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## **UNIT-5 RECRUITMENT, SELECTION, APPOINTMENT AND PROMOTION**

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### **5.0 LEARNING OUTCOME**

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After studying the Unit, you will be able to:

- Understand the theory and practice of recruitment, particularly highlighting its significance in civil service;
- Highlight the methods and procedures of recruitment;
- Appreciate the theory and practice of promotion;
- Analyse constitutional provisions with regard to recruitment and promotion in India; and
- Understand the main methods to ascertain merit.

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### **5.1 INTRODUCTION**

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Human capital utilisation in an economy is contingent on sound recruitment. Recruitment is “the cornerstone” of the entire personnel structure. Proper selection and placement of new employees is a pre-requisite for the development of an effective work force. “Unless recruitment policy is soundly conceived, there can be little hope of building a first rate staff”. (Stahl, 1966) The aim is to ensure, as far as possible, that employees are engaged in jobs wherein they have a fair chance of succeeding and at the same time feel well adjusted to their work environment.

Fairness and impartiality in recruitment are absolutely vital in public services. A.B. Vajpayee, former prime minister of India, in a message to the platinum jubilee souvenir (1926-2001) of Union Public Service Commission, observed, that free, fair and impartial selection of personnel for posts in the government is critical, not only for good governance but also for instilling confidence in people about the impartiality and neutrality of civil service. Faulty recruitment inflicts a permanent weakness on the administration. A theoretically sound civil service structure is of no avail if those who man the structure are incompetent or apathetic.

In this context, one of the United Nation's Reports rightly states that, "the core design of progressive recruitment policy in any organisation is the reduction, if not the elimination of favouritism, nepotism and incompetence in the selection process."

Since the efficiency of the civil services depends to such a great extent on the quality of manpower selected, the UPSC has taken meticulous care to ensure selection of persons with high caliber through a transparent, fair and objective selection process. The systems, procedures and methods for recruitment to the civil service are being constantly reviewed for tapping the 'best available' talent. There is a firm recognition of the fact that the quality of public services in India and the quality of administration on the whole remains high and has been maintained solely because the commission has so steadfastly adhered to the principle of merit. (UPSC; 47th report)

The need for fool-proof civil service recruitment is stressed for many reasons. The institution is the bed rock of '*modernity*' in that it coalesces together separate entities (owing to poly communalism) into the facsimile of a nation-state. Its effective functioning, in turn, is contingent on the quality of manpower. Efficient functioning of the civil service has positive spin-off effects on other sectors especially in predominantly 'political economy' countries like India, where government retains monopoly over goods and services provision in the majority of sectors and continues to play a vanguard role in the development of the economy.

Other personnel processes such as training, placement, promotion, etc., are dependent on sound recruitment for built-in efficacy. Training cannot make up for faulty recruitment; as also on-the-job training requires sound recruitment to be effective.

Manpower planning is practiced through the recruitment process (it has been discussed at length in Unit No. 3). Overstaffing and imbalance through tiers has reportedly plagued the functioning of the Indian civil service in recent years. Fiscal deficit has consequently burgeoned and efficiency standards fallen. Empirical analysis of recruitment data reveals manpower requirements over a time frame in specified sectors in the civil service and career planning and development followed by the organisation, on which, depends, the *targeted* character of the recruitment policy of the organisation and the country as a whole, and most importantly, organisational health.

Study of recruitment trends overtime reveals placement preferences of youth in the country. Analysis of personnel inventory depicts the socio-economic composition of the workforce with implications for academic disciplines and practical sciences of *sociology* and *economics* as well as the *art* and *science* of public administration. Data collected serves as 'rational' bases for objective theory formulation, heuristic model building, and proffering policy inputs or recommendations based on objective research based, 'rational' criterion, trends in demographic composition of the civil service; for example, age structure, socio economic preferences of youth concerning employment in the government sector, need for consequent modifications in work content via enlargement, enrichment, change in working conditions, etc; change preferences in accordance with ideological preferences or orientation of the ruling elite are revealed.

Civil service recruitment policy is an indicator of the value system prevalent in the country, for example, whether driven by ‘*equity*’ concerns or powered by the ‘*efficiency myth*.’ It gets revealed by pursuance or otherwise of, or the extent of ‘*affirmative action*’ if at all pursued in favour of disadvantaged groups viz. minorities, women, economically backward etc.

The *equity objective* is being served via the recruitment process. India for example is committed to the cause of social and economic justice ensured through the constitutional provision of ‘equality of opportunity’. Disadvantaged sections of society are provided job reservations as ‘*equality*’ is interpreted as a virtue inhering between people placed in ‘*like circumstances*’ and not as subsisting between ‘*unequally*’ circumstanced people. Historically marginalised people have not been on an equal footing with their more privileged brethren. Equality does not therefore, obtain between people disadvantageously positioned.

In the same vein, organisational culture and philosophy and ‘environmental’ values co-opted in internal policy of an organisation also get revealed in the recruitment literature. Degree of autonomy enjoyed by organisations and the functioning of democracy are indicated by recruitment policies of independent organisations.

*Lastly*, but no less significantly, recruitment involves continuous review and improvement of the examination process on the basis of facts gathered through research and development regarding implementation, relevance of the process in changing times and need for review of the process. Evaluation and feedback lead to better ‘*craft*’ or articulation of policy inputs. The reform exercise might be important from the point of view of morale of prospective employees, quality of selections, considerations of justice and equity in the selection process, besides organisation design and sociological theory implications.

Above enumeration is by no means exhaustive; new facets continue to emerge as understanding of personnel processes deepens.

Two terms need elaboration viz. *recruitment* and *appointment*, in that they require discrete usage though are often used interchangeably. ‘*Recruitment*’ covers the entire gamut of activities relating to entertainment, acceptance, selection and approval for appointment and *not the actual* appointment itself or posting in-service. *Appointment* refers to the actual posting assigned to a person, post-selection, to a particular office. The first instance of a sound recruitment policy comes from China where people were recruited through competitions centuries ago. Prussia was the first country in modern times to adopt an objective recruitment system. The merit system was introduced by the East India Company in 1853 for recruitment of civil servants in India. England accepted this system in 1857. In the U.S.A., it was the spoils system at work. The system came to a partial end after the assassination of President Garfield in 1881 by a disgruntled job-seeker.

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## 5.2 ESSENTIALS OF RECRUITMENT

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Notable essentials of recruitment are;

1. All personnel process, viz. recruitment, training, career planning and development, performance appraisal, etc., are inter-linked and should be appreciated in totality; not piecemeal, for overall improvement of organisational

practice. As a prerequisite to sound personnel management, planning and development of recruitment policies and procedures should be in consonance with national personnel policy and the broad organisational, state and nation- wide, socio- economic goals involving ‘*authoritative allocation of values*’ on the part of the ruling elite. In this context, dilemma concerning ‘liberty’ and ‘equality’ postulates may not always be easily resolvable. The reference here is to equity requirements vs. merit considerations in public employment.

2. The recruitment process should be linked with the organisation-wide manpower or human resource plan for purposes of economy and ready availability of personnel with attendant implications for organisational efficiency. The progression of the process of manpower planning is from *micro* to *macro*, envisioned as a series of concentric circles moving outwards.
3. The net for recruitment should be cast wide to reach out widest in pursuance of ‘the best available’ talent, to the extent practicable.
4. Management should encourage staff participation in formulation and implementation of recruitment plans to make them *real*.
5. The recruitment process should be carefully planned, organised, directed and controlled. POSDCoRB delineates specific administrative activities as it does the whole (at successive macro levels), organisational, or at the level of the state.
6. Recruitment should employ fair and impartial criteria to build the confidence of the people, particularly prospective employees. Legal aspect should also be taken care of. Both organisational and individual interests should be addressed through *responsive* and *benevolent* policy.
7. Minimum time and money cost should be incurred. For example, methods and procedures which aid quick disposal of applications should be used. All methods employed should ensure economy apart from efficiency as also clarity with regard to objectives of the effort or practice.
8. Recruitment agencies should show positive interest in incorporating theoretical postulates delineated as *ideal*. Academic and practical worlds should conjoin effectively.

