

The M.P. Civil Services (Reservation in Promotion and Limits on the Extent of Zone of Consideration) Rules, 1997

MADHYA PRADESH

India

The M.P. Civil Services (Reservation in Promotion and Limits on the Extent of Zone of Consideration) Rules, 1997

Rule

THE-M-P-CIVIL-SERVICES-RESERVATION-IN-PROMOTION-AND-LIMITS of 1997

- Published on 31 January 1997
- Commenced on 31 January 1997
- [This is the version of this document from 31 January 1997.]
- [Note: The original publication document is not available and this content could not be verified.]

The M.P. Civil Services (Reservation in Promotion and Limits on the Extent of Zone of Consideration) Rules, 1997 Published vide Notification F. No. C-3-22-96-3-1, dated the 31st January, 1997, Published in M.P. Rajpatra (Extraordinary), dated 31-1-1997 at pages 80(3)-(7) In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Madhya Pradesh hereby makes the following rules relating to reservation in favour of Scheduled Castes and Scheduled Tribes and to restrict the zone of consideration for promotion to the persons appointed to Public Services and posts in connection with the affairs of the State, namely :-

1. Short title and commencement.

(1) These rules may be called The Madhya Pradesh Civil Services (Reservation in Promotion and Limits on the Extent of Zone of Consideration) Rules, 1997. (2) These rules shall come into force on the date of their publication in Madhya Pradesh Gazette.

2. Scope and application.

- Without prejudice to the generality of the provisions contained in the Madhya Pradesh Civil Services (General Conditions of Service) Rules, 1961 and notwithstanding anything contained in any Service Rules, these rules shall apply to all persons appointed to public services and posts in connection with the affairs of the State, but shall not apply to the employments specified in clauses

(1) to (5) of Section 3 of the Madhya Pradesh Lok Seva (Anusuchit Jatiyon, Anusuchit Jan Jatiyon Aur Anya Pichhade Vargon Ke Liya Arakshan Adhiniyam, 1994 (No. 21 of 1994).

3. Reservation in Promotion.

- Reservation in Promotion to the Government Servants belonging to the Scheduled Castes and the Scheduled Tribes shall be as under :-(i)Where the fit list is to be prepared on the basis of seniority subject to fitness. -

| For Scheduled Castes | For Scheduled Tribes | |
|--|----------------------|------------|
| (1) (2) | (3) | |
| 1. Promotion to class II posts, promotion within class II posts and promotion from Class II to class I and promotion in class I posts. | 15 percent | 23 percent |
| 2. Promotion to class III posts, or promotion within class III posts and promotion Within class IV posts. | 16 percent | 23 percent |

(ii)Where the fit list is to be prepared on the basis of merit-cum-seniority,-

| For Scheduled Castes | For Scheduled Tribes | |
|---|----------------------|------------|
| (1) (2) | (3) | |
| 1. Promotion to the lowest rank in class I posts and promotion to Class II posts and promotion within class II posts. | 15 percent | 23 percent |
| 2. Promotion to class III posts, or promotion within class III posts and promotion in class IV posts. | 16 percent | 23 percent |

(iii)Reservation in promotion shall be available in all such cadres/posts, in which promotion quota is 25 percent or more.

4. Promotion on the basis of seniority subject to fitness or on the basis of seniority other than persons found unfit.

(1)In such cases where the promotion is to be made on the basis of seniority subject to fitness according to the Recruitment Rules or seniority of persons other than found unfit there shall be no Zone of consideration for all categories.(2)The names of only such persons shall be considered for promotion, who have completed the prescribed minimum length of service in the feeder post according to the Recruitment Rules. It is, however, not necessary to consider all the names of persons who have completed the prescribed minimum length of service but only such number of cases of persons shall be considered according to the seniority which shall be sufficient to cover the number of anticipated vacancies during one year under each category.(3)The number of vacancies available for promotion during the previous years and anticipated vacancies of the current calendar year shall be taken into consideration for promotion by the Departmental Promotion Committee. The number of vacancies to be reserved for Government servants belonging to Scheduled Castes and Scheduled Tribes shall be worked out on the basis of the roster which is required to be maintained in

accordance with the instruction issued by the State Government from time to time.(4)For filling up the posts by this method (that is seniority subject to fitness) the Departmental Promotion Committee shall consider the case of each Government servant separately on the basis of his own merit, that is to say, that there shall be no need to make a comparative assessment of the merits of persons. The Departmental Promotion Committee shall consider the records of each Government Servant separately and should categorise them as 'fit' or 'not fit'.(5)Separate fit lists shall be prepared for General Category, Scheduled Castes and Scheduled Tribes candidates, in which the names of such number of persons belonging to Scheduled Castes, Scheduled Tribes and General Category shall be included which is equal to the number of posts reserved for these categories.(6)The names of persons included in each list shall be arranged in the same order of their seniority in the cadre/post from which promotion is to be made.(7)The promotion of persons shall be made from these separate fit lists according to their seniority in the feeder cadre and according to the prescribed order shown in the roster.(8)In order to determine the inter-se-seniority of the persons belonging to the three categories in the cadre/post to which promotion is made, a combined fit list of the above three classes of government servants shall be prepared in the same order in which their names appear in the seniority list of the grade/post from which the promotion is being made.Explanation. - The names of Government servants promoted on the basis of this combined fit list shall be placed unblock below the name of last Government servant promoted on the basis of the immediately preceding year's combined fit list.(9)The fit list shall be reviewed/prepared every year in accordance with the Recruitment Rules.(10)The reserved posts which remain unfilled due to non-availability of suitable government servants of the Category for which the post is reserved despite consideration of the names of all persons eligible for consideration as per the Recruitment Rules shall be carried forward for three years. If even after the third year suitable Government servants belonging to the reserved category are not available such reserved posts may be filled up by promotion of a person belonging to the other category for which reservation is made, that is to say, if a post reserved for Scheduled Castes remains unfilled it may be filled up by promotion of a person belonging to Scheduled Tribes and if a post reserved for Scheduled Tribes remains unfilled it may be filled up by promotion of a person belonging to the Scheduled Castes. If a post remains unfilled even after such inter change as aforesaid it may be filled up by promotion of a Government servant belonging to the general category.

