Office Memorandum

Sub: Declaring DoPT’s OM No. AB.14017/39/2009-Estt(RR) dated 2.4.2012 as non est.

The undersigned is directed to state that Hon’ble Delhi High Court in WP (C) No. 4067/2014 and WP(C) No. 4073/2014 vide order dated 13.10.2014 quashed the DoPT’s OM dated 02.04.2012 which clarified that the benefit of NFU to Organized Group ‘A’ Services is not applicable to officers in those organized services where FCS and DACP schemes are already operating and where officers are already separately covered by their own in-situ career progression schemes. Since the said judgment of Hon’ble High Court attained finality as Hon’ble Supreme Court dismissed the SLP and Review in the case, it has been decided, with the approval of the Competent Authority, to declare the DoPT’s OM No. AB-14017/39/2009-Estt.(RR) dated 02.04.2012 as non-est. A copy of the OM dated 2-4-2012 is enclosed.

(K. Prakasham)
Under Secretary to the Govt. of India
Tel. No. 23094254

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
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 (200 copies).
Office Memorandum

Subject: Non-Functional upgradation for Officers of Organised Group ‘A’ Services – applicability for Services covered under other promotion schemes

Attention is invited to instructions of this Department issued in OM No. AB.14017/64/2008-Estt. (RR) dated 24.4.09 for Non-functional Upgradation to officers of Organised Group A Services in PB-3 and PB-4 as per 6th CPC recommendations and accepted by the Government. The instructions on NFU are applicable at HAG level where such a scale exists in the Service.

2. The issue of widespread stagnation in various Organised Group A Services where the promotion is vacancy based was considered by the 6th CPC which recommended NFU linked to empanelment/appointment of IAS officers at the Centre. References for extending the benefit of NFU to officers included in Organised Group ‘A’ Services and who are covered by their own promotions schemes like DACP, FCS etc. continue to be received by this Department. The issue has been examined in consultation with Department of Expenditure. The 6th CPC has specifically recommended separate schemes at various levels after detailed deliberations and the same are required to be followed ‘in toto’. The attributes of one scheme cannot be transposed on another and two schemes cannot run concurrently for a cadre as it would be against the spirit of 6th CPC recommendations.

3. Keeping in view that it would not be desirable to mix the provisions of one scheme with the other at different levels, it is clarified that the benefit of NFU to Organised Group A Services shall not be applicable to the officers in those Organised Services where FCS and
DACP Schemes are already operating and where officers are already separately covered by their own in-situ Career Progression Schemes.

4. The Cadre Controlling Authorities of various Services in the Ministries/Departments may accordingly take necessary action.

5. Hindi version will follow.

(Mukta Goel)
Director(E-I)
Tel. 2309 2479

To

1. All Ministries/Departments of Government of India
2. The President's Secretariat, New Delhi.
3. The Vice-President's Secretariat, New Delhi
4. The Prime Minister's Office, New Delhi.
5. The Cabinet Secretariat, New Delhi.
7. The Union Public Service Commission, New Delhi.

Copy to :
1. The Rajya Sabha Secretariat, New Delhi.
2. The Lok Sabha Secretariat, New Delhi.
3. All Attached Offices under the Ministry of Personnel, Public Grievances and Pensions.
4. Establishment Officer and Secretary, ACC (10 copies).
5. All Officers and Sections in the Department of Personnel & Training.
6. Secretary, Staff Side, National Council (JCM), 13-C, Ferozeshah Road, New Delhi
7. All Staff Members of National Council (JCM)
8. All Staff Members of the Departmental Council (JCM), Ministry of Personnel, PG and Pensions
9. Establishment (RR Division) (50 copies)
10. NIC, North Block for posting on the website.

(Mukta Goel)
Director(E-I)
Tel. 2309 2479