

Eastern Railway
(Personnel Department)
17 N. S. Road, Kolkata - 700 001

Serial Circular No. 201/2019

No. E. 1023/O/Pt.IX

Kolkata, Dated: 24/09/2019

All Concerned

(as per standard list)

Sub: Promotion of Non-gazetted (Group C) staff to Non-selection posts - Policy & Procedure (Master Circular No. 37).

A copy of updated Master Circular No. 37 on "Promotion of Non-gazetted (Group C) staff to Non-selection posts - Policy & Procedure" received under cover Ministry of Railway (Railway Board)'s letter No. E(NG)I-2019/PM 1/19/Master Circular, dated 23/09/2019 for information and guidance.

DA: As above.

Ar:
(Anjan Ray)
Dy. Chief Personnel Officer/Gaz.
For Pr. Chief Personnel Officer
Phone No.:24104 (Rly.)

Ar
24/9/19

MASTER CIRCULAR No.37

भारत सरकार **GOVERNMENT OF INDIA**
 रेल मंत्रालय **MINISTRY OF RAILWAYS**
 (रेलवे बोर्ड **RAILWAY BOARD**)

No.E(NG)I-2019/PM1/19/Master Circular

New Delhi, dated 23.09.2019

**The General Managers,
 All Indian Railways,
 Production Units & others
 (as per standard mailing list).**

**Sub: Promotion of Non-gazetted (Group 'C') staff to Non-selection posts -
 Policy & Procedure (Master Circular No.37).**

At present the orders relating to promotion of non-gazetted (Group 'C') staff to non-selection posts are contained in Chapter-II, Section 'B' of IREM, 1989 and also in a number of office circulars/letters issued from time to time and Master Circular No.37 issued in 1991. Updated Master Circular No.37, incorporating the provisions of instructions issued on the subject till date, is as follows:

2. Promotion:

- (i) Promotion includes promotion from lower grade to higher grade, from one class to another class and from one group to another group. (Para 211 of IREM, 1989).
- (ii) 'Non-selection posts' are posts, grades or classes which have not been declared as 'selection posts'.
- (iii) Declaration of posts as 'selection' or 'non-selection posts' – The posts are declared as 'selection' or 'non-selection' for the purpose of promotion by the Railway Board depending upon the requirement of the service.

A Railway servant may be promoted to fill any post only if he is considered fit to perform the duties attached to the post. The Railway Board, General Manager, the Head of Department or the Divisional Railway Manager may prescribe the passing of specific departmental or other tests as condition precedent to a Railway servant being considered fit to hold specified posts, such rules should be published for the information of the staff concerned. (Para 213 of IREM, 1989).

Unless specifically provided otherwise, promotion shall be made without any regard for communal or racial consideration.

- 2.1 **Promotion of persons with disability:-** There shall be no discrimination in the matter of promotion merely on ground of physical disability. This will apply to the categories of staff who have been recruited from the open market against the vacancies reserved for recruitment or physically handicapped and the staff who acquire disability during service and are absorbed in suitable alternative employment as per provisions contained in Chapter-XIII. Such staff will be considered for promotion in their turn based on their eligibility and suitability along with others in the selection/suitability/ trade test, for promotion to higher grade post.

3. **Procedure for filling Non-selection posts:**

- 3.1 Non-selection posts will be filled by promotion of the senior-most suitable Railway employees, the suitability, whether of individual or a group of employees, being determined by the authority competent to fill the posts on the basis of the record of service and/or departmental tests, if considered necessary.
- 3.2 A senior employee may be passed over only if he/she has been declared unfit for holding the post in question.
- 3.3 When a senior Railway employee is passed over, the authority making the promotion shall record briefly the reasons for such supersession.

(E.48/RC1/18/3 dated 21.11.1953 (Item 2), E(56)/PM1/12/3 dated 23.03.1956, E(NG)I/80/PM1/317 dated 30.12.1980 and para 214 of IREM, 1989).

- 3.4 If written test is held as the part of suitability, it should be based on 100% objective pattern as per Board's guidelines issued vide letters No. E(NG)I/2018/PM1/4 dated 14.12.2018 (RBE No. 196/2018) and dt. 14.06.2019 (RBE No. 97/2019).

4. **Assessment of vacancies:**

- (i) The number of eligible staff called for consideration should be equal to the number of existing vacancies plus those anticipated during the next one year due to normal wastage (i.e. retirement/superannuation) likely acceptance of requests for voluntary retirement/resignation, the vacancies in the higher grades in the channel, the filling up of which will result in the need to make consequent appointments from the proposed select list, staff approved to go on deputation to other units, staff already empanelled for ex-cadre posting, creation of additional posts already sanctioned by the competent authority and due to staff likely to go out on transfer to other Railways/Divisions. In the case of promotion by trade test also the vacancies should be calculated on the basis of existing vacancies plus those anticipated to occur during the next one year.

(Authority:- Railway Board's letter No. E(NG)I/97/PM1/31 dated 17.02.1998 and E(NG)2018/PM-1/65 dated 07.12.2018.)

(ii) If, sufficient number of suitable candidates are not available further candidates to meet the shortfall may be called up in continuation and so on, but the whole process should be completed within six months. If this period is exceeded, it will be treated as a fresh suitability test and those who failed in the earlier test should be eligible for reconsideration.

(iii) Where non-selection posts are filled from different categories of staff, no hard and fast limits need be prescribed as to the number of the candidates to be admitted from each eligible category. In cases, where posts are to be filled on the quota basis, it should be ensured that each category is adequately represented within the overall number of candidates called up. Employees passing the suitability test should only be placed in the select list. Employees not qualifying in the test should not be taken merely to make up the quota fixed.

5. **Eligibility Conditions (condition of the minimum two years service in the immediate lower grade)**

- 5.1 The minimum period of service for eligibility for promotion within Group 'C' should be two years in the immediate lower grade irrespective of whether the employees belong to reserved community or not.
- 5.2 Service for this purpose shall be the service rendered on regular basis. Service rendered on ad-hoc basis shall, however, be taken into account for this purpose if it is followed by regularisation without break.
- 5.3 The condition of two years minimum service has to be satisfied at the time the promotion is actually made. Thus employees who are regular in the relevant lower grade can be considered according to the procedure laid down but a person, who is empanelled, can actually be promoted only when he completes two years service in the immediate lower grade. Accordingly, a suitable note to this effect should be inserted in all suitability lists which included names of candidates who have not completed two years of service in the lower grade at the time suitability was adjudged.
- 5.4 Where longer length of service in the lower grade has been stipulated as a condition of eligibility for promotion in any particular category, the same will continue to apply.
- 5.5 If by virtue of operation of the above, a junior is eligible for promotion to the relevant next higher grade, his/her senior also will be eligible for promotion even though he/she might not have put in a total of two years service in the immediate lower grade.
- 5.6 In cases where promotion could not be made on account of a Stay Order or injunction of the Court of Law and the employees in the meantime becomes due for promotion to higher grade but could not be promoted on account of

non-fulfilment of two years service in the immediate lower grade, relaxation can be granted in such cases with the personal approval of:-

- (i) DRM in the case of Divisionally controlled posts;
- (ii) A nominated SA Grade Officer of the concerned Department in the case of posts controlled by the headquarters (standing nomination to be done by the PHOD of the Department); &
- (iii) Respective SA Grade Controlling Officer in other cases.

- 5.7 In addition to the above, the employees should also fulfil the educational qualifications etc. and any other condition wherever prescribed for the post for which suitability test is held.
- 5.8 If a person is selected for and appointed in another cadre to a post in the same grade as that held by him in his parent cadre and he has to seek further promotion in the new cadre, he has to render two years service in the new cadre before being promoted therein.
- 5.9 If the post is to be kept unfilled due to candidates with two years service in the immediate lower grade not being available, the posts should be downgraded and operated in the lower grade.
- 5.10 Two years service condition in the immediate lower grade is also applicable to local officiating/ ad hoc promotions against short terms vacancies.

[No.E(NG)I/75/PM1/44 dated 31.05.1982, 22.09.1982 & 26.05.1984, No.E(NG)I/85/PM1/14 (RAEC-78) dated 13.11.1985 (RBE 296/1985), E(NG)I/85/PM1/13(RRC) dated 19.02.1987 (RBE 28/1987), 04.11.1987, 23.03.1989 (RBE 83/1989) and 13.02.1990 (RBE 20/1990)].

6. **Suitability test, Number to be called, Continuation/Supplementary test, interval between two suitability tests etc :-**

- 6.1 Suitability test should be held after a gap of not less than one year. All eligible staff, including those who failed in the earlier test should be called. Period of one year is reckoned from the date of announcement of results. The number of eligible staff called for consideration should be as per Para 4(i) above.
- 6.2 An employee who has passed a suitability test once need not be called for the test again and should be eligible for promotion as and when vacancy arises.
- 6.3 An employee failing in a suitability test should be considered only for a fresh suitability test after a lapse of one year and not in a supplementary suitability test or suitability test held in continuation of the earlier one which has to be done within six months.

- 6.4 If a person fails in a suitability test but is called up again for a suitability test after a time lapse of one year and he/she passes the same, he/she should be given preference for promotion over his/her junior, who had passed the suitability test earlier but is still waiting to be promoted for want of a vacancy.
- 6.5 If a Railway servant is promoted after qualifying in a suitability test and is subsequently reverted on grounds of unsuitability, he/she should not be further promoted to the said post, irrespective of time limit, till he qualifies afresh in a suitability test held next for promotion to such a post.
- 6.6 An employee who is unable to appear in a suitability test within a period of one year due to reasons beyond his control, such as prolonged sickness etc., he/she should be given a supplementary suitability test within a reasonable period after return to duty and on being found suitable for promotion, he/she should be assigned proforma seniority position vis-à-vis his/her juniors promoted earlier.
- 6.7 Once an employee has been placed on a suitability list he should not be denied the promotion simply because of subsequent adverse confidential Report. However, it is open to the Administration to revert him on the ground of general unsuitability, in case his work is found unsatisfactory after promotion, in terms of the Board's letter No. E(D&A)65 RG 6-24 dated 09.06.1965 and E(D&A)61 RG 6/20 dated 30.05.1966 (Annexure-I & Annexure-II), which also apply to promotion to non-selection Posts mutatis-mutandis.
- 6.8 However, a person promoted after being found/declared suitable cannot be reverted for unsatisfactory work after 18 months without following the procedure prescribed in the Discipline and Appeal Rules.

Note:

General Managers may, however, in very special circumstances, revert an employee regularly officiating in a higher post, in relaxation of the above mentioned time limit of 18 months, in exercise of their personal judgments.

- 6.9 The following procedure has been evolved for effecting reversion of such a person on account of unsatisfactory performance, such unsatisfactory performance being adjudged from:-

The annual C.R. of the employee, if already written; and

- (i) By calling for a special report on his performance if his C.R. has not been written.
- (ii) Reversion should take place only after the incumbent has been warned for unsatisfactory performance and after having watched his subsequent performance after warning.
- (iii) Decision for such a reversion should be taken at the level of DRM in the Division for divisionally controlled posts and the Head of the Department concerned for the Headquarters controlled posts.

- (iv) In case where action as above is taken, the concerned Railway employee will have to appear at a subsequent suitability test before his re-promotion.

Note:

1. The procedure indicated in sub-paragraph 6.8 and 6.9 above will be applicable to those employees who have acquired the prescriptive right to the officiating post by virtue of their having been found/ declared suitable.
2. The said procedure does not apply to those employees officiating on a stop-gap arrangement on an ad hoc basis and also to those cases where the employees duly selected have to be reverted after a lapse of 18 months because of the cancellation of the promotion proceedings or consequent on the rectification of mistake in seniority etc.

- 6.10 Whenever a written test is held for promotion to the highest grade non-selection post in a category, the Question Paper will be objective type as per instructions contained in Board's letter No. E(NG)1/2018/PM 1/4 dated 14.12.2018 read with clarificatory instructions of same circular dated 14.06.2019.
- 6.11 Whenever test is held for adjudging suitability the subject of 'Passenger Amenities' should also, as far as possible, figure in the questions for examination for promotion to the post of Inspectors etc. in categories of staff concerned with provision and maintenance of passenger amenities. The specific categories for this purpose may be laid down by the Zonal Railways.

[E(NG)54/PM 1/35 dated 10.10.1960, 13.4.1961, 3.10.1961;

E(D&A)65 RG 6-24 dated 09.06.1965

E(D&A)61 RG 6/20 dated 30.05.1966

E(D&A)65 RG 6-24 dated 20.11.1966

E(NG)66/PM 1/98 dated 18.2.1967, 13.10.1967, 28.7.1970;

E(NG)1/72/PM 1/55 dated 29.1.1974;

E(NG)1/73/PM 1/214 dated 8.11.1973;

E(NG)1/76/PM 1/21 dated 15.1.1980;

E(NG)1/76/PM 1/122 dated 26.6.1980;

E(NG)1/82/PM 1/68 dated 28.4.1982;

E(D&A)85 RG 6/9 dated 20.04.1985;

E(NG)1/87/PM 1/21 dated 14.12.1987 (RBE 307/1987);

Hindi-87/OL 1/10/3 dated 03.11.1988 and

E(NG)1/90/PM 1/36 dated 19.12.1990 (RBE 236/1990)]

E(NG)1/97/PM 1/31 dated 17.02.98

E(NG)1/2018/PM 1/4 dated 14.12.2018 & 14.06.2019

7. Representation against suitability test/ list

- 7.1 A suitability list once approved should not be normally cancelled. If after the announcement of the suitability list, procedural irregularities or other defects are found and it is considered necessary to cancel or amend such a list, this

should be done after obtaining the approval of the authority next higher than the one who approved the suitability list.

- 7.2 Representations, if any, in this regard should be submitted to the competent authority within a period of two months from the date of announcement of the list. However, the authority that approved the list or higher authority may use his discretion and take such action as is considered necessary if he is satisfied that an irregularity has occurred and on that account some staff have been put to hardship.

8. **Proforma promotion as a result of empanelment for higher grade:**

If an employee is selected for a higher grade selection post, he will be given proforma position in the non-selection intermediate grade only if such a position was due in accordance with his seniority, suitability being accepted by virtue of fitness for the higher grade by a process of selection.

Provided that the benefit of pro-forma promotion in the Intermediate Skilled Grade to an Artisan in the skilled grade selected as Intermediate Apprentice for absorption as Junior Engineer Grade-II in scale Rs. 5000-8000 by the process of Limited Departmental Competitive Examination and undergoing Training/Apprenticeship, will be due with reference to actual date of promotion of his immediate junior, only, if he passes the prescribed trade test for which he may be called as per seniority in the relevant skilled grade.

(E(NG)56/PM 1/36 dated 22.01.1960 and Para 222(b), Chapter-II, Section-B, IREM-1989, E(NG)I-97/PM7/9 dated 10.12.98 and 10.06.99, ACS No. 81).

9. **Effect of Refusal of Promotions:**

- 9.1 The following principles may be followed in respect of staff, who refuse promotion on transfer from one station to another:-

- (a) The employee concerned should give in writing his refusal to accept promotion accepting the condition that he would not be eligible for promotion to that post for a period of one year. Employee who refuses promotion for a period of one year on account of some unavoidable domestic reasons should not be transferred for that year.
- (b) At the end of the one year period, if the employee still refuses promotion, his name will be removed from the suitability list and he will be required to appear again for a suitability test before being promoted to that post. In such cases, the Railway Administration can transfer the employee should they consider it necessary to do so.
- (c) An employee who refuses promotion will rank junior to all promoted during the period he was allowed to refuse promotion, irrespective of his relative seniority. He will not however, lose seniority to another employee

promoted to the same category during the one year period of penalty as a result of fresh suitability test subsequently held.

(Railway Board's letter No. E(NG)I/66/SR 6/41 dated 14.10.1966 and case No.86/CR/IREM/Ch.II read with letter No. E(NG)I/97/SR 6/27 dated 19.11.98).

- (d) It is left to the Administration to entertain requests from employees for postponement of promotion for a very short period on account of some domestic difficulty or other humanitarian considerations. The employees concerned should be promoted after that period if there is a vacancy. They will take their seniority only from the date of their promotion.

9.2 Staff promoted at the same station cannot decline such promotion. Refusal to accept the promotion in the higher grade, whether on short term or long term basis should be treated as refusal of duty entailing action under Discipline and Appeal Rules against the recalcitrant staff. However, action under Discipline and Appeal Rules for good and sufficient reasons may be initiated for refusal of ad-hoc promotion only in those cases where such refusal affects train operations. Other conditions like debarment for one year etc. specified in Railway Board's instructions would apply.

9.3 It is for the competent authority to decide in which cases D&A action is necessary and in which cases the difficulties or reasons given by the employees concerned are genuine. In the latter type of cases, the competent authority can always accept the request of the staff and allow them to continue in the existing grade.

