

80. REDEPLOYMENT OF SURPLUS STAFF AGAINST VACANCIES IN CENTRAL CIVIL SERVICES AND POST (GROUP A & B) RULES, 1986

In exercise of the powers conferred by the proviso to Article 309 of the Constitution, the President hereby makes the following rules for regulating the redeployment of surplus staff against vacancies in the Central Civil Services and Posts (Group 'A' and 'B'), namely :

1. Short title and commencement.—(1) These rules may be called the Redeployment of Surplus Staff against Vacancies in the Central Civil Services and Posts (Group 'A' and 'B') Rules, 1986.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.—In these rules, unless the context otherwise requires,—

(a) "Cell" means the Central (Surplus Staff) Cell in the Department of Personnel and Training, Ministry of Personnel, Public Grievances and Pensions;

(b) "Commission" means the Union Public Service Commission;

(c) "Surplus Staff" and "Surplus Employees" means the Central Civil Servants (other than those employed on *ad hoc*, casual, work-charged or contract basis) who have been rendered surplus from the various Ministries/Departments/Offices of the Government of India (other than the Ministry of Railways excluding the establishment of the Headquarters of the railways Board and the lower field formations of the Ministry of Defence other than the Defence research and Development Organisation) as a result of—

(i) introduction of administrative reforms;

(ii) studies by the staff Inspection Unit of the Ministry of Finance;

(iii) studies of work measurement of administrative reforms undertaken by Government Departments or offices; and

(iv) abolition or winding up of permanent or long-term organisations of the Central Government :

Provided that in the case of the employee of an organisation set up temporarily for a specified purpose they shall be treated as surplus staff or surplus employees for the purposes of this rule only if the organisation has been in existence for a period exceeding 15 years and, they have rendered not less than 5 years' continuous service in that organisation.

3. Redeployment of surplus staff through the Commission.—(1) The controlling authority in respect of a Group 'A' or Group 'B' Service/post in which

any vacancy is to be filled up by direct recruitment through the Commission (otherwise than on the basis of a competitive examination) shall, while sending requisition for the purpose to the Commission, also simultaneously send a copy thereof to the Cell.

(2) (i) The Commission shall not entertain a requisition placed for the purpose unless it indicates that a copy thereof has simultaneously been sent to the Cell and shall take action for recruitment to the posts notified to the Commission in the usual manner only if—

- (a) no recommendation is received by it from the Cell, within a period of 15 days from the date of receipt of the requisition in its offices, sponsoring the surplus employee(s) for appointment against such vacancy or vacancies, or
- (b) the candidate recommended for consideration by the Cell is not found suitable by the Commission for appointment to the post in question.

(ii) The Commission may consider any surplus employee whose bio-data has been referred to it by the Cell, for appointment to a post, even if he has not been specifically recommