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असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (I)

PART II—Section 3—Sub-section (I)

प्राधिकार से प्रकाशित

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नई दिल्ली, शुक्रवार, फरवरी 6, 2009/माघ 17, 1930
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पोत परिवहन, सड़क परिवहन और राजमार्ग मंत्रालय

(पोत परिवहन विभाग)

(पत्तन पक्ष)

अधिसूचना

नई दिल्ली, 6 फरवरी, 2009

सा.का.नि. 77(अ).—केन्द्र सरकार, महा पत्तन न्यास अधिनियम, 1963 (1963 का 38) की धारा 132 की उप-धारा (1) के साथ पठित धारा 124 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, नव मंगलूर पत्तन न्यास के न्यासी मंडल द्वारा बनाए गए और इस अधिसूचना के साथ संलग्न अनुसूची में वर्णित नव मंगलूर पत्तन न्यास कर्मचारी (भर्ती, वरीष्ठता तथा पदोन्नति) संशोधन विनियम, 2009 का अनुमोदन करती है।

2. उक्त विनियम इस अधिसूचना के सरकारी राजपत्र में प्रकाशन की तारीख से प्रवृत्त होंगे।

[फा. सं. पी आर-12012/3/2005-पीई. I]

राकेश श्रीवास्तव, संयुक्त सचिव

अनुसूची

नव मंगलूर पत्तन न्यास

नव मंगलूर पत्तन न्यास कर्मचारी (भर्ती, वरीष्ठता तथा पदोन्नति) संशोधन विनियम, 2009

महा पत्तन न्यास अधिनियम, 1963 (1963 का 38) की धारा 28 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, नव मंगलूर पत्तन न्यास का न्यासी मंडल, नव मंगलूर पत्तन न्यास कर्मचारी (भर्ती, वरीष्ठता तथा पदोन्नति) विनियम, 1980, जो समय-समय पर संशोधित है, में फिर से संशोधन करते हुए निम्नलिखित विनियम बनाता है।

1. इन विनियमों को नव मंगलूर पत्तन न्यास कर्मचारी (भर्ती, वरीष्ठता तथा पदोन्नति) संशोधन विनियम, 2009 कहा जाएगा।

56. सा.का.नि. सं० 48 (अ) दिनांक 03.02.2006
 57. सा.का.नि. सं० 242 (अ) दिनांक 24.04.2006
 58. सा.का.नि. सं० 463 (अ) दिनांक 04.08.2006

MINISTRY OF SHIPPING, ROAD TRANSPORT AND HIGHWAYS

(Department of Shipping)

(Ports Wing)

NOTIFICATION

New Delhi, the 6th February, 2009

G.S.R. 77(E).—In exercise of the powers conferred by sub-section (1) of Section 124, read with sub-section (1) of Section 132 of the Major Port Trusts Act, 1963 (38 of 1963), the Central Government hereby approves the New Mangalore Port Trust Employees' (Recruitment, Seniority and Promotion) Amendment Regulations, 2009 made by the Board of Trustees of New Mangalore Port Trust as set out in the Schedule annexed to this Notification.

The said Regulations shall come into force from the date of publication of this Notification in the Official Gazette.

[F. No. PR-12012/3/2005-PE. I]

RAKESH SRIVASTAVA, Jt. Secy.

SCHEDULE

NEW MANGALORE PORT TRUST

New Mangalore Port Trust Employees (Recruitment, Seniority and Promotion) Amendment Regulations, 2009

In exercise of the powers conferred by Section 28 of the Major Port Trusts Act, 1963 (38 of 1963), the Board of Trustees of the New Mangalore Port Trust hereby makes the following regulations further to amend the New Mangalore Port Trust Employees (Recruitment, Seniority and Promotion) Regulations, 1980 as amended from time to time.

These Regulations may be called the New Mangalore Port Trust Employees (Recruitment, Seniority and Promotion) Amendment Regulations, 2009.

**NEW MANGALORE PORT TRUST EMPLOYEES (RECRUITMENT,
SENIORITY AND PROMOTION) REGULATIONS, 2009**

In exercise of the powers conferred by Section 28 of the Major Port Trusts Act, 1963 (38 of 1963), the Board of Trustees of New Mangalore Port hereby makes the following regulations, namely

Short Title and Commencement:

1. (1) These Regulations may be called the New Mangalore Port Trust Employees (Recruitment, Seniority and Promotion) Regulations, 2009.
- (2) They shall come into force on the date of publication of the approval of the Central Government as required under the provisions of Section 124 and 132 of Major Port Trusts Act, 1963 in the Gazette of India.

Application

2. These regulations shall apply to all posts created under Section 27 of the Act under the Board including those covered by clause (a) of sub-section (1) of section 24 of the Act.

Definition

3. In these regulations, unless the context otherwise requires
 - (a) "Act" means the Major Port Trusts Act, 1963 (38 of 1963).
 - (b) "Analogous post" means a post of which the duties and level of responsibilities and the pay ranges are comparable to those of the post to which selection is to be made.
 - (c) "Appointing Authority" in relation to any grade or post means the authority empowered under the New Mangalore Port Trust Employees (Classification, Control and Appeal) Regulations, 1980 to make appointment to that grade or post.
 - (d) "Board", "Chairman", "Deputy Chairman" and "Head of Department" have the meanings respectively assigned to them under the Act.

- (e) "Class I Posts", "Class II Posts", "Class III posts" and "Class IV posts" shall have the same meaning as assigned to them in Regulation 4 of the New Mangalore Port Trust Employees (Classification, Control and Appeal) Regulations, 1980.
- (f) "Departmental Promotion Committee" means a Committee constituted from time to time under regulation 26 for the purpose of making recommendation for promotion to or confirmation in any grade or post.
- (g) "Direct Recruit" means a person recruited on the basis of a competitive examination or test and/or interview by Services Selection Committee.
- (h) "Employee" means an employee of the Board.
- (i) "Grade" means any of the grades specified in the Schedule of Employees prepared and sanctioned under Section 23 of the Act.
- (j) "Lien", means the title of an employee to hold on regular basis, either immediately or on the termination of a period or periods of absence, a post to which he has been appointed on regular basis and on which he is not on probation.

Provided that the title to hold a regular post shall be subject to the condition that the juniormost person in the grade will be liable to be reverted to the lower grade if the number of persons so entitled is more than the posts available in that grade.

- (k) "Permanent Employee" means an employee who has been substantively appointed to a permanent post.
- (l) "Schedule" means the Schedule appended to these regulations.
- (m) "Scheduled Castes" and "Scheduled Tribes" shall have the meanings respectively assigned to them in Clauses (24) and (25) of article 366 of the Constitution of India.
- (n) "Select List" in relation to any grade or post means the select list prepared in accordance with regulation 13 for that grade or post.
- (o) "Selection Post" means a post declared as such under regulation 5 of these regulations.
- (p) "Services Selection Committee" means the Committee constituted under regulation 12 for the selection of candidates by means of a written test, a trade test and/or interview for appointment to posts reserved for direct recruitment.

- (q) "Temporary Employee" means an employee holding a temporary post or officiating in a permanent post or on probation in his appointment in the service of the Board.

MANNER OF APPOINTMENT

4. All appointments to the posts to which these regulations apply shall be made in accordance with the provisions of these regulations. Appointment may be made either by promotion or by absorption or deputation or direct recruitment. Deputation will be of employees from the Major Port, Central Govt., State Govts., autonomous bodies, Govt. Companies fulfilling the criteria of eligibility prescribed for the post. (The normal period of deputation is 3 years which is extendable to four years. In exceptional circumstances, this can be extended to five years.)

SCHEDULES

5. The manner of appointment i.e., whether by direct recruitment or by departmental promotion or absorption or deputation, the qualification, age education, training, requirements of experience, classification of posts as selection posts or non-selection posts and other matters connected with the appointments to various posts shall be shown in the Schedule annexed to these Regulations in respect of Class-I posts. In respect of Class-II, Class-III and Class-IV posts the manner of appointment shall be as laid down by the Board from time to time. The Schedule shall also show the authorized permanent and temporary strength of the various grades as shown in the Schedule of Employees prepared under the provisions of Section 23 of the Major Port Trusts Act, 1963. This strength is liable to change from time to time under the provisions of Section 27 of the Major Port Trusts Act, 1963. The eligibility requirement prescribed for direct recruitment will apply in the case of promotion to the extent mentioned in Column 9 of the schedule and requirement of experience for promotion will be as prescribed in Column 12 of the schedule.

