement beyond the prescribed limits and release of pay and allowances for the same, without express approval of this Department is not in order.

2. Thus, keeping in view the aforementioned extant instructions / guidelines, the primary endeavour should be to fill up posts on regular basis, in terms of the applicable Recruitment / Service Rules, at the earliest. However, where ad-hoc arrangements have been made in unavoidable circumstances, and are required to be extended beyond the prescribed initial period, prior approval of the Department of Personnel & Training (DoPT) should invariably be obtained before the expiry of the current term of ad-hoc appointments/ promotion, by sending proposal at least 2 months before expiry of term. **In case prior approval of DoPT has not been obtained** for extension of ad-hoc promotion beyond the prescribed initial term, except where DoPT has specifically allowed the Ministry/Department to seek post-facto ratification of the extension of ad-hoc promotion for the intervening period after the post(s) have been filled on regular basis i.e. period beyond the prescribed

initial term of one year or period extended beyond one year with DoPT's approval and upto the date the post is filled on regular basis, **the ad-hoc promotion shall cease automatically on expiry of the initial term / extended period approved by DOPT, and that the officers shall stand reverted to their substantive post without the requirement of any specific order for their reversion.**

3. The Office of the Controller General of Accounts (CGA) has separately been requested to issue advisory to all the Controllers of Accounts in various Ministries /Departments to ensure that pay and allowances etc. for ad-hoc appointment/promotion, in cases where ad-hoc appointment/promotion have continued beyond the permissible limit (i.e. beyond one year or period extended with DoPT's approval), are to be released only if the arrangement for a particular period has been duly approved by the Department of Personnel and Training. Further, it would be the responsibility of the administrative Ministry/ Department to satisfy the respective Pay and Accounts Officer that the conditions for extension of ad-hoc appointment/promotion have been met before they release the pay and allowances for the extended period of ad-hoc appointment/promotion.

4. Ministries / Departments are required to ensure that the above instructions in the context of this Department's Office Memorandum dated 30.03.1988 and 03.04.2013 are strictly followed by all concerned.

5. No relaxation/exemption from these guidelines will be allowed. Hence proposals seeking ex-post facto approval for extension of ad-hoc appointments/ promotions beyond the permissible period, unless expressly allowed by DoPT as indicated in para 2 above, shall not be considered.



(R.K. Sinha)

Under Secretary to the Govt. of India

To,

All Ministries / Departments of the Government of India.

Copy to –

1. The President's Secretariat, New Delhi.
2. The Prime Minister's Office, New Delhi.
3. The Cabinet Secretariat, New Delhi.
4. The Rajya Sabha Secretariat, New Delhi.
5. The Lok Sabha Secretariat, New Delhi.
6. The Comptroller and Audit General of India, New Delhi.
7. The Secretary, Union Public Service Commission, Dholpur House, New Delhi.
8. The Staff Selection Commission, New Delhi.
9. All attached offices under the Ministry of Personnel, Public Grievances and Pensions
10. All Officers and Sections in the Department of Personnel and Training.

11. NIC (DOP&T Branch) for placing this Office Memorandum on the website of DoP&T.
12. Personnel Policy (D) Section, DoP&T.

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

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North Block, New Delhi,  
Dated the 3<sup>rd</sup> 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 6<sup>th</sup> 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 29<sup>th</sup> 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

No.28036/1/2001-Estt(D)  
Government of India  
Ministry of Personnel, Public Grievances and Pensions  
Department of Personnel and Training

New Delhi -110 001  
July 23, 2001

OFFICE MEMORANDUM

Subject:-Restriction on regularization of  
ad-hoc appointment - regarding.

The undersigned is directed to say that as per the Department of Personnel and Administrative Reforms O.M. No.22011/3/75-Estt(D) dated October 29, 1975 and the Department of Personnel and Training O.M.No.28036/8/87-Estt (D) dated March 30, 1988, persons appointed on ad-hoc basis to a grade are to be replaced by persons approved for regular appointment by direct recruitment, promotion or transfer (absorption), as the case may be, at the earliest opportunity. These instructions also provide that whenever an appointment is made on ad-hoc basis, the fact that the appointment is ad-hoc and that such an appointment will not bestow on the person a claim for regular appointment should be clearly spelt out in the orders of appointment. It should also be made clear that the service rendered on ad-hoc basis in the grade concerned would not count for the purpose of seniority in that grade and for eligibility for promotion to the next higher grade

2. Instances have, however, come to the notice that despite the clear provisions, as mentioned above, persons appointed on ad-hoc basis, when replaced, approach the courts of law for regularizing their appointment and in many cases, directions are given for regularizing the period of ad-hoc appointment with consequential benefits like seniority etc.

3. In this regard, it is stated that issue of regularization of ad-hoc employees has been considered in several judgements of the Hon'ble Supreme Court. In the case of R.N. Nanjundappa Vs T. Thimmaiah & Ors (AIR 1972 SC 1767), the Supreme Court observed that regularization is not itself a mode of recruitment and any act in the exercise of executive power of the government can not override rules framed under Article 309 of the Constitution. In the case of State of Orissa Vs Sukanti Mahapatra (AIR 1993 SC 1650), the Supreme Court has observed that assuming that their having served for long years is a valid reason for regularization, that without any thing more, will not meet the requirement of the action being in public interest and what has been done under the impugned orders is to regularize the illegal entry into service as if the Rules were not in existence. In another case of K.C. Joshi Vs Union of India (AIR 1991 SC 284), the Supreme Court observed that the ad-hoc appointees can not be put on a higher pedestal over the candidates who stood the test of merit and became successful in a competitive recruitment and secured ranking according to the merit in

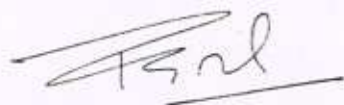


the approved list of candidates. In the case of State of Haryana and others Vs Piara Singh and others (1992 SC 2130), the Supreme Court observed that direction to regularize ad-hoc appointments, work charged employees would only result in encouraging of unhealthy practice of back door entry-what can not be done directly can not be allowed to be done in such indirect manner. In the case of Dr. M.A. Haque Vs Union of India (1993 2SCC 213), the Supreme Court held that the recruitment rules made under Article 309 of the Constitution have to be followed strictly and not in breach. If a disregard of the rules and the bypassing of the Public Service Commission are permitted, it will open a back-door for illegal recruitment without limit. In the case of Dr Arundhati A. Pargaonkar and another Vs State of Maharashtra (AIR 1995 SC 962), the Apex Court has held that a continuous service by itself do not give rise to the claim of regularization.

4. Therefore, as already stated in DoP&T's O.M.s referred to above, an ad-hoc appointee has to be replaced by a regularly selected candidate as per provisions of the recruitment rules and in accordance with the prescribed procedure at the earliest possible and in no case such an officer should be regularized. In the cases, where a judicial order is received for regularization of an ad-hoc employee, steps may be taken to contest the same in the light of the specific conditions on which the offer of appointment on ad-hoc basis was made, the policy of the Government in this regard and the various judicial pronouncements of the apex court. If in a particular case, the concerned Ministry/Department desires to consider acceptance of the judicial order, the matter should be invariably referred to the Department of Legal Affairs and the Department of Personnel and Training as per this Department's O.M.No.28027/9/99-Estt(A) dated May 1, 2000, which says that whenever there is a court order against the Government of India, pertaining to service matters, no such order shall be implemented by the concerned Ministry/Department without first referring the matter to the Department of Legal Affairs and to the Department of Personnel and Training for advice

5. It has all along been emphasized in the existing instructions that ad-hoc appointments should be made only in rare cases and in real exigency of work, where the post cannot be kept vacant until regular candidate becomes available. It has been emphasized, in particular, that ad-hoc appointment by direct recruitment from the open market should be resorted to only as a last resort. This is because, once a person is appointed from outside the Government on ad-hoc basis, such arrangement is generally continued for long periods, either because a regularly selected candidate is not available or some other vacancy in the grade/cadre becomes available against which he is adjusted. Consequently, when efforts are made to replace such an officer, he/she invariably approaches a court of law for regularization of their appointment. Apart from the fact that regularization of appointment in such cases is not in public interest as they have not come through proper selection procedure and on merit, regularization also creates problems in the matters of seniority, promotion, pension etc. However, notwithstanding these instructions, ad-hoc appointments by direct recruitment from open market are being made as a matter of routine. In fact, on many occasions, such appointments are being made only to avoid the post getting abolished in terms of the relevant instructions of the Ministry of Finance, providing for automatic abolition of posts if they remain vacant for more than one year. Of late, instances of ad-hoc appointments from open market have substantially increased resulting in more and more court cases being filed for regularization of service of such ad-hoc appointees.

6. In view of the aforesaid undesirable trend, the matter has been reviewed and it has been decided that hereafter **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 may 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 may be considered. If in an exceptional case (e.g. in the case of an operational organization), it is inescapable to resort to ad-hoc appointment by direct recruitment, prior concurrence of the Department of Personnel and Training (Establishment 'D' Section) may be obtained by giving full and complete justification for the same.
7. Continuation of an ad-hoc appointment beyond one year will, as per the existing instructions, continue to require the prior approval of Department of Personnel and Training as before.
8. This order takes effect from the date of its issue.
9. All Ministries/Departments are requested to bring these instructions to all concerned for guidance and compliance.



(R.K. GOEL)

Deputy Secretary to the Government of India

To

All Ministries/Departments of the Government of India

Copy to: -

1. The President's Secretariat, New Delhi.
2. The Prime Minister's Office, New Delhi.
3. Rajya Sabha Secretariat, New Delhi.
4. The Lok Sabha Secretariat, New Delhi.
5. The Comptroller and Audit General of India, New Delhi.
6. The Union Public Service Commission, New Delhi with reference to their letter No. 2/3/2001-S.II dated 2.2.2001.
7. The Staff Selection Commission, New Delhi.
8. All attached offices under the Ministry of Personnel, Public Grievances and Pensions.
9. All Officers and Sections in the Department of Personnel and Training.
10. Establishment (D) Section (**200 copies**).
11. Facilitation Center, DOPT (**20 copies**).
12. NIC, DoP&T for placing the order on the *website* of the DoP&T (persmin.nic.in).