### **Sources of Recruitment**

There are two sources of recruitment; inside and outside source. The first method entails promotion and the second, *recruitment*, in the literal sense of the term. These two methods are not mutually exclusive and all governments take recourse to either or both at the same time, to meet personnel requirements. Indeed, the best solution to the problem is in a happy combination of the two approaches in the light of *administrative requirements*, *past experience*, *academic deliberation* and *value impingement* from the environment (specifically government directives)

### **Advantages of Direct Recruitment**

- (1) Direct recruitment is in accord with democratic stipulates as it affords ‘*equal opportunity*’ to all prospective employees.
- (2) It widens the ambit of selection and makes it possible to tap a wider market for supply of desired human resource.

- (3) Redundancy in an organisation is checked. Direct recruits infuse new blood into the system by their fresh perspective, new ideas and approaches. In the same vein, public services are kept in tune with the changing socio-economic environment in the country through continuous supply of fresh graduates. Reform comes by easily and change is not resisted, as is otherwise apprehended (arguable though; referring to the hypothesis that bureaucracy is by its very nature, change resistant)
- (4) Technical updating of personnel is imperative, specifically in case of 'process' organisations where latest technical know-how is imminent. Young men supply it easily. Training cost may be lowered in such cases;
- (5) Direct recruitment motivates employees already working for the organisation to keep themselves up-to-date with the new and the latest information, lest they lose in the run for higher posts to outside players. It is therefore conducive to maintaining as also augmenting efficiency standards.

#### **Disadvantage of Direct Recruitment**

- (1) Direct recruits lack experience and practical know-how. Prolonged and intensive training might be required to cover the '*competence-lag*,' which entails cost. This argument may, however, be contested on the ground that 'competence lag' is found among all employees irrespective of source; new recruits may not be singled out for treatment. Besides, adaptability may be a personal, individualised attribute. Nevertheless, a commonplace argument is put forward that inexperience proves a costly disadvantage since organisations vie for competitive edge in the market place.
- (2) Recruitment from outside source kills the initiative of internal candidates. They feel discouraged which impedes organisational morale with attendant impact on morale and work efficiency.
- (3) Direct recruitment places young people over old; inexperienced over experienced. This might not be good for development of positive 'social capital' with its organisational culture implications (articulate in the working of the informal organisation) with attendant impact on organisational solidarity, and *esprit-de-corps*.
- (4) Older people cannot compete successfully with young entrants as they get out of touch with studies. Older people also cannot "mug up" easily which may be required for success in examinations.

The question arises as to which of the two methods should be adopted for recruitment to public service? It may be said that neither of these methods can be preferred to the total exclusion of the other; a mix of approaches may be recommended as sound organisational strategy; practice endorses the viewpoint.

Both these methods are followed in practice. In India, there is direct recruitment for the All India services (I.A.S.) and other central services but a certain proportion of posts are reserved for recruitment by promotion (from inside source). The proportion of indirect recruitment varies from service to service, class to class, department to department. Civil servants are not only recruited through open competitive examination, but certain officials from the state governments also get promoted. There are differing opinions, however, on the practice. There is a feeling that promotions from state services dilute the quality of all India services personnel. Besides, the whole idea of all India civil services gets lost when other state officers are promoted to civil services and work in the state itself. It should be made mandatory for the officers who are promoted to civil service to

serve in other states to maintain the ethos of All India Civil Services (Misra, 2005). The fifth pay commission made the following recommendations to ameliorate the situation.

- When state officers are promoted to the AIS, 50% of them should be allotted to contiguous states of the same region and the balance 50% should be allotted to their own state.
- All AIS officers should be compelled to do at least one stint of deputation with the center during the first 15 years of their service.
- The Central Government should have the authority to change the state of allotment for any officer, if there is evidence to show that he has developed a close nexus with either the politicians or other elements in a state.

In the U.S.A., direct recruitment for higher posts is more limited in comparison to Britain and India, since there is more recourse to promotion from 'below' for higher echelons.

### **Evaluating the Practice**

It is contended that extensive direct recruitment at higher levels may be a poor reflection on the ability and talent available 'within.' It also undermines the career idea. On the other hand, complete absence of direct recruitment for the positions might reflect poorly on organisational practice since it might signal 'complacency' on the part of the organisation with impacts on 'organisational effectiveness.'

Balance between the 'Closed' and 'Open' system model theories with respect to organisation theory, instead of one or the other extreme might be a more practicable idea. Compatibility between 'closed' and 'open' model perspectives of organisation theory might be significant for both academic learning via heuristic analysis (model building). There is an urgent need to arrive at a compatibility of the two approaches to organisational structuring. Practice indicates that one method cannot be preferred absolutely to the other.

The various methods of Recruitment followed in India as illustrated in the fifth pay commission report are as follows:

- Promotion
- Direct Recruitment
- Deputation
- Transfer
- Reemployment
- Short Term Contract

Contract employment is prevalent in a limited measure in government departments. Consultants can be appointed to the tune of 19% of the total strength with relaxations in case of the Planning Commission. Lateral entry and contract service have been in consideration of late and have also been recommended by the fifth pay commission in view of increasing specialisation of work and the need for networking knowledge.

## Legal Position

Legally, the source of recruitment with respect to any post is entirely a matter of discretion with the government. An authority competent to recruit can also lay down policy with regard to the number of posts to be filled by direct recruitment and by promotions, and, if the authority decides that a post should be filled by direct recruitment, persons eligible for promotion cannot claim any priority.

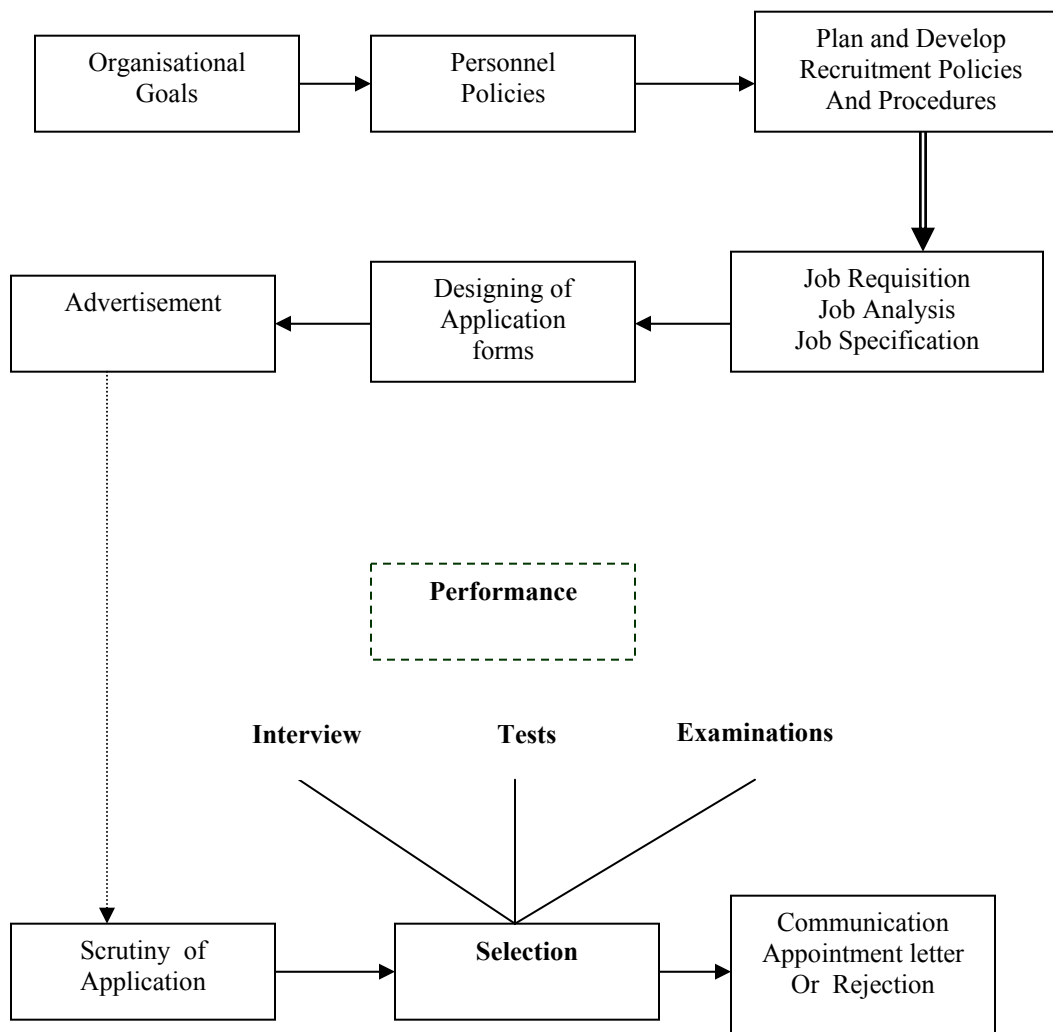
In the absence of any statutory rules governing appointments to any state service, the appropriate state may recruit members to that service in any manner it likes, in exercise of its executive powers under Article 162 of the Indian constitution, provided the guarantee contained in Articles 14 and 16 of the constitution are not infringed. So long as the action of the government does not violate any fundamental or statutory rights of the persons concerned, mere absence of a statute or a rule justifying a particular manner of appointment will not invalidate it. If, however, there is in existence any valid law or statutory rule relating to appointment, the executive is bound to abide by the relevant law or rule and has no jurisdiction to ignore, out step or violate the same under the guise of executive powers. (*Roshan Lal Sharma vs. Union of India, 1968, Punj 47*)