Provided that the prescribed upper age limits may be relaxed by the Central Govt. in case of HODs and by Chairman in all other cases for reasons to be recorded in writing for direct recruitment/absorption/deputation as under:-

- (i) upto 5 years where the minimum experience prescribed is 10 years or more and upto 3 years where the minimum experience prescribed is 5 to 9 years.
- (ii) in the case of a candidate who is an ex-serviceman, i.e., ex-employee of India's Defence Forces, and who has put in not less than 6 months continuous service in the Defence Forces, upto the extent of the service rendered by him in the Defence Forces plus three years where the vacancy to be filled is a vacancy reserved for such ex-servicemen and dependants of those killed in action and upto the extent of the service rendered by him in the Defence Forces, where the vacancy to be filled is an unreserved vacancy; and
- (iii) in the case of a candidate belonging to the Scheduled Castes or the Scheduled Tribes or other backward classes in accordance with such orders as the Central Government may issue from time to time in this regard.

Provided further that the requirement of experience is relaxable at the discretion of the Central Govt. in the case of candidates belonging to the Scheduled Castes and the Schedules Tribes if at any stage of selection the Central Govt. is of the opinion that sufficient number of candidates from these communities possessing the requisite experience are not likely to be available to fill up the posts reserved for them.

ROSTER OF VACANCIES

6. A roster shall be maintained for each grade to show whether a particular vacancy should be filled by direct recruitment or promotion. However, if a vacancy which is reserved for direct recruitment cannot be filled by direct recruitment, it may be filled by promotion and the next vacancy shall be filled by direct recruitment. Similar practice can be followed in the case of a vacancy reserved for promotion but cannot be filled by promotion method.

RESERVATION

7. (1) Orders issued by the Central Government from time to time for reservation of posts under it, whether to be filled by direct recruitment or promotion in favour of the Scheduled Castes and the Scheduled Tribes shall apply mutatis mutandis to all appointments covered by these regulations.
- (2) Orders issued by the Central Government from time to time for the reservation of posts under it in favour of other backward classes, ex-servicemen and dependants of those killed in action, Sportsmen and physically handicapped persons shall also apply mutatis mutandis to appointments covered by these regulations and to which direct recruitment is made.

NATIONALITY, CHARACTER, PHYSICAL FITNESS ETC. FOR DIRECT RECRUITMENT:

8. (1) In order to be eligible for direct recruitment to any grade or post, a candidate must be —
- (a) a Citizen of India; or
 - (b) a subject of Nepal; or
 - (c) a subject of Bhutan; or
 - (d) a Tibetan refugee who came over to India before the 1st January 1962 with the intention of permanently settling in India; or
 - (e) a person of Indian origin who has migrated from Pakistan, Burma, Sri Lanka or the East African countries of Kenya, Uganda, the United Republic of Tanzania, Zambia, Malawi, Zaire and Ethiopia and Vietnam with the intention of permanently settling in India.

Provided that a candidate belonging to category (a) shall produce such proof of his nationality as the Chairman may, from time to time require. Provided further that a candidate belonging to categories (b), (c), (d) and (e) shall be a person in whose favour a certificate of eligibility has been issued by the Government of India;

Provided also that a candidate in whose case the proof of nationality or a certificate of eligibility is necessary may be provisionally appointed, pending the production by him of the necessary certificate in his favour from the Central Government, as the case may be. In such cases the provisional appointment shall not exceed a period of one year.

(2) The Chairman may, with the prior approval of the Central Government, modify or waive any of the requirements of sub regulation (1) when an appointment for work of a special nature is to be made and it is not practicable to obtain a suitable candidate who fulfils the requirements of these regulations.

(3) No person,

(a) Who has entered into or contracted a marriage with person having a spouse living; or

(b) Who having a spouse living, has entered into or contracted a marriage with any person

shall be eligible for appointment to any grade or post to which these regulations apply;

Provided that the Central Govt. in case of HODs and Chairman in all other cases may, if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and that there are other grounds for so doing, exempt any person from the operation of this sub regulation.

(4) A candidate must satisfy the appointing authority that his character and antecedents are such as to make him suitable for appointment to any grade or post. No candidate who has been convicted by a Court of Law for an offence involving moral turpitude or who has been adjudged as an insolvent shall be eligible for appointment to a grade or post.