NO 28036/8/87-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 :-

(i) 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

and Training, have already been delegated to the Administrative Ministries vide this Department's O.M. No. CD-14017/1 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.

In spite 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 it up by transfer or deputation temporarily and the post cannot also be kept vacant.
- (iii) In short term vacancies due to regular incumbents being

on leave/deputation etc., and where the posts cannot be filled as per para 2(v), and cannot also be kept vacant.

4. In such exceptional circumstances adhoc appointments may be resorted to subject to the following conditions:-

- (i) The total period for which the appointment/promotion may be made, on an adhoc basis, will be limited to one year only. The practice of giving a break periodically and appointing the same person on an adhoc basis may not be permitted. In case there are compulsions for extending any adhoc appointment/promotion beyond one year, the approval of the Department of Personnel and Training may be sought at least two months in advance before the expiry of the one year period. If the approval of the Department of Personnel & Training to the continuance of the adhoc arrangements beyond one year is not received before the expiry of the one year period the adhoc appointment/promotion shall automatically cease on the expiry of the one year term.
- (ii) If the appointment proposed to be made on an adhoc basis involves the approval of the Appointments Committee of the Cabinet, this may be obtained prior to the appointment/promotion being actually made.
- (iii) Where adhoc appointment is by promotion of the officer in the feeder grade, it may be done on the basis of seniority-cum-fitness basis even where promotion is by selection method as under :-
  - (a) Adhoc promotions may be made only after proper screening by the appointing authority of the records of the officer.
  - (b) Only those officers who fulfil the eligibility conditions prescribed in the recruitment rules should be considered for adhoc appointment. If, however, there are no eligible officers, necessary relaxation should be obtained from the competent authority in exceptional circumstances.
  - (c) The claims of Scheduled Castes and Scheduled Tribes in adhoc promotions shall be considered in accordance with the guidelines contained in the Department of Personnel & A.R. Office Memorandum No.36011/14/83-Estt.(SCT) dated 30.4.1983 and 30.9.1983.
- (iv) Where adhoc appointment by direct recruitment (which as explained above should be very rare) is being done as a last resort, it should be ensured that the persons appointed are those nominated by the employment exchange concerned and they also fulfil the stipulations as to the educational qualifications/experience and the upper age limit prescribed in the Recruitment Rules.

Where the normal procedure for recruitment to a post is through the employment exchange only, there is no justification for resorting to adhoc appointment.

- (v) Where the appointing authority is not the Ministry, the

authorities competent to approve adhoc appointments may be decided by the Administrative Ministries themselves. The competent authority so authorised by the Ministry should be one level higher than the appointing authority prescribed for that post.

Adhoc promotions with respect to officers whose cases are kept in a sealed cover in accordance with OM No.22011/2/86-Estt.(A), dated 12.1.1988, will however, continue to be governed by these special instructions. Similarly, adhoc promotions of officers belonging to the Central Secretariat Service (CSS) to posts of Under Secretary/Deputy Secretary under the Central Staffing Scheme, will continue to be regulated by special instructions contained in O.M.NO. 31/16/82-EO(MM) dated 28.9.1983.

6. All adhoc appointments including adhoc promotions shall be reviewed on the basis of the above guidelines. In exceptional circumstances, wherever such appointments are required to be continued beyond the present term, the decision thereon may be taken by the authority prescribed in para (4)(v). However, it may be noted that the continuance of such adhoc appointments including adhoc promotions will be subject to the overall restriction of one year from the date of issue of these instructions.

7. All Ministries/Departments are requested to take action in accordance with the above mentioned instructions in respect of both Secretariat as well as non-Secretariat offices under them.

The receipt of this O.M. may kindly be acknowledged.

  
(S.K. PARTHASARATHY)

JOINT SECRETARY TO THE GOVERNMENT OF INDIA.

To

All the Ministries/Departments of Government of India  
(Secretary by Name)

Copy to:

1. Ministry of Railways, New Delhi.
2. Department of Atomic Energy, New Delhi.
3. Department of Electronics, New Delhi.
4. Department of Space, New Delhi.
5. Union Public Service Commission, New Delhi.
6. Staff Selection Commission, New Delhi.
7. Lok Sabha Secretariat, New Delhi.
8. Rajya Sabha Secretariat, New Delhi.
9. President's Secretariat, New Delhi.
10. Comptroller & Auditor General of India, New Delhi.

11. All attached offices under the Ministry of Personnel, Public Grievances & Pensions.
12. All officers and Sections in the Department of Personnel & Training.

*S.K. Parthasarathy*  
(S.K. PARTHASARATHY)

JOINT SECRETARY TO THE GOVERNMENT OF INDIA.