5. [Promotions to be made on the basis of merit-cum-seniority. [Substituted by Notification No. FN-C-3-12-98-3-I, dated 27th July, 1998.]

(1)Where promotions are to be made on the basis of merit or merit-cum-seniority according to the Recruitment Rules, then the zone of consideration, that is the number of persons to be considered for promotion out of those eligible persons in the feeder posts, shall be as under :-

| | |
|---|------------------------------------|
| Number of vacancies to be filled during the year(1) | No. of persons to be considered(2) |
| 123456 | 5810121416] |

(2)Where adequate number of candidates belonging to Scheduled Castes and Scheduled Tribes are not available within the zone of consideration as mentioned above, then the zone of consideration may be enlarged to seven times the number of vacancies and the names of only such candidates

belonging to Scheduled Castes and Scheduled Tribes who are in the enlarged zone of consideration shall be considered for filling up the reserved post.(3)Only the names of such persons shall be considered for promotion who have completed the requisite number of years of service in the feeder post according to the Recruitment Rules for promotion and who are within the zone of consideration or extended zone of consideration.(4)[The number of vacancies available for promotion during the previous year and anticipated vacancies of the current calender year shall be taken into consideration for promotion by the Departmental Promotion Committee. The number of vacancies to be reserved for Government servants belonging to Scheduled Castes and Scheduled Tribes shall be worked out on the basis of the roster which is required to be maintained in accordance with the instructions issued by the State Government from time to tome.] [Substituted by Notification No. FN-C-3-12-98-3-I, dated 27th July, 1998.](5)For filling up the posts by this method the Departmental Promotion Committee shall make a relative/comparative assessment of the merits of candidates who are within the zone of consideration and make an overall grading of the candidate's merit on the basis of his service record and place them in the categories as outstanding, very good, good etc. and thereafter prepare the select list keeping in view the provisions of Recruitment Rules and the criteria adopted for promotion to the higher grades.(6)Separate select list shall be prepared for persons belonging to the Scheduled Castes, Scheduled Tribes and General Category in which such number of Government servants shall be included which is equal to the number of post reserved for Scheduled Castes, Scheduled Tribes and General Category.(7)The names of the Government servants included in each list shall be arranged in the same order in which their names appear in the seniority list of the cadre from which promotion is to be made :Provided that the Departmental Promotion Committee may place a candidate to a higher place in the select list on the basis of his outstanding merit in accordance with the Recruitment Rules.(8)The promotion to the higher cadre shall be made from the select list according to the names appear in it and according to the prescribed order shown in the roster. Reserved posts shall be filled up only by the Government servants belonging to the same class for which the posts reserved.(9)In order to determine the inter-se-seniority of Government servants belonging to the three categories, a combined list of the three select lists shall be prepared in which the names of Government servants shall be arranged in the same order in which their names appear in the seniority list from which promotion is to be made. But if the Departmental Promotion Committee has given a higher place to a person on the basis of his outstanding merit, the name of such person shall be placed in such higher place.Explanation. - The names of the Government servants promoted on the basis of this combined fit list shall be placed enbloc below the last Government servant promoted on the basis of the immediately preceding year's fit list.(10)The fit list shall be reviewed/prepared every year in accordance with the Recruitment Rules.(11)The reserved posts which remain unfilled due to non availability of suitable candidates of the category for which the post is reserved despite consideration of all persons within the zone of consideration or such extended zone of consideration, shall be carried forward for three years. If even after three years, suitable Government servants of that reserved category are not available then the posts may be filled up by promotion of candidates of other reserved category i.e. if a post reserved for Scheduled Castes remains unfilled it may be filled up by promotion of a candidate belonging to Scheduled Tribes, if available, and if a post reserved for Scheduled Tribes remains unfilled it may be filled up by promotion of a candidate belonging to the Scheduled Castes, if available. If a post remains unfilled even after such inter change as aforesaid it may be filled up by making promotion

to the candidate belonging to the general category.

6. Roster.

- There shall be maintained a roster invariably by every Department/Office in the prescribed form in respect of posts to be filled up by promotion. The Appointing Authority/Head of Office shall be personally responsible for maintenance of roster properly.

7. Representation in Promotion Committee.

- If the nominated numbers other than the member presiding the screening/promotion committee in respect of the posts to be filled up by promotion do not represent the category of Scheduled Castes or Scheduled Tribes then one officer of the said category of the same status shall be included in the Promotion Committee and the number of members of Promotion Committee shall be extended to that limit.

8. Power to remove difficulties relating to interpretation.

- If any difficulty arises relating to the enforcement of these rules it shall be referred to the Government in the General Administration Department whose decision thereon shall be final.

9. Repeal and Saving.

- All rules and instructions corresponding to these rules enforce immediately before the commencement of these Rules and which applies to such Government servants to whom these rules shall apply are hereby repealed :Provided that any order made or action taken under the Rules so repealed shall be deemed to have been made or taken under the corresponding provisions of these Rules.