(5) A candidate shall be in good mental and physical health and free from any physical defects likely to interfere with the discharge of his duties as an employee of the Board. A candidate who after such medical examination as the

Central Govt. in case of HODs and Chairman in all other cases may specify, is found not to satisfy those requirements shall not be appointed.

(6) If any question arises whether a candidate does or does not satisfy all or any of the requirements of this regulation, the same shall be decided by the Central Govt. in case of HODs and Chairman in all other cases.

ELIGIBILITY OF EXISTING EMPLOYEES FOR DIRECT RECRUITMENT

9. When the posts required to be filled by direct recruitment are advertised, employees already in service may also apply, provided they possess the prescribed qualifications and experience. Age limit in such cases will not apply.

ADVERTISEMENT OF VACANCIES

10. (1) Vacancies of Class-III and Class-IV posts to be filled by direct recruitment shall be notified to the local Employment Exchange. In case sufficient number of eligible and suitable candidates are not available, the vacancies be advertised in Newspapers published within the State. Class-I and Class-II posts intended to be filled by direct recruitment shall be advertised in national and local dailies and/or Employment News.

(2) The crucial date for determining the qualification, experience and age shall be the first day of the month in which the post is notified/advertised unless otherwise specified.

CONDUCT OF WRITTEN OR SKILL TESTS IN CERTAIN CASES:

11. The Appointing Authority may decide whether a written or a skill test or both should be held and also name the officer who should hold the said test and the manner in which the test should be held and other details thereof. It shall be open to the Appointing Authority to engage a consultant or a firm of consultants to conduct a written or skill test.

SERVICES SELECTION COMMITTEE:

12. (1) There shall be a Services Selection Committee for each grade or post, as mentioned in sub regulation (2) to conduct interviews of eligible

candidates for making selection of candidates for appointment to different posts by direct recruitment.

(2) The category of posts and the composition of the Services Selection Committees referred to in sub regulation (1) shall be the following, namely

a) For HODs

- | | |
|---|------------|
| Joint Secretary (Ports) of the Ministry of Shipping | - Chairman |
| Chairman/Dy. Chairman of the Port | - Member |
| Any other Port Chairman or an officer having wide experience in the field to be nominated by the Ministry of Shipping | - Member |
| Representative of SC/ST & OBCs nominated by the Ministry of Shipping | - Member |

b) For Class I posts

- | | |
|--|------------|
| i) Chairman | - Chairman |
| ii) Deputy Chairman | - Member |
| iii) HOD in charge of the Department in which the vacancy occurs | - Member |
| iv) HOD in charge of the personnel | - Member |
| v) Representative of SC/ST & OBCs nominated by the Chairman | - Member |

c) For Class II Posts

- | | |
|--|------------|
| i) Deputy Chairman | - Chairman |
| ii) Head of the Department in which the vacancy arises | - Member |
| iii) Head of the Department in charge of personnel | - Member |
| iv) Representative of SC/ST & OBCs nominated by the Chairman | - Member |

d) For Class-III and Class-IV posts (Common Categories)

- | | |
|--|------------|
| i) Deputy Chairman or in his absence, HOD nominated by the Chairman of the Board | - Chairman |
|--|------------|

- | | | |
|------|--|----------|
| ii) | HOD in charge of personnel | - Member |
| iii) | A senior officer in the grade not below Rs.16000-400-20800 to be nominated by the Chairman | - Member |
| iv) | Representative of SC/ST & OBCs nominated by the Chairman | - Member |

e) For Class-III and Class-IV posts (Uncommon Categories)

- | | | |
|------|--|------------|
| i) | HOD, where the vacancy arises | - Chairman |
| ii) | HOD in charge of personnel | - Member |
| iii) | A senior officer of the concerned division in the grade not below Rs.16000-400-20800 to be nominated by the Chairman | - Member |
| iv) | Representative of SC/ST & OBCs nominated by the Chairman | - Member |

The Appointing Authority may also nominate any person not in the service of the Board to be a member of a Services Selection Committee if such a person is specialised in the relevant field. Where any member of a Services Selection Committee is not available, the Appointing Authority may nominate another officer of appropriate level in his place to attend the meeting.

(3) Where recruitment to vacancies in grades common to more than one department is made in a common selection, the composition of the committee shall be decided by the Chairman in each case.