9.4 In the case of an employee who neither gives the refusal in writing nor joins duty on being promoted, it should be treated as refusal of promotion and action taken accordingly.

9.5 Refusal of promotion has relevance to a particular grade at any station and not to a particular post at a particular station.

9.6 Refusal of promotion as Section Officer (Accounts)/Inspectors of Stores Accounts/Travelling Inspectors of Accounts by empanelled Appendix-III, qualified staff will be regulated as follows:

- (i) The concerned staff should be debarred for promotion for one year, on each occasion they refuse promotion;
- (ii) They should be considered only against the vacancy becoming available after expiry of one year; and
- (iii) They will get their seniority only from the date of promotion. In other words, they will be placed junior to those promoted during the period of debarment from the same panel as also from the subsequent panel(s).

(Railway Board's letter No.E(NG)1/91/PM 9/7 dated 13.02.1992 - ACS No.061).

- 9.7 Penalty for refusal of promotion applies to cases of seeking of reversion in the grade after being once promoted.

[E(NG)64/PM 1/66 dated 21.01.1965,
E(NG)64/PM 1/66 dated 14.10.1966 & 04.05.1969,
E(NG)1/71/PM 1/106 dated 15.12.1971,
E(NG)1/73/PM 1/120 dated 02.02.1974, 04.09.1974 and 11.09.1974,
E(NG)1/76/PM 1/90 dated 22.09.1978,
E(NG)1/79/PM 1/147 dated 31.01.1981,
E(NG)1/80/PM 1/133 dated 05.07.1980,
E(NG)1/88/PM 1/6 dated 19.12.1989 (RBE 311/1989)]

10. Ad-hoc Promotions:

- 10.1 Government is averse to making ad-hoc promotions and continuing the same for a long time which results in hardship to the employees when reverted.
- 10.2 Normally ad-hoc promotions should not be made in vacancies of regular nature. In any case such arrangements should not be allowed to last beyond 3 to 4 months except in exceptional circumstances like Stay Orders from the Court etc.
- 10.3 Ad-hoc arrangements should normally lapse after 4 months. Further continuance can only be ordered by the CPO personally who should determine the reasons for non-finalisation of suitability test etc and then authorise extension for the ad hoc promotions for a minimum period. Delays in holding suitability test must be explained and put up for GM's perusal and acceptance.
- 10.4 The FA&CAO should not clear the pay of such promotions beyond 3 months unless such sanction has the personal approval of the CPO.
- 10.5 Where it is absolutely necessary to fill up a post on ad-hoc basis, then the senior most persons available in the seniority list should normally be promoted unless the authority ordering the promotion considers him unsuitable; exception may be made in cases where change of station is involved and short term promotions involving transfer are not desirable. It is not also the intention that staff, who failed in the suitability test should be debarred even for promotion on ad-hoc basis.
- 10.6 In no case second ad hoc promotion should be allowed.
- 10.7 Some of the situations which may lead to ad-hoc promotions are illustrated below:-
- (a) Due to absence of a suitability list.

- (b) Revision of Recruitment/Promotion Rules is under process or is contemplated, and
- (c) Revision of seniority list.

Reg. (a): As indicated above the ad-hoc promotion should not be for more than 3 to 4 months. Any extension should have the personal approval of the CPO and every effort should be made to finalise the suitability tests.

When ad-hoc promotions are made in such a case, the notification for promotion should clearly specify that the employee concerned has not been approved for regular promotion and that this ad-hoc promotion gives him no right for regular promotion and that his promotion is provisional for the purpose of drawing pay.

Reg. (b): Generally Rules are brought into effect prospectively. Hence posts are to be filled by holding selection in accordance with the eligibility conditions prescribed in the Recruitment Rules in force at the point of time.

Reg. (c): Wherever the seniority is under dispute, selections may be made with reference to the existing seniority. When the cases are pending before the Court of Law/Tribunal, selections may be finalised with the existing seniority list but while making promotions it may be mentioned in the order of promotion, that the promotions are provisional subject to the final order of the Court/Tribunal.

