

No.A.11013/1/2008-P&AR (GSW)
GOVERNMENT OF MIZORAM
DEPARTMENT OF PERSONNEL & ADMINISTRATIVE REFORMS
(GENERAL SERVICE WING)

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Mizoram Secretariat, MINECO
Aizawl, the 26th May, 2023

To,

The Secretary
Mizoram Public Service Commission,
Mizoram, Aizawl

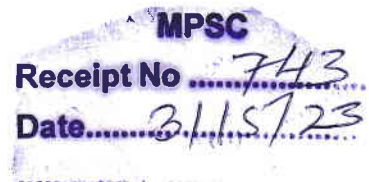
Subject: Request for clarification in the Office Memorandum regarding procedures of the DPC-Regd.

Ref: No.A.92/A/2022-MPSC, dated 24.03.2023

Sir,

With reference to the letter No. cited above, I am directed to furnish clarifications as under:

1. Vacancies should be carried forward only when there is no eligible officer in the feeder post. Otherwise, the process can be abused to delay the promotion exercise until some candidate becomes eligible. It is important to follow the general procedures of establishment matters, which are framed in line with the DoPT by a team of GSW, MPSC and Law and Judicial Department. These procedures are designed to remove injustice in cases where the consideration for promotion has been delayed for administrative reasons. Government Orders exist in the Union and most of State Governments that yearwise panels should be prepared for D.P.C. Bunching of vacancies is not permissible. The procedure for preparing yearwise panels was laid down in DoPT O.M. No. 28034/6/86-Estt.(D), dated 24.12.1980. These instructions have been reiterated in the consolidated instructions issued vide. DOP&T O.M. No. 22011/5/86-Estt.(D), dated 10.4.1989. The purpose of these procedures is to remove injustice in cases where the consideration for promotion has been delayed for administrative reasons. These instructions were already noticed in Vinod Kumar Sangal v. Union of India, 1996 AIR SCW 58.



2. Indication of vacancy years, in case of carrying forward of vacancy, is at the discretion of the DPC. Further, the consolidated select list/yearwise list has no effect on the preparation of seniority list for promotees as seniority is delinked from the vacancy year. It is the established legal position that seniority is determined with reference to the year in which the persons are borne in the cadre. This has been reiterated in the OM.No.A.23020/1/2019-P&AR (GSW), dated 28.03.2023. Therefore, promotion will have a prospective effect, even if the vacancy(s) relate to an earlier year(s).

Yours faithfully,


29/5/23
(LALZIKPUH)

Under Secretary to the Government of Mizoram