13. SELECT LIST

The Services Selection Committee may recommend, in the order of merit, as adjudged by it, the names of the selected candidates to be kept on a select list for consideration of appointment to posts earmarked for direct recruits. Such a list shall be deemed to be valid for a period of 12 months from the date on which the list is approved by the Appointing Authority. It is open to the Appointing Authority to extend the validity of the list for a period not exceeding six months or until a fresh select list is approved whichever is earlier.

14. CONSIDERATION OF RECOMMENDATIONS OF SERVICES SELECTION COMMITTEE AND ADHOC APPOINTMENTS

All appointments by direct recruitment shall be made by the Appointing Authority on the recommendations of the concerned Services Selection Committee.

Provided that it shall be open to the Appointing Authority, for reasons to be recorded in writing, not to accept the recommendations of Services Selection Committee.

Provided further that where the Appointing Authority is an authority subordinate to the Chairman and the authority disagrees with such recommendations in any case, it shall record its reasons for such disagreement and submit the case to the Chairman who shall decide the same.

Provided also that in the case of a purely temporary post, a leave vacancy or a vacancy earmarked for direct recruitment requiring immediate filling up, the Chairman may appoint a person who is eligible to fill the vacant post for a period of six months at a time and not exceeding one year on adhoc basis subject to the condition that:

- (1) Ad-hoc appointment, where unavoidable, should be made only strictly subject to fulfilling the qualifications, experience provided in the RRs.
- (2) Total period of appointment to a temporary post will not exceed the tenure of the post.
- (3) In other cases the temporary appointment should be replaced by a regular appointment from the select list as soon as possible.

15. CANVASSING SUPPORT A DISQUALIFICATION

Any endeavor on the part of a person to canvass support by direct or indirect method for appointment to a post or for promotion to a higher post shall disqualify him for the appointment or promotion.

16. SUPPRESSION OF FACTS A DISQUALIFICATION

Any candidate who is found to have knowingly furnished any particulars which are false or have suppressed material information of a character, which if known would ordinarily have debarred him from getting an appointment to a grade or post, is liable to be disqualified, and, if appointed, to be dismissed from service.

17. CANCELLATION OF APPOINTMENT ORDER

If a candidate selected for the post earmarked for direct recruits fails to join duty within the date mentioned in the offer of appointment and where no such date is mentioned, within 30 days of the date of issue of the offer of appointment or within such extended period as the Appointing Authority may agree, the offer of appointment shall be deemed to have been cancelled.

18. PAYMENT OF TRAVELLING ALLOWANCE FOR ATTENDING INTERVIEW

In the case of posts filled by direct recruitment, all journeys which the candidates (including persons already in the service of the Board) may have to perform for the purpose of written and practical tests or interviews shall be at their own cost. However, candidates belonging to Scheduled Castes or the Schedule Tribes called for written or trade tests or interview shall be granted travelling allowance equal to first class rail fare by shortest practicable route both ways on production of proof to the effect that he has actually performed the inward journey.

19. PROBATION PERIOD

(1) Every person appointed to a post by direct recruitment or promotion or absorption shall, subject to the provisions of sub-regulation (2) & (3), be on probation for a period of two years except in case of persons appointed on absorption basis through composite method of recruitment in the posts of HODs and Dy. HODs carrying the scales of pay of Rs. 16000-400-20800 and above.

Provided that where the appointment itself is for a period specified in the appointment order, such appointment shall stand terminated on the expiry of such period, unless such period is extended by the appointing authority.

Provided that, when the appointment is made by the direct recruitment and the post carries a scale of pay, the maximum of which does not exceed Rs.11,975/-, the period of probation shall be one year.

(03 Scale)
Provided that, there shall not be any probation in case of appointment by promotion within Class-III and Class-IV grades.

Provided further that, if an employee on probation to a grade or post is appointed to officiate in a higher grade or post, he shall be eligible to count the duration of his appointment to a higher grade or post to complete probation in his lower grade or post. Similarly, if an employee has previously been appointed to officiate in a grade or post, he may on appointment to the similar grade or post on probation will be eligible to count such officiating period (excluding Ad-hoc service) to complete probation in the grade or post.

(2) The period of probation may, if the appointing authority deems fit, be extended for a specific period at a time, but the total period of such extensions shall not, save where any extension is necessary by reason of any departmental or legal proceedings pending against the employee, exceed one year.