[E.55/PM 1/19/3 dated 11.06.1955,
E(NG)I/73/PM 1/222 dated 23.02.1974,
E(NG)I/79/ PM 1/105 dated 26.04.1979,
E(NG)I/80/PM 1/125 dated 11/14.08.1980,
E(NG)I/81/PM 1/221 dated 28.06.1982,
E(NG)I/85/PM 5/3 dated 28.08.1985,
E(NG)I/87/PM5/2 dated 21.08.1987 and
E(NG)I/88/PM 1/10 dated 14.12.1989 (RBE 309/1989)]

11. **Erroneous Promotions:**

11.1 Sometimes due to administrative error, staff are overlooked for promotion to higher grades. This could be either on account of wrong assignment of relative seniority of the eligible staff or full facts not being placed before the competent authority. Broadly, there can be two types:-

- (a) Where a person has not been promoted at all because of administrative error; and
- (b) Where a person has been promoted but not on the date from which he would have been promoted but for the administrative error.

11.2 Each such case should be dealt with on merits. Staff, who have not been promoted on account of administrative error should on promotion, be assigned

correct seniority vis-à-vis their juniors already working, irrespective of the date of promotion. Pay in the higher grade may be fixed proforma at the stage which the employee would have reached, if he was promoted at proper time, however, no arrears shall be paid as he did not actually shoulder higher responsibility of the higher post.

- 11.3 The orders of notification, promotion or appointment of a railway employee in a substantive or officiating capacity to a post if later found to be erroneous on the basis of facts, should be cancelled and the Railway servant should immediately be brought to the position which he would have held but for the incorrect order of promotion or appointment.
- 11.4 Service rendered by the Railway servant concerned in the post to which he was promoted wrongly should not be reckoned for purpose of increment or for any other purpose in that grade.
- 11.5 Any consequential promotions/appointments made as a result of the erroneous promotion, will also be required to be regulated on the lines indicated above.
- 11.6 The decision on question whether the promotion/appointment of a particular Railway servant to a post was erroneous or not should be taken by an authority higher than the appointing authority.
- 11.7 Suitable disciplinary action should be taken against those who were responsible for such erroneous promotions/appointments.
12. **Exemption in Suitability Test in the open line on the basis of suitability Test passed while in RE or Construction Projects:**

Employees who have already qualified in the suitability test for non selection posts while in Construction/R.E. Projects need not be subjected to such tests on open line and they may be promoted on the basis of their seniority as and when due in turn. This is, however, applicable in comparable categories/grade/trades only in which the lien of the individual is kept on the open line and is applicable to only one grade higher than the one in which the lien is kept.

[E(NG)I/75/PM 1/266 dated 21.2.1976, 4.7.1976 and 29.11.1977]

13. **Promotion Courses:**

- 13.1 Railways may prescribe requisite promotional courses passing of which should be pre-condition for promotion to a grade in a cadre.
- 13.2 When employees are booked for promotional course, they should be relieved immediately.
- 13.3 No exemption should be given from passing a prescribed promotional course.

- 13.4 In case of posts for which 'Promotional Course' has been prescribed as a pre-requisite condition to promotion, the employee may be allowed to avail of three chances to pass the course at the cost of the Administration. More chances, if any allowed, should be at the cost of the employee himself.

[E(NG)I/73/PM 1/196 dated 05.12.1973, E(NG)I/76/PM 1/219 dated 31.05.1977 and E(NG)I/85/PM 1/4 dated 27.04.1985 (RBE 124/1985)]

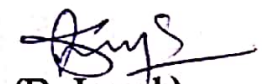
14. Procedure and guidelines to be followed in the case of promotion of Railway employees who are under suspension or against whom departmental proceedings/ prosecutions have been initiated or whose conduct in under investigation is contained in the following letters issued by Railway Board, which may be referred to:-

- (i) E(D&A)1992/RG6-149(A) dated 21.01.1993
- (ii) E(D&A)2001/RG6-39(Pt) dated 17.07.2007
- (iii) E(D&A)2003/RG6-14 dated 29.07.2003
- (iv) E(D&A)2003/RG6-15 dated 07.05.2004
- (v) E(D&A)2005/RG6-5 dated 25.06.2005
- (vi) E(D&A)2004/RG6-52 dated 22.02.2005
- (vii) E(D&A)2004/RG6-37 dated 29.07.2005

15. Instructions contained in the "Brochure on reservation for SC/ST" concerning promotion wherever found necessary would also be applicable.