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## 5.3 STEPS IN RECRUITMENT

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Recruitment Process is diagrammatically illustrated as follows:



Recruitment process consists of the following steps:



### **a. Job Requisition**

The first essential step is *job requisition*, which gives the recruiting agency information regarding each job. This is done through '*job analysis*' and '*job specification*'. *Job analysis* is the study of all facts relating to a job and its work environment; physical and social which potentially impacts performance. *Job specification* is a statement of the physical, mental and temperamental qualities desirable for accomplishing a job. (These have been discussed in Unit No. 4 in detail) This exercise helps in categorising the requirements of a job, detailing facts regarding:

- (a) Qualifications required of the job; general educational qualifications and technical, whichever specified;
- (b) Specific skill, ability or aptitude (if) required has to be determined and laid down to help choose the right selection test;
- (c) Previous job experience if required to put premium on continuity;
- (d) Personal and physical attributes desired; and;
- (e) Age and domicile requirements if any.

Based upon these facts, the head of the organisation submits to the recruiting agency, requisition for the staff required.

### **b. Designing Application Forms**

Application forms may be designed to procure the required information from applicants, *as per* job descriptions and specifications. A well designed application form is a prerequisite for the success of the recruitment process. If employees send applications on plain sheets of paper, all facts may not be procured making some kind of alternate arrangement such as correspondence with candidates necessary to get additional information. A well designed application form obviates the need for contingent measures. Hence application design is about both fact and value. The two are intermixed in real life situations.

Sole or over- reliance on applications, however, could be counter productive in many ways and management has to guard against its excessive use. Form design can potentially disadvantage people who may not meet formal criterion but might otherwise have excellent work skills. Management has to ensure short listing of such candidates who might not even, otherwise, make it to the interview (HR Guide, 2005).

Some Other Important Guidelines are noted thus:

While including minimum educational qualifications or specific work experience as key criteria, consider whether these are *really essential* to the position. Essential and optional requirements may ideally be separately catalogued. Economical use of paper is also important.



Significantly, applications contain value input from the environment. Hence they reflect organisational philosophy and value impingement from the ruling elite (particularly government in power). For example, employment of disabled people or women under quota policy, or labour contract laws might be put as a statutory requirement if stipulation to that effect is made by the government. Job descriptions and specifications are being used in developed nations like U.K to afford equal opportunity in employment to disabled candidates. The extent to which an advertisement includes or excludes disabled people depends on the job description and specification listed therein. Physical, educational and behavioural requirements could be so laid down as to enable or prohibit disabled applicants from applying. Careful drafting can help integrate them in the mainstream by opening up to the extent possible, regular sectors of employment. Compliance with government policy and enforcement of corporate social responsibility is also secured through advertisements.

Standard application forms might militate against diversity and pluralism of/ about the workforce. Letter of the form, and categories under which information is asked for, should be formulated carefully. In-built flexibility is therefore, needed and organisational culture and human relations implications also need to be considered.

Application and advertisements are tools to achieve the needed balance between organisational and individual goals and thus 'organisational equilibrium'. The advertisement should highlight the salient points of the job and lay down the requirements of the job clearly. Applicants should be able to look at organisational goals and match them with their personal goals.

### **c. Advertisement**

The recruiting agency notifies vacancies to identified sources through well- articulated advertisements. Care should be taken in drafting advertisements as well, as there are legal implications inherent. Advertisement is an attempt to secure best talents for the post and fulfill constitutional requirements of giving equal opportunity to all eligible candidates. Advertising does not imply an obligation that the post will be filled (*Daya Ram vs. State of Haryana AIR, 1974 P&H 279*)

The cost factor has to be especially considered in issuing advertisements and in the process of sifting applications and communicating thereafter. It should both be speedy as well as cost efficient. The information communication revolution has altered the scenario considerably in the present day times. Paper work has been minimised considerably, especially in developed countries. Online submission of applications is very much in vogue.

### **Modes of Inviting Applications**

There are many ways in which vacancies can be announced to interested people. The most commonly employed are;

- (i) Newspapers,
- (ii) Trade or professional journals,
- (iii) Notice boards in field offices
- (iv) Employment exchange

- (v) Employment job centers,
- (vi) Department of social welfare (in vacancies reserved for scheduled castes and tribes backward classes, etc.),
- (vii) Directorate general of re-settlement, ministry of defense, in respect of vacancies reserved for ex-servicemen.

### **Technique of Advertising**

The best techniques for writing effective job advertisements are the same as for other forms of marketing. (Chapman, 2001-04) The aim of the job advert is to attract interest, communicate quickly and clearly the essential (appealing and relevant) points, and to provide a clear response process and mechanism. Design should concentrate on the clarity of text, text layout, and on conveying a professional image. Information must be communicated effectively one way or another to the target group.

- Advertisement should have simple formatting. It should not be over designed or too graphic. Care should be taken to ensure that the job advertisement is easy to read and includes all relevant categories of information. Also, information should be asked for in a logical order in all job advertisements.

As with application design, language used in advertisements should be simple, comprehensible, and clear; all required information should be made available, which is consistent, timely and adequate, free of bias or ambiguity on any count or fraught with legal complications. All required and relevant information should be supplied to the applicant and also elicited as per organisational requirements.

Evaluation is necessary. It is necessary to monitor the extent to which job advertisement attracts a wide range of candidates. If there are too few candidates for a particular post or too many who do not possess relevant skills or experience there might be need to review the advertisements (Chapman, 2001-04). R&D activity in the organisation is stressed here.

### **d. Scrutiny of Applications**

The next stage is scrutiny of applications. The purpose of scrutiny is to sift out less desirable candidates. Scrutiny of eligible candidates can ensure if information required of a candidate is complete and whether he fulfils all requisite criteria of eligibility apart from meeting essential minimum prescribed qualifications. If scrutiny indicates that the number of applicants is large, some criteria may be designed to keep the number of candidates to a manageable proportion. Sometimes there are rules which require that number of applicants to be examined may be four times of all applicants. The appointing authority is not barred from adopting a 'rational procedure' for short-listing the eligible candidates. This can be done either through the written examination or interview or by fixing some other rational criteria. The balance of power is unmistakably tilted towards the organisation in this case. If a candidate is not called he cannot therefore have any grievance of hostile discrimination. (Jayant Kumar Chauhan vs. PSC MP 1979 Lab 10(NOC), 17, MP (HC) .Time taken for scrutiny is also not prescribed in most cases resulting in considerable, often too much discretion, with the management.

#### **e. Selection**

The recruiting agency arranges an examination or interview or both, to select the suitable candidate(s). After selection, a list of selected candidates is prepared in the order of merit and published. The list generally contains more names than the actual number of vacancies as sometimes some candidates may not join for some reason. The appointing authorities cannot depart from rankings given in the test. The list generally remains valid for a period ranging from six months to one year depending upon the rules of the organisation concerned. So long as the selection list is in operation, the appointment is to be made from this list. However, there is no guarantee to appoint candidates from the selection list only. Rules are often framed to minimise legal interface with employees (present and prospective). Undoubtedly, this is an important emerging branch of human resource management.

#### **f. Communication**

The suitable candidates selected are informed while unsuccessful candidates may or may not be informed. The information given to selected candidates must not be ambiguous. Terms and conditions governing appointment should be clearly spelt out.