(3) During the period of his probation an employee may be required to undergo such departmental training and pass such departmental tests as the appointing authority may, from time to time, specify in this behalf.

20. CONFIRMATION OF EMPLOYEES ON PROBATION

(1) General

(i) Confirmation will be made only once in the service of an employee which will be in the entry grade.

(ii) Confirmation is delinked from the availability of permanent vacancy in the grade. In other words an officer who has successfully completed the probation may be considered for confirmation.

(2) **Confirmation in the grade to which initially recruited**

- (i) As at present, the appointee should satisfactorily complete the probation.
- (ii) The case will be placed before DPC (for confirmation).
- (iii) A specific order of confirmation will be issued when the case is cleared from all angles.

(3) **On Promotion**

- (i) If the recruitment rules do not prescribe any special procedure, an officer promoted on regular basis (after following the prescribed DPC, etc., procedure) will have all the benefits that the person confirmed in that grade would have.
- (ii) Where probation is prescribed, the appointing authority will on completion of the prescribed period of probation assess the work and conduct of the officer himself and in case the conclusion is that the officer is fit to hold the higher grade, he will pass an order declaring that the person concerned has successfully completed the probation. If, work of the officer has not been satisfactory or needs to be watched for some more time, he may revert him to the post or grade from which he was promoted, or extend the period of probation as the case may be.

Since there will be no confirmation on promotion before an official is declared to have completed the probation satisfactorily, a rigorous screening of his performance should be made and there should be no hesitation to revert a person to the post or grade from which he was promoted if the work of the officer during probation has not been satisfactory.

Confirmation of probationers: A person appointed against a permanent post as a direct recruit with definite conditions of probation is to be confirmed in the grade with effect from the date on which he successfully completes the period of probation. The decision whether he should be confirmed or his probation extended should be taken soon after the expiry of the initial probationary period i.e., ordinarily within 6 to 8 weeks and communicated to the employee together

with the reasons in case of extension. Even though the meetings of the DPC may be held after the termination of the period of probation of direct recruits, a person appointed against a permanent post with definite conditions of probation is to be confirmed in the grade with effect from the date on which he successfully completes the period of probation. A probationer who is not making satisfactory progress or who shows himself to be inadequate for the service should be informed of his shortcomings well before the expiry of the original probationary period so that he can make severe efforts at self-improvement.

In the case of probation, the DPC should not determine the relative grading of officers but only decide whether they should be declared to have completed the probation satisfactorily. If the performance of any probationer is not satisfactory, the DPC may advise whether the period of probation should be extended or whether he should be discharged from service.

21. DISCHARGE OR REVERSION OF EMPLOYEES ON PROBATION

(1) If an employee on probation in his first appointment is not considered fit, on the basis of his conduct or performance, for confirmation at the end of the period of probation prescribed in regulation 19, he shall be discharged from the service of the Board.

(2) If an employee on probation who holds a lien on a post and does not complete the period of probation as specified under Regulation 19 to the satisfaction of the appointing authority, he may be reverted to the post on which he holds a lien.

(3) If an employee during the period of probation on a post is considered unfit for further retention in that post on the basis of performance or conduct or failure to pass the departmental test if prescribed, he shall be liable to be discharged from service at any time if he has no lien on any post or reverted to the post in which he holds a lien.

22. DEPARTMENTAL TEST FOR PROMOTION, CONFIRMATION IN CERTAIN CASES:

The Chairman may specify, from time to time, the posts, confirmation in or promotion to which shall be subject to the passing of a qualifying departmental test, if any. The Chairman may also specify, from time to time, the details of the qualifying departmental test such as the procedure for holding the test, the syllabus for the test, the intervals at which the test shall be held, the maximum period within which the test shall be passed by the candidates, etc.

23. REVERSION DUE TO FAILURE IN DEPARTMENTAL TEST

An employee promoted to a post shall pass such qualifying departmental test, if any, as may be specified by the Chairman from time to time, within such period, as may be specified by him failing which the employee shall be reverted. When the passing of a test is specified as a condition precedent to promotion to a higher post, no employee shall be considered for promotion to such a post, until he passes the prescribed test.

24. SENIORITY LIST

An up-to-date gradation list indicating the inter-se seniority of the employees shall be maintained for each grade. The list shall indicate separately the permanent and temporary employees in each grade. The list shall be circulated every year.