16. **General:**

- a) While referring to this circular, the original letters referred to herein should be read for a proper appreciation. This circular is only a consolidation of the instructions issued so far and should not be treated as a substitution to the originals. In case of doubt, the original circular should be relied upon as authority.
- b) The instructions contained in the original circulars referred to have only prospective effect from the date of issue unless specifically indicated otherwise in the concerned circular. For dealing with old cases, the instructions in force at the relevant time should be referred to; and
- c) If any circular on the subject, which has not been superseded, has not been taken into consideration while preparing this consolidated letter, the said circular, which has been missed through oversight should be treated as valid and operative. Such a missing circular, if any, may be brought to the notice of the Railway Board.


(D. Joseph)

**Joint Director/Estt. (N)
Railway Board**

The consolidation has been made from the following circulars:-

1. E.48/RC 1/18/3 dated 21.11.1953 (Item 2)
2. E.55/PM 1/19/3 dated 11.06.1955
3. E.56/PM 1/12/3 dated 23.03.1956
4. E(NG)/56 PM 1/36 dated 22.1.1960
5. E(NG)/54/PM 1/35 dated 10.10.1960, 13.4.1961, 3.10.1961
6. E(NG)/64/PM 1/66 dated 21.01.1965
7. E(NG)/64/PM 1/66 dated 14.10.1966 & 4.5.1969
8. E(NG)/63/PM 1/43 dated 6.9.1963
9. E(NG)/63/PM 1/82 dated 15/17.9.1964
10. E(D&A)65 RG 6-24 dated 9.6.1965
11. E(D&A)61 RG 6/20 dated 30.5.1966
12. E(D&A)65 RG 6-24 dated 20.11.1966
13. E(NG)/66/PM 1/98 dated 18.2.1967, 13.10.1967
14. E(NG)/66/PM 1/98 dated 28.7.1970
15. E(NG)I/71/PM 1/106 dated 15.12.1971
16. E(NG)I/73/PM 1/214 dated 8.11.1973
17. E(NG)I/73/PM 1/196 dated 05.12.1973
18. E(NG)I/72/PM 1/55 dated 29.1.1974
19. E(NG)I/73/PM 1/120 dated 02.02.1974
20. E(NG)I/73/PM 1/222 dated 23.02.1974
21. E(NG)I/73/PM 1/120 dated 4.09.1974 and 11.09.1974
22. E(NG)I/75/PM 1/266 dated 21.2.1976, 4.7.1976 and 29.11.1977
23. E(NG)I/76/PM 1/219 dated 31.05.1977
24. E(NG)I/76/PM 1/90 dated 22.09.1978
25. E(NG)I/79/PM 1/105 dated 26.04.1979
26. E(NG)I/76/PM 1/21 dated 15.1.1980
27. E(NG)I/76/PM 1/122 dated 26.6.1980
28. E(NG)I/80/PM 1/133 dated 05.07.1980
29. E(NG)I/80/PM 1/125 dated 11/14.08.1980
30. E(NG)I/80/PM 1/317 dated 30.12.1980
31. E(NG)I/79/PM 1/147 dated 31.01.1981
32. E(NG)I/82/PM 1/68 dated 28.4.1982
33. E(NG)I/75/PM 1/44 dated 31.05.1982
34. E(NG)I/81/PM 1/221 dated 28.06.1982
35. E(NG)I/75/PM 1/44 dated 22.09.1982
36. E(NG)I/76/PM 1/21 dated 02.02.1983
37. E(NG)I/75/PM 1/44 dated 26.05.1984
38. E(D&A)/85 RG 6/9 dated 20.04.1985
39. E(NG)I/85/PM 1/4 dated 27.04.1985 (RBE 124/1985)
40. E(NG)I/85/PM 5/3 dated 28.08.1985
41. E(NG)I/85/PM 1/14 (RAEC-78) dtd 13.11.1985 (RBE 296/1985),
42. E(NG)I/85/PM 1/13(RRC) dated 19.02.1987 (RBE 28/1987)
43. E(NG)I/97/PM5/2 dated 21.08.1987
44. E(NG)I/85/PM 1/13 dated 04.11.1987
45. E(NG)I/87/PM 1/21 dated 14.12.1987 (RBE 307/1987)
46. Hindi-87/OL1/10/3 dated 03.11.1988
47. E(NG)I/85/PM 1/13 dated 23.03.1989 (RBE 83/1989)
48. E(NG)I/88/PM 1/10 dated 14.12.1989 (RBE 309/1989)

49. E(NG)I/88/PM 1/6 dated 19.12.1989 (RBE 311/1989)
50. E(NG)I/85/PM 1/13 dated 13.02.1990 (RBE 20/1990)
51. E(NG)I/90/PM 1/36 dated 19.12.1990 (RBE 236/1990)]
52. E(D&A)1992/RG6-149(A) dated 21.01.1993
53. E(NG)I/97/PM1/31 dated 17.02.1998
54. E(D&A)2001/RG6-39(Pt) dated 17.07.2007
55. E(D&A)2003/RG6-14 dated 29.07.2003
56. E(D&A)2003/RG6-15 dated 07.05.2004
57. E(D&A)2005/RG6-5 dated 25.06.2005
58. E(D&A)2004/RG6-52 dated 22.02.2005
59. E(D&A)2004/RG6-37 dated 29.07.2005
60. E(NG)/2018/PM1/4 dated 14.12.2018 and 14.06.2019.

ANNEXURE-I

Copy of Railway Board's letter No. E(D&A)65RG6-24 dated 9.6.1965 addressed to the General Managers, All Indian Railways etc.

**Subject:- Reversion on grounds of general unsuitability of staff
officiating in a higher grade or post.**

In Shri N. Kamalkara Rao, Director Establishment's D.O.No.E55RG6-26 dated 21.5.56, it was, inter-alia, stated that any person who is permitted to continue to officiate beyond 18 months cannot in future be reverted for unsatisfactory work without following the procedure prescribed in the Discipline and Appeal Rules. These instructions were cancelled vide Board's letter No. E(D&A)60RG6-5 dated 01.02.60 and 14.5.60, thus permitting the reversion of an employee officiating in a higher post, on grounds of general unsuitability at any time and not necessarily within a period of 18 months, without following the procedure prescribed in the Discipline and Appeal Rules.

The Board have reconsidered the matter and feel that it would not be correct to effect such reversions after prolonged officiating periods. They have, therefore, decided again that, in future, any person who is permitted to officiate beyond 18 months cannot be reverted for unsatisfactory work without following the procedure prescribed in the Discipline and Appeal Rules.

Sd/-
(P.B.JAIN)
Deputy Director, Establishment
Railway Board

ANNEXURE-II

Copy of Railway Board's confidential letter No. E(18A)11RGS-20 dated 30th May, 1988 to GMs etc.

Sub: Removal of the name of a Railway employee from a panel for promotion to a selection post.

Reference Board's confidential letter No. E(18A)11RGS-20 dated 21.3.1988 on the above subject, wherein instructions were issued regarding the procedure to be followed in removing the name of a Railway employee from a panel in certain types of cases. In the light of the judgements of various High Courts, the question has been re-examined by the Board in consultation with the Ministry of Home Affairs and Law, and in supersession of the instructions contained in the above mentioned letter, they have decided the follows:-

- (a) The name of a Railway employee, who has been promoted by virtue of his position on a panel, should not be removed from the panel (while the panel lasts) until he is confirmed in the post to which he has been promoted. If the employee, while still officiating, is reverted on grounds of unsuitability - not a penalty vide item (iv) of Explanation I under Rule 1707-R1- his name should continue to be borne on the panel. A suitable remark may, however be passed against his name, indicating that he was given a trial but was considered unsuitable. In such cases, the competent authority need not recommend the employee for re-promotion during the currency of the panel merely because his name is borne on the panel. When the currency of the panel lapses the name of the employee automatically disappears, along with the residual names on the panel.
- (b) If the Railway employee, whose name is borne on a panel, is considered unsuitable for promotion even before he is promoted, his name should be removed from the panel but before this is done the reasons for such action should be communicated to him and he should be given an opportunity to explain his cases. In such cases,
 - (i) the power to remove the name from the panel should be exercised by an authority next above that which initially approved the panel; and
 - (ii) the railway employee will have a right of appeal against his empanclement to the next higher authority.

2. The question of taking action as indicated in item(s) (a) and (b) above would obviously arises only when the panel is current. In cases, where such action is taken the railway employee concerned will have to appear at a subsequent selection after currency of the panel has expired.