Letter of appointment is issued after selection. It is a communication to the employee that she/he has been selected for the job. The appointment letter, depending on the rules of the organisation, is subject to police report and medical examination. The same should be drafted carefully as conditions of service of an employee are governed by the communication in the appointment letter or service rules specified therein. Many legal complications can be avoided if appointment letters are drafted and issued carefully.

#### **g. Placement**

The progress of the new employee is observed during the probation period and followed by confirmation of service of the employee, if found fit. According to Flipppo, (1976) the success in the function of recruitment can be judged by a number of criteria: (1) the number of applicants; (2) the number of offers made; (3) the number of hiring; and (4) the number of successful placements. (Flipppo, 1976)

### **Appointment in Civil Service**

At the outset, it may be desirable to clarify that the word 'public service' includes both civil and military personnel. Article 311 of the Constitution of India does not include defence personnel as they do not hold civil posts. (Hidaytullah, 1986)

### **Permanent or Temporary Posts**

“With respect to government employment, the word ‘post’ means a position in service. *Permanent post* means a post carrying a definite rate of pay sanctioned without the limit of time. Appointment to a permanent post may be *substantive*, or on an *officiating* or *ad-hoc* basis. A substantive appointment to a permanent post confers *lien* on the appointee. *Lien* means title to hold a post substantively.

*Temporary post* is a post created for a certain period without intending it to be permanent.

An appointment to a permanent post *on probation* means that the servant is taken on trial. Confirmation is usually granted after that period unless the servant so appointed on trial is found unsuitable and his service is terminated by a notice. *Ad hoc* appointment is a “stop gap, fortuitous or purely temporary arrangement” without considering all eligible persons for the post. Ad hoc employees have no right to the post. Period of ad hoc appointment is not to exceed six months, though there have been instances of it having stretched up to nine years. (ibid)

### **Quasi permanent service**

“Under rule 3 of the central civil service (temporary service rules, 1949), a person who having been appointed temporarily to a post has been in continuous service for more than three years or has been certified by the appointing authority as fit for employment in a quasi permanent capacity, such person is to be deemed to be in quasi permanent service. He then gets a right to the post though he has no lien and cannot claim permanency.

Unless the employee acquires the status of a quasi permanent, he cannot claim the protection of Article 311 of the Indian Constitution” (Hidaytullah, 1986).

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## **5.4 CIVIL SERVICE RECRUITMENT IN INDIA**

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The determination of the recruitment authority is one of the essential features of the process. Article 309 of the Indian Constitution empowers the Central Government and State Governments to regulate recruitment and conditions of service of persons appointed to public services and posts through an act of appropriate legislature. The Parliament made the All India Staffing Pattern Services Act in 1951, which governs the conditions of service of All India Service Officers. The recruitment and employment of civil servants is regulated by the rules made by the respective governments under the provisions of the constitution.

The power conferred by Article 309 on the legislature and the executive, is subject to limitations. Neither the laws nor the rules made under the article can override constitutional provisions, which limit legislative power. They are liable to be struck down if they violate constitutional provisions. Other relevant articles are; articles 14, 19, 144, 310(1) and 311. Article 14 guarantees the right to equal protection of laws, and article 19 safeguards the seven fundamental freedoms. Under article 144, civil and judicial authorities have to act in aid of the Supreme Court. Further, the application of articles 310(1) and 311 is altogether excluded by some other articles such as 76, 148 and 124-5. These articles provide for the mode of appointment and conditions of service of certain officers, namely, the Attorney- General of India, the Comptroller and Auditor-General of India and the Judges of the Supreme Court. Similarly, Article 309 of the constitution is

not applicable to some other class of public servants, for example, those covered by articles 229(2), 312(1) and 324(5). They deal respectively with the officers of the High Courts, members of All India Services and the Election and Regional Commissioners. Their conditions of service, etc., are laid down in the manner prescribed by these articles.

### **Qualifications of Employees**

The question of qualifications required for public employees are of enormous importance, as, on it, rests largely the general efficiency of the public services. These qualifications may be divided into two parts: *general* and *special*. General qualifications apply to all public employees, and are, thus, of universal application. They relate to civic status, domicile, sex and age. Special qualifications deal with education, experience, technical knowledge and personal status.

### **Merit and Suitability**

The most important problem with regard to recruitment is finding a suitable method of determining the 'merit' and 'suitability' of candidates. It is very difficult to define merit. All the qualities of 'an employee', which lead to a more efficient performance of his duties, are elements of merit. The components of merit can be competence, capacity, efficiency, initiative, dependability, straightforwardness, integrity, missionary zeal, effective supervision, leadership, alertness of mind, physique and personality, academic attainments, etc. *Merit also includes suitability*. In suitability, we are more concerned with the relationship between the applicant and requirements of the job; viz. tasks, duties and responsibility. The examination and interview methods have been adopted to determine the merit and suitability for recruitment. Articles 16(1) and (2) guarantee to all citizens an equal opportunity and a right to make an application for employment in any post under the government and also a right to be considered on merits for the post for which the application is made. But it does not extend to being actually appointed. "The European countries fall distinctly into two categories. The first category consisting of International perspective might be pertinent here. France Belgium Spain and Italy, that is those recruit personnel by competitive written examinations (not necessarily through centralised agencies) and the second consisting of Sweden, Switzerland, Holland Denmark and Germany where entry into the civil service is determined on the basis of an examination of the available records of the candidates' attainments." (Jain, 1976)

Articles 14, 15 and 16 supplement each other. Article 16 is only an application of the general principle of equality laid down in Article 14. Therefore, the concept of "reasonable classification" enters into the application of Article 16. The equality of opportunity guaranteed by Article 16 is equality as between members of the same class of civil servants and not equality between separate and independent classes. Thus if there is difference of procedure or rules concerning recruitment and promotion in different classes the same cannot be challenged on grounds of denial of equal opportunity.

Equality of opportunity includes all matters in relation to employment or appointment both prior and subsequent to the appointment viz. salary, periodical increments, promotion, seniority, terms of leave, gratuity, pension, age of superannuation etc. Equality of opportunity guaranteed in articles 16(1) and (2) does not mean that the government is not entitled to pick and chose from among the candidates for employment under the government. The appointing authority may lay down the rules or notifications prerequisite conditions of service or qualifications of selection or making the

appointment. The conditions should however be such as would be conclusive to proper discipline among the government employees. Such conditions must be applicable to all citizens subject however to the exceptions in clauses (3) to (5) of article 16. They must have a reasonable relation to or a relevant connection with the suitability for a post or employment in the public service.

There can be different treatment of employees differently situated or seeking different employment. There can be reasonable classification. But if there are no reasons for separate treatment, the discrimination would be unconstitutional. Violation of article 16(1) can be claimed by a person only if he has the necessary qualifications or satisfies all conditions validly prescribed. He cannot rely merely on erroneous orders that may have been passed in other cases.

### **Examinations**

Written examinations are of two types:

#### **(a) Essay Type Test**

The purpose of this test is to judge the caliber of the candidate about command over factual knowledge and his ability to logically reason and argue. In India, there was a compulsory essay test for all India services' recruitment. This method is costly and less reliable. Subjectivity is difficult to avoid as judgment of a subject matter would differ from examiner to examiner.

#### **(b) Short-Answer Objective Test**

A candidate takes a test in which a large number of questions are given and he answers 'yes' or 'no'. This test is objective as there is only one correct answer to a question. The advantage is that they are cheaper to administer. The results can be compiled quickly through electronic devices. Such tests have a serious disadvantage; they offer no scope for test of positive ability, creativity, and imaginativeness.

### **5.4.4 Tests in Business**

Businesses employ intelligence, aptitude and performance tests to judge suitability with respect to a particular job. The succeeding analysis points it out as:

#### **(a) Intelligence Test**

Intelligence or mental alertness tests are designed to measure the inherent intellectual capabilities of the applicant. Though recognised value is provided to intelligence tests sole reliance is not placed upon them. They are used for other purposes in dealing with employees like selection for special training for technical positions and for classifying persons for formal training classes. Multiple-choice questions are used, for example, antonyms, synonyms, simple quantitative skills, analytical reasoning, common sense, general understanding, etc.

Intelligence tests are administered to assess the mental maturity of the candidate. The intelligence quotient, commonly referred to as the I.Q. is indicative of mental age. The Intelligence quotient is judged on the basis of mental age which might be different as compared to physical age. In some jobs, more intelligence is required than in others. It has to be ensured that persons with right intelligence are recruited for suitable jobs, for example, if a person of higher intelligence joins a job requiring low intelligence quotient, he is likely to either leave the job or suffer low job satisfaction.

### **(b) Personality Tests**

Different jobs require different traits of temperament and emotion. These should be identified and measured, for example, for supervisory jobs, emotional stability is important. Different types of personality tests have been devised by scholars, which can be used to ensure the right selection for a job.

Special aptitude tests are meant to assess the suitability of a candidate with respect to physical and mental qualifications. These tests require use of specialised equipment and testing appliances. Some of the subject areas include:

- Space comprehension
- Distance judging
- Quickness of motor responses
- Steadiness of hands or arms
- Ability to assemble parts
- Ability to distinguish colours
- Lateral or peripheral vision
- Quickness of recovery of vision after exposure to blinding light
- Ability to distinguish sounds or pitch
- Strength of finger, hand, wrist or arm
- Manual or finger dexterity
- Memory
- Ability to drive a motor vehicle
- Ability to manipulate mechanical devices
- Maintain balance when subjected to rotary motions ( Owen,1987)

### **(c) Aptitude Tests**

Aptitude tests seek to discover the natural talent of an aspirant in a specific area of learning or practice associated with the job. Different jobs require different aptitudes and selection must be done as per requirements. Aptitudes may be, word fluency, reasoning, spatial, numerical or memory aptitude etc.

### **(d) Performance Test**

To recruit personnel for skilled trade or crafts, the performance test device is employed. An employee is asked to perform the work for a short period and his output, skill and performance are watched. Example can be given of the test for the work of a stenographer, typist, machine operator etc. This test, however, does not give a complete picture of the potential of an employee. It cannot assess his will to work. What is actually applied in practice is a mix of approaches tailor made for a specific job or an occupational group. Such tests are known as *balanced tests*.

### **(e) Interview**

An interview consists of systematically trying to find out the information, skills or views; a candidate has for the job for which he has sought the selection. Oral tests can gauge intangible qualities of character like, smartness, alacrity, emotional stability, confidence and fortitude. The technique of an oral test is that of a natural purposive conversation intended to reveal the qualities of the candidate. Group discussions can also form part of oral interviews. Oral tests are considered as a necessary complement to written tests as the latter will always have limitations.

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## **5.5 RECRUITING AGENCY IN INDIA**

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The question remains what administrative machinery shall be employed to hold the various tests described above? Obviously, these tests should be held by an independent and impartial body of persons. The departmental boards are subject to political pressure and do not inspire confidence. Therefore, to inspire public confidence in the recruitment system, it is necessary that judicious, impartial and independent commission with adequate constitutional safeguards to protect its impartiality should be set up for selecting candidates to various public services.

The Union Public Service Commission (UPSC) and the Staff Selection Commission (SSC) are the two designated recruitment agencies, the former for Group A and B service posts and the latter for non-technical Group C "posts". The SSC also conducts the Assistants Grade C and Stenographers' open examination for Group 'B' non-gazetted posts.

### **Union and State Public Service Commission in India**

It was the Government of India Act, 1919, which for the first time, made a mention of the public service commission in the dispatch of Indian constitutional reforms. The government of India Act, 1935, provided not only for a federal public service commission but also for public service commissions in the provinces. In the Indian constitution, Article 315 provides for the establishment of a Union Public Service Commission (UPSC) and State Public Service Commissions (SPSC) but two or more states may agree to have a common commission.

### **Composition and Qualifications of Members**

The constitution of India does not fix the number of members of the Union or the State Public Service Commissions but has left the matter to the discretion of the President of India and the Governor in the case of union or states respectively. The Union Public Service Commission has a chairman and ten members, who are appointed by the president of India. At least, one-half of the members should be persons with a minimum of ten years experience in government service. The tenure of office is fixed for six years or until the attainment of 65 years of age in the case of Union Public Service Commission and 62 in the case of State Public Service Commission. A member can be removed from office only by an order of the President in the case of Union Public Service Commission and the state Governor in the case of State Public Service Commission on the grounds of insolvency, infirmity of mind or body, or engagement in paid employment outside the



duties of his office. In order to ensure the impartiality and independence of the members, the constitution provides that, upon ceasing to be a member of the commission in due time, the incumbent will be ineligible for any further appointment in the same office or in any office under the government except a higher appointment in the same commission. The President of India determines the salary and other conditions of service of the members of the commission through regulations. It is provided that the conditions of service of a member of the commission cannot be varied to his disadvantage after his appointment. The entire expenses of the commission including salaries and allowances of its members are charged on the consolidated fund of India. Member of the Union Public Service Commission can be removed from office only by an order of the President on the ground of misbehavior. The President will refer the matter to the Supreme Court and the court will conduct an enquiry under Article 145 and submit the report to the president, who can suspend the member concerned. It may be kept in mind that public service commissions are only advisory bodies and it is up to the government to accept or reject the recommendations (*Mukherjee v. Union of India*, 1994 Supplement (i), SC, C. 250).

### **Functions**

The functions of the commission under Article 320 may be summarised as follows:

1. To advise the government on all matters relating to the method of recruitment and principles to be followed in making appointments to the civil services either directly or by promotion.
- 2 To conduct examinations for appointment to the All India and Union Services.
- 3 To interview candidates for direct recruitment.
- 4 To advise the government on the suitability of candidates for promotion and transfer. Recommendations for such promotions are made by the departments concerned and the commission is requested to ratify them.
- 5 The commission is also consulted on matters like temporary appointments for periods exceeding one year but not exceeding three years, grant of extension of services and re-employment of certain retired civil servants.
6. The commission is also consulted on matters relating to regularisation of appointments, claims for the award of pensions, claims for reimbursement of legal expenses incurred by government servants in defence in legal proceedings instituted against them in respect of alleged omissions and commissions in the course of execution of their official duties, claims for pension, or compensation in respect of injuries sustained on duty.
7. The commission is consulted regarding disciplinary matters in case of:
  - (i) censure;
  - (ii) withholding of increments or promotion;
  - (iii) reduction to a lower service, grade or post; (iv) compulsory retirement; and
  - (v) removal or dismissal from service.
8. To advise the government on any other matter specifically referred to it by the president or the governor.

Though it is obligatory on the part of the government to consult the commission on these matters, failure to do so *does not render the action invalid*. The President has the authority to exclude posts, services and matters from the purview of the commission. But all such regulations have to be laid by him before each house of parliament, as soon as possible, or repeal these regulations. Moreover, under Article 321 there is a provision in the constitution to authorise the parliament to extend the functions of the commission.

Certain other matters have also been brought under the purview of the UPSC. These include proposals for upgradation / downgradation of posts, constitution of DPCs for promotion to posts in central civil services and group A posts in based on the principle of selection and not on seniority cum fitness, special recruitment to the scientist pool, etc.

The UPSC (Exemption from consultations) Regulations, 1958 specify the matters, which are, excluded from its purview. These envisage that if the rules governing recruitment to the civil service or civil post concerned do not explicitly provide for consultation with UPSC, it is not necessary to consult the commission about selection for appointment in categories. It is also not necessary to consult the commission about selection for temporary or officiating appointment to a post if such appointment is not likely to continue beyond a period of one year.

The fifth pay commission has expressed concern at the work load presently on the UPSC and has called for reducing it by dispensing with the involvement of the UPSC in case of many civil posts in Group A (if less than 15) which could be delegated to concerned ministries. The government could also consider the option of expanding the UPSC opening regional branches of UPSC or establishing other commissions. In addition, regulations should be amended to provide that consultation with the commission should, not be necessary about selection for appointment to posts in scales of pay below or above the Senior Administrative Grade (Rs. 5900-6700) in all services/ cadres. The fifth pay commission however recommended continuing the practice of consulting the UPSC in cases of promotion from a Group 'B' post to a Group 'A' post or from a lower post to senior administrative grade in Group 'A'.

The constitution requires the commission to submit to the President, an annual report on work done during a year. The report, accompanied by a memorandum explaining the action taken by the government on the recommendations of the commission, is to be placed before parliament. The memorandum should explain the reasons for the non-acceptance of the recommendations of the suitability of candidates for promotion and transfer. Recommendations for such promotions are made by the departments concerned and the commission is requested to ratify them.

### **Quasi -Judicial Jurisdiction of the Commission**

The quasi- judicial jurisdiction of the UPSC is limited both in scope and extent. "In fact, it has no true appellate jurisdiction. It can only advise on disciplinary actions then against employees. According to the constitution, the government should consult the commission on the following matters 1) All disciplinary actions affecting a government employee including positions relating to such matters (320(3) (e) (2). Claims for reimbursement of costs incurred by an employee and any question as to the amount of any such award." (Jain, 1976)

It may be noted that the constitution does not provide an aggrieved civil servant any right of appeal to the UPSC against any disciplinary action taken by the government. A government employee has a right to appeal only in matters of dismissal removal and reduction in rank and that too not to the UPSC. The Constitution merely prescribes that the government should consult the commission on certain matters. However, the consultation prescribed by sub clause (c) of Article 320(3) is only to afford assistance in assessing guilt or otherwise of the delinquent officer as well as suitability of the penalty to be imposed.

### **Other Agencies for Recruitment**

In addition to the UPSC, the government of India has set up the Staff Selection Commission, Railway Recruitment Boards and other agencies and entrusted them with responsibility of recruitment to Group C posts in central ministries, departments and their attached and subordinate offices and for recruitment to certain specified Group B posts like assistants and stenographers in the central secretariat. Vacancies in the central government establishments other than those filled through the UPSC or the respective departments through notification to the nearest employment exchange fill agencies like the Staff Selection Commission and no department can fill any such vacancy by direct recruitment unless the employment exchange issues a no availability certificate. In the event of a conscious effort to reduce workload on the UPSC, the fifth pay commission has recommended that the recruitment responsibilities shall need to be increased for staff selection commission. Recruitments should be decentralised to concerned ministries for various posts and staff selection commission should be expanded with more regional offices and better infrastructure.

Recruitment in some lower category posts is done by departments themselves and while recruitments in the higher categories is made by the UPSC. However, some agencies like the Council of Scientific and Industrial Research have been authorised to recruit and select directly for Class 1 and Class 2 posts (UPDSC Exemption from Consultation Regulations, 1958 although the CSIR has very often requested the UPSC to help it select candidates for inclusion in the Scientist's posts.

The constitution requires the commission to submit to the President, an annual report on work done during a year. The report, accompanied by a memorandum explaining the action taken by the government on the recommendations of the commission, is to be placed before parliament. The memorandum should explain the reasons for the non-acceptance of the recommendations of the suitability of candidates for promotion and transfer. Recommendations for such promotions are made by the departments concerned and the commission is requested to ratify them.

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## **5.6 THE IDEA OF PROMOTION**

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According to L.D. White (1926), promotion is "an appointment from a given position to a position of higher grade, involving a change of duties to a more difficult type of work

and greater responsibility, accompanied by change of title and usually an increase in pay."

A good promotion system is useful to employees individually as well as to the administration as a whole (Arthur). The task of devising a good promotion system is difficult. Promotion system might breed "discontent, be diminutive of incentive, and lead to general impairment of morale (Meyers)

The basic urge of human beings for recognition and advancement is met by promotion. *Promotion adds to the goodwill of the government.* It also develops the feeling of belongingness in the employees. It has been felt that a good promotion system is useful to the employees individually as well as to the administration as a whole. If promotion is not effected judiciously, there is a danger that it might breed discontent, diminution of incentive, and general impairment of morale. This will ultimately affect the efficiency of the organisation. A single promotion frequently results in a chain of opportunities for several staff members and encourages their orderly progression in a career service. If vacancies are too frequently filled by outside recruitment, staff morale might suffer.

### **Legal Perspective**

With regard to promotion, certain notable aspects are recounted as follows:

-It is apparent that the concept of promotion implies that the employee is already in service;

-Incumbent's appointment from a lower or inferior post to a higher or superior post amounts to promotion;

- Promotion *amounts to a fresh appointment.* It involves progression to a higher grade. Mere special pay or allowances attached to a post do not imply promotion. For example, appointment to a selection grade is promotion;

- Up grading a post is different from promotion. When a post is upgraded, the person holding the post before up gradation has no right to hold the new post. Even if he is allowed to hold the upgraded post, it does not amount to promotion as he cannot be said to leave his existing post and occupy a new post as no question of appointment is involved.

-Similarly upward revision of pay scale is different from upgrading, as upgrading involves, not only raising the time scale but also changing the status of grade. Thus, upward revision of pay scale does not amount to promotion. (Basu)

### **Essentials of a Promotion System**

W.F. Willoughby lays down the following conditions, which form the backbone of a sound promotion system:

- 1) Adoption of standard specifications.
- 2) Classification of positions into distinct services, classes and grades.
- 3) Inclusion of all positions except those having a political character.
- 4) The adoption of the principle, as far as possible, that superior positions will be filled by promotion from lower positions.

- 5) The adoption of the principle that merit alone shall determine the selection of employees for promotion.
- 6) The provisions of adequate means for determining the relative merits of employees eligible for promotion.

The *first* and *second* conditions ensure adherence to the merit principle. The *third* and *fourth* ensure that all employees are eligible for promotion. The *fifth* emphasises that promotions should be made on the criterion of merit. The *last* factor stresses the adoption of a scientific approach to promotions.

## **Features of Promotion**

The Features of Promotion are:

### **1. Management Function**

Promotion is at the discretion of the competent authority and no employee can claim a legal right to be promoted. Hence courts or tribunals cannot interfere in the management function in the absence of *mala fide* or victimisation. An employee may claim the right to a promotion only if such a right is granted by the terms and conditions of service or by service rules. (C.K Awasthi vs. IIT kanpur, AIR 1969 A11 213 Lab IC518-)

### **2. Optional in Nature**

Promotion can be brought about with the consent of both the parties. An employee may refuse to accept the promotion if the nature of work in the higher post does not suit him.

### **Constitutes Fresh Appointment**

Appointment through promotion is a new appointment. (*Ramkaran vs. Union of India*, 1976, Lab, IC 1263 (1975)2, SLR 683(Delhi)) This means that an authority subordinate to the authority, which had promoted him, cannot dismiss an employee. It is a substantial alteration of the earlier contract of employment which was deemed as brought about by the consent of both parties.

### **Governed by Rules**

In the absence of statutory rules, the executive can frame instructions regarding the principles to be followed for promotion. However, the executive has no power to amend or supersede statutory rules by administrative instructions. (*Naidu vs. State of Mysore*, 19<sup>th</sup> Lab IC 73: AIR 1971MY1) When statutory rules are framed regarding promotions, such rules will override the administrative instructions or departmental orders.

### **Fundamental Right**

Article 16 of the constitution applies to promotion. The fundamental right, however, extends only to consideration for appointment and not to the actual promotion. Equality of opportunity in the matter of promotion only means that all employees holding posts in

the same grade shall be equally eligible for being considered on the merits for appointment to a higher grade. The employee has no legal right to be promoted from the moment a vacancy arises in the higher post. The government can keep it vacant for as long as it chooses. Even where there are rules framed, they can be enforced only if the particular rule is mandatory. If the rule, even though it is a statutory rule, is only directory or gives discretionary power to the administration as distinguished from a duty, no legal right arises for the government servant, and cannot therefore, be enforced by legal action. The 'equality of opportunity' (Article 16) does not apply to employees belonging to different classes or when two posts cannot be treated on the same footing. To obstruct an employee's path of promotion amounts to infringement of the fundamental right under Article 16 (*Gurudev Singh vs. State of Mysore*, 19th Lab SLR 995 (P&H)). The purpose is to ensure similarity and equality of treatment and not identity in case of different circumstances. (*Madhusudan Nair vs. State of Kerela* AIR 1961 (Kerela 203; 1960, KLT).1179)

Article 16 does not forbid fixation of reasonable qualifications to determine merit. Article 16 of the constitution never excludes 'selection' and should not be confused with absolute equality. The guarantee under Article 16 of the constitution does not take away the right of the state to choose the best candidate. (*K.Gopala Pillai vs. state of Kerela*, AIR 1966, Ker 262). Promotion is overriding in that a person on promotion is automatically exempted from penalties earlier imposed on him.

An authority competent to lay down qualifications for promotion is also competent to change the qualifications. The rules regarding qualifications can be changed with retrospective effect unless it is specifically provided in the rules the employees who were already promoted before the change of rules cannot be reverted or their promotions cannot be upset.

The power to relax any of the qualifications and the criteria for such relaxation may be provided by rules. A relaxation made in accordance with the rules in a given case cannot be questioned unless facts are stated to show that an undue favour was shown to that employee.

### **Criteria for Promotion**

When a certain post is a *selection post*, promotion to it is primarily based on merit and not seniority alone and therefore, the employee cannot claim promotion as a matter of right on the basis of seniority. In these cases, seniority is to be regarded as a criterion where the merits of employees are found to be equal. The criterion practiced is thus merit cum seniority.

For *non selection posts*, the criterion for promotion is *seniority- cum- fitness* (or seniority cum merit). In other words, seniority is the primary criterion and must be considered first, subject to the employee being fit and not having any demerit.

For *other posts* in the absence of any rule governing promotion, the criterion of seniority cum fitness is not arbitrary or *mala fide*.

The appointing authority is the only competent authority to issue promotion orders. The competent authority can seek the guidance of a specially constituted departmental promotion committee but the ultimate certification must be of the competent authority.

### **Promotion from State Civil Services to All India Services**

There is a provision for promotion to the I.A.S. from the state civil services to the tune of 33 per cent of the total vacancies. The promotions are made by a committee instituted for each state. To take the example of Haryana, the selection committee for this purpose comprises the chairman of the Union Public Service Commission or his representative, a senior officer of the government of India, the Chief Secretary to the Government of Haryana, the Senior Financial Commissioner in the Haryana civil secretariat, the Development Commissioner and the senior most Divisional Commissioner. There is a feeling among the persons promoted that they are not given fair treatment by direct recruits to the All India Services. Besides they do not feel fully integrated with the system. This feeling should be removed as it lowers the morale of promoted civil servants.

### **Promotion in State Civil Service from Allied Services**

This system can be illustrated with the help of promotions to the Haryana State Civil Service (executive branch). Promotion to this service is made from tehsildars, persons holding ministerial appointments, block development and panchayat officers, etc. Under the existing procedures, a committee is appointed consisting of the chief secretary as chairman and two other such officers as members nominated by the state government. The committee makes a selection out of the eligible officials and then forwards to the State Public Service Commission for its 'views' on the names of candidates thus selected for the posts to be filled. This procedure has curtailed the powers of the Commission and made it a rubber stamp to endorse the decision of the state government. This needs to be reviewed to ensure fairness and impartiality of the State Public Service Commission.

### **Principles of Promotion**

The Principles of Promotion are as listed below:

#### **1. Principle of Merit**

In case of promotion to higher level posts, merit is the only consideration to the total exclusion of seniority.

#### **2. Principle of Merit cum Seniority**

In case of promotion to middle level posts, merit is the determining factor and seniority a secondary one; and

#### **3. Principle of Seniority**

In case of promotion to lower rung posts, seniority carries weight but even here care is taken to ensure that exceptional merit is rewarded by quick promotion.

In fact, a compromise between the two extremes of pure seniority and pure merit is followed. Flippo phrases this principle as "when ability is substantially equal, seniority will govern."

As per observations by the fifth pay commission report, in public services, reasonable promotion opportunities ranging from 2-4 promotions in one's career have formed the accepted norm. Merit is stressed on as is evident from limited departmental competitive examination (LDCE) followed by different departments. A concept of benchmark for grading of Annual Confidential Reports for promotion purposes has also been introduced with a view to ensuring that merit is given due consideration in promotions. The concept of 'selection' is also based on the idea of promoting merit as against the usual, seniority. However practice suggests that promotions have been irregular, generally based on seniority and entirely dependent on availability of vacancies in the higher grades. Wide disparities between practices followed in different departments with respect to promotions and cadre management has also been evident.

#### Empanelment for Joint Secretary

At the level of posts of joint secretary and equivalent, the Civil services board finalises the panel for submission to the Appointments committee of the Cabinet (ACC). In this work, a screening committee of secretaries assists the CSB. The panel approved by the ACC on the recommendation of the CSB is utilised for making appointments to posts under the government of India.

#### Empanelment for Additional Secretary/Special Secretary

Selection for inclusion on the panel of officers adjudged suitable for the posts of additional secretary or special secretary/secretary to the government of India and equivalent posts equivalent is approved by the ACC based on proposals submitted by the cabinet secretary. The Cabinet Secretary is assisted by a special committee of secretaries for drawing up proposals for consideration of the ACC.

#### Eligibility to hold posts of Under Secretary, Deputy Secretary, Director and Joint Secretary

For the above posts, eligibility starts after completing 5 years, 9 years, 14 years and 17 years of service in group A, irrespective of the service to which they belong.

#### Career Advancement for Group C and D employees:

A scheme of *in situ* promotion for group C and D employees was introduced in 1991 to provide at least one promotion grade to those who are directly recruited to a group C and D post and who could not get a promotion even after reaching the maximum of the scale. Such scheme is an ad hoc measure and tackles the problem of stagnancy only temporarily. This reveals the general lack of career planning affecting our public services.



## Flexible Complementing scheme

A Flexible complementing scheme (FCS) was introduced in 1983 on the recommendation of the third central pay commission to ensure that promotion of an officer in a scientific service in Group A, from one grade to the next higher grade took place after a prescribed period of service on the basis of merit and suitability irrespective of the availability of a vacancy in the higher grade. The scheme is available now in many of the scientific departments' organisations and institutions under the government of India. A number of functional promotions were made under this scheme in scientific departments notified as such by the Department of Science and Technology. The Commission has widened the scope of the scheme to cover all Research and Development professionals whether they are scientists, technologists or medical and computer professionals, at the same time taking out of the scheme certain non-entitled categories that had managed to get the benefit undeservedly.

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## 5.7 FEATURES OF PROMOTION IN SOME SELECTED COUNTRIES

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### A. United Kingdom

In U.K., since the publication of the Northcote Trevelyan report (1853) merit has been given due weight in promotions. Factors of performance are identified and the employees are rated on each 'stipulated count' as outstanding, very good, satisfactory, indifferent, or poor during their service. A consolidated rating is prepared at the time of promotions. Reporting officers have to give reasons for grading personnel outstanding or poor to ensure fair play. There are three important features of the promotion system in U.K.

- (1) Vacancies to be filled through promotion are announced well in advance
- (2) Recommendations for promotion are assessed by a departmental board rather than a single individual; and
- (3) Provision exists for appeal by the aggrieved party.

### b. United States of America

In the United States, performance is assessed through well designed 'efficiency ratings' resulting in a mathematical gauge. Four types of efficiency ratings are prevalent. These are:

1. Training according to production record used for repetitive and mechanical work like typing, etc;
2. Trait-rating which includes fifteen qualities to be judged under five grades;
3. Substantiating evidence reports popularly known as 'Laffan System'; and

4. Analytical checklist wherein the rating officer has only to check or mark the presence of qualities in the employee under consideration.

**c. India**

Largely, seniority-cum-merit has been the governing principle of promotion. The relative weight given to these factors varies from one organisation to another. Besides, the service records of the official, discretion of the competent authority may be a determining factor in ascertaining suitability for promotion. Departmental promotional committees have been set up to screen promotions at the department level. There is a form to help the promotion committee wherein all annual reports of the candidates are compiled. In the form, an officer is graded as A plus (outstanding); A (very good), B plus (good), B (average) and C (below average). These reports are drawn up in the first instance by a reporting officer who is usually the immediate superior. The reports are treated as confidential but there is a provision to inform the person concerned if he is below average grade or not fit for promotion.

In case of promotions in State Civil Services from Class III to Class II and Class II to Class I, departments are required to get the concurrence of the Public Service Commission. It is done to ensure adherence to minimum qualifications, required for a job.

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## **5.8 METHODS TO ASCERTAIN MERIT**

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The four main methods to ascertain merit are discussed below:

### **I. Written Examination**

Written examinations are conducted for open competitions and the objective to select a few out of the total applicants... The efficacy of this system is linked with the merits and the demerits of the examination system. The chief merit of the system is that chances of corruption, favoritism and arbitrariness are minimised. On the other hand, it may be argued that a written examination is not the true test of one's ability and is also not favourable to the older generation who may not appreciate memorising for exams.

### **2. Personal Judgment of the Head of the Agency**

According to this system, only those persons are promoted, who in the judgment of the head are fit for promotion. This system has advantage because the head is expected to have full knowledge about the capacities of all those who work under him. This system is also open to serious objections. It is arguably highly subjective but in spite of shortcomings, can be used with modifications. For example, a promotion board, constituted from amongst the officials of his own department, might assist the head. This board may review the record of the concerned employee. Moreover, a system of appeals can also be instituted in case of alleged foul play. The actual promotion, however, would rightly be in the hands of the head of the agency, though appeal against controversial promotions could be made to an outside agency.

### 3. Efficiency Rating

The efficiency rating system is the product of the scientific management movement. It is widely used in the United States of America. There are three major systems of efficiency ratings: (1) The Production Record System, (2) The Graphic Scale System, and (3) The Personality Inventory System. Output record is documented against set standards to assess efficiency over a period of time against traits like knowledge of work, personality, judgment, initiative accuracy, willingness to take responsibility, neatness, punctuality, organising ability, etc., In UK and India ratings are as follows:

- (a) Outstanding
- (b) Very good
- (c) Satisfactory
- (d) Indifferent
- (e) Poor

In the U.S.A., ratings are;

- (a) Highest possible
- (b) Very good
- (c) Ordinary
- (d) Bad
- (e) Very bad.

Sometimes giving of grades like 'A', 'B', 'C', 'D', etc. is also employed.

### 4. Viva Voce

The written examination, personal judgment and efficiency rating could be combined with *viva voce* tests. The *viva* test has the advantage of holistic appreciation of person and his work by a group of seniors, competent to judge. In a case decision, it was held that promotion shall be regulated on the following conditions: (i) length of service; (ii) proved efficiency and special merit; (iii) regularity of attendance; (iv) integrity and good behavior; (v) seniority shall be a predisposing factor for promotion and not predetermining factor. As against these positive conditions, slackness of work and disorderly behavior shall operate as discounting or retarding factors for promotion of an employee (*Nellimarala Jute Mills Co. Ltd., v. Staff* (1950), *ILLU* 394 (IT))

The second central pay commission (CPC) of the Government of India, 1960, preferred functional requirements of public service to career prospects as the area of emphasis. The third CPC was of the view that standard of recruitment need not be disturbed to open up promotion avenues. Fourth CPC recommended cadre reviews to enhance promotion prospects but this did not improve promotional avenues. The fifth central pay commission in its Report has made certain recommendations relating to the Assured Career Progression (ACP) Scheme for the central government civilian employees in all

Ministries/Departments. The government has decided to introduce the ACP Scheme recommended by the fifth central pay commission with certain *modifications* as indicated hereunder:-

While promotion shall continue to be duly earned, it is proposed to adopt the ACP Scheme in a modified form to mitigate hardship in cases of acute stagnation either in a cadre or in an isolated post. The ACP scheme needs to be viewed as a ‘*Safety Net*’ to deal with the problem of genuine stagnation and hardship faced by the employees due to lack of adequate promotional avenues

There shall be no benefits under the ACP scheme for Group ‘A’ Central services (Technical/Non-Technical). Cadre controlling authorities in their case would continue to improve the promotion prospects in organisations and cadres on ‘functional grounds’ by way of organisational study, cadre review, etc. as per prescribed norms.

For Group ‘B’, ‘C’ and ‘D’ services and posts and isolated posts in Group ‘A’, ‘B’, ‘C’ and ‘D’ categories, it has been decided to grant two financial upgradations. Grant of financial up-gradations under the ACP Scheme shall, however, be subject to the conditions such as relating to length of service (first financial upgradation after 12 years and second after 24 years) completed and others as stipulated.

Introduction of the ACP Scheme is not to affect the normal (regular) promotional avenues available on the basis of vacancies or on functional grounds as per prescribed norms. Vacancy based regular promotions, as distinct from financial upgradation under the ACP Scheme, shall continue to be granted after due screening by a regular Departmental Promotion Committee as per relevant rules and guidelines. Existing time-bound promotion schemes, including in-situ promotion scheme, in various ministries/departments may, as per choice, continue to be operational for the concerned categories of employees. However, these schemes shall not run concurrently with the ACP Scheme. The administrative ministry/department -- not the employees -- shall have the option in the matter to choose between the two schemes, i.e. existing time-bound promotion scheme or the ACP Scheme, for various categories of employees. However, in case of switch-over from the existing time-bound promotion scheme to the ACP Scheme, all stipulations (viz. for promotion, redistribution of posts, upgradation involving higher functional duties, etc) made under the former (existing) scheme would cease to be operative. The ACP Scheme shall have to be adopted in its totality.

A departmental screening committee is to be constituted for processing the cases for grant of benefits under the ACP Scheme. The composition of the screening committee is to be the same as that of the Departmental Promotional Committee prescribed under the relevant recruitment service rules for regular promotion to the higher grade to which financial upgradation is to be granted.

Upgradation to the officer is on a ‘personal basis’ hence neither amounts to functional or regular promotion nor requires creation of new posts for the purpose. The financial upgradation under the ACP Scheme shall be purely personal to the employee and shall have no relevance to his seniority position. As such, there shall be no additional financial upgradation for the senior employee on the ground that the junior employee in the grade has got higher pay-scale under the ACP Scheme.

The issue of career development of employees was considered by the four pay commissions appointed by the government of India. As per views expressed by the first, second, third and fourth pay commissions, posts in organisations should be created in keeping with the functional requirements of organisations and not just to improve the promotion prospects of employees disregarding the issue of organisational growth and development. Accordingly, the fourth pay commission recommended cadre reviews in

organisations, especially in respect of posts in Groups B, C and D to be conducted by respective administrative ministries. Efforts in this regard have been rather discouraging. Many organisations have undertaken no cadre reviews at all, and those that did, did not complete the exercise in time or did not do it with certainty. Following the schemes' failure there has been demand for introduction of time bound schemes for promotions. Availability of time bound schemes in different organisations such as P&T, Railways, Health, Scientific Departments and certain state governments, namely, Arunachal Pradesh, Kerala, Rajasthan, Karnataka, Punjab, Haryana, and Himachal Pradesh, as noted by the fifth pay commission has given strength to this demand.

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## 5.10 CONCLUSION

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Recruitment, selection appointment and promotion are of great significance as the entire functioning of government depends upon persons selected and placed at various positions in the organisation. Human resource is the most important in an organisation and effective career planning and development are imperative for its effective utilisation. Sound recruitment and proper placements serve the said end. Technical efficiency may not make up for poor human resource management. There is an imperative need to be objective and impartial as regards the process to sustain organisations in 'good health'.

Thus;

- (a) Proper selection and placement of new employees is a pre-requisite for the development of an effective work force.
- (b) Recruitment can be done either by direct or indirect methods (Promotion)
- (c) Merit is determined by examination, performance test, interview and personality tests.
- (d) Recruitment for senior posts is done by Public Service Commission.
- (e) Promotion means an appointment to a higher position having higher duties and responsibilities.

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## 5.10 KEY CONCEPTS

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**Appointment:** Appointment entails placement of an employee, post selection. Appointment involves legal right, for the employee to hold the post, which is termed lien in legal terminology. Such legal right depends on policy framed in this regard. In case of 'hire and fire' policy and free entry and exit of firms, labour laws are modified to alter legal terms and conditions of employment.

**Recruitment:** Recruitment is the process of arranging manpower from internal and external sources. Recruitment is distinguished from appointment in that the former involves processes preceding appointment. Appointment is a legal concept, involving 'lien' (right to post) for the appointed employee.

**Selection:** Selection is a part of recruitment. It entails tests of performance aptitude or general ability as per the requirements of the post

followed usually by an interview. The Industry employs scientifically devised recruitments tests based on efficiency and skill parameters to ensure the right man in the right place in an organisation. Civil Service employment policies are based on policies issued by the central government as per its ideological proclivity. Affirmative action in favour of disadvantaged sections of society is a case in point.

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## 5.11 REFERENCES AND FURTHER READING

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## 5.12 ACTIVITIES

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1. Do you feel that recruitment is the cornerstone of Public Personnel administration? Illustrate with suitable examples.
2. Analyse how promotion promotes organisational excellence?
3. Discuss the main functions of the UPSC (Union Public Service Commission) in connection with Civil Service Recruitment.