25. FIXATION OF SENIORITY

(1) The seniority of persons directly recruited to a grade and persons appointed on the basis of departmental promotion shall be assigned inter-se seniority according to rotation of vacancies between direct recruits and promotees which shall be based on the quota of vacancies in the grade reserved for direct recruitment and promotion as indicated in the schedule. In cases where exchange of vacancies has been resorted to as per Regulation 6, the seniority will be as per the mode of filling up.

(2) Direct recruits shall be ranked *inter-se* in the order of merit in which they are placed in the select list on the basis of their performance in the examination or interview or both, the recruits of an earlier select list being ranked senior to those of a later select list.

(3) Persons appointed against promotion quota of vacancies shall be ranked *inter-se* according to the order in which they are approved for promotion by the Departmental Promotion Committee.

(4) Notwithstanding anything contained in sub-regulations (1) to (3) above, the seniority already determined prior to the commencement of these regulations shall remain unaffected.

26. DEPARTMENTAL PROMOTION COMMITTEE

(1) There shall be a Departmental Promotion Committee for each grade or post to recommend a panel of employees for appointment to different posts by promotion in accordance with these regulations.

(2) The composition of the Departmental Promotion Committee will be the same as that of the Services Selection Committee as laid down in Regulation 12 and the validity of the panel shall be the same as mentioned in Regulation 13.

27. FIELD OF SELECTION FOR PROMOTION

(1) Where one or more posts in a grade are required to be filled by promotion through selection method from employees holding posts in the feeder grade in accordance with the prescribed recruitment rules employees holding the eligible posts and having the prescribed qualifications and experience for promotion shall be considered for promotion if they fall within the zone of consideration.

(2) The following procedure shall be observed while recommending employees for promotion through selection method:

- a) The Departmental Promotion Committee (DPC) shall determine the merit of those being assessed for promotion with reference to the prescribed benchmark and accordingly grade the officers as 'fit' or 'unfit'. Only those who are graded 'fit' by the DPC shall be included and arranged in the select list in order of their inter-se seniority in the feeder grade. Those Officers who are graded as 'unfit' by the DPC shall not be included in the select list.
- b) The Departmental Promotion Committees shall also consider the cases of eligible employees who are on foreign service or on study leave.
- c) The instructions issued by the Govt. from time to time on procedure to be followed in DPC proceedings in respect of Govt. servants shall mutatis mutandis apply.

Note:- For absorption to the post carrying pay scale of Rs. 16000-400-20800 and above and for which composite method of recruitment is adopted, the benchmark in the overall grading shall be 'Very Good'. In all other cases, the benchmark shall be "Good".

(3) For promotion to non-selection posts, where no bench mark is specified, the criteria for selection shall be seniority-cum-fitness.

28. ADHOC APPOINTMENTS

In case of immediate necessity when a panel recommended by the Departmental Promotion Committee has been used up, the appointing authority may make a purely ad-hoc appointment to a post, by appointing the senior most eligible and suitable employee in the feeder grade or post up to a period of six months at a time and not exceeding one year or till a new panel is recommended by the Departmental Promotion Committee whichever is earlier. The ad-hoc appointment, where unavoidable, should be made only strictly subject to fulfilling the qualifications, experience provided in the RRs.

29. COMPASSIONATE APPOINTMENTS

Notwithstanding anything contained in these regulations, the Chairman may dispense with the normal procedure of recruitment prescribed in these regulations and appoint to a Class-III or Class-IV post the legitimate son or daughter or the surviving spouse of an employee of the Board, who dies while in service, if the person to be so appointed possesses the prescribed qualifications and experience and is otherwise found suitable.

30. INTERPRETATION

In the application of these Regulations all the instructions of the Central Government as amended from time to time which are not contrary to any of the provisions of these Regulations and all instructions issued from time to time by the Central Government which cover matters not specifically covered will be followed.

Where a doubt arises as to the interpretation of any of these regulations, the matter shall be referred to the Chairman for a decision.

31. REPEAL AND SAVINGS

All the regulations, procedures, practices, and customs corresponding to these regulations and in force immediately before the commencement of these regulations are hereby repealed.

Provided that any order made or action taken under the regulations, procedures, practices, and customs so repealed shall be deemed to have been made or taken under the corresponding provisions of these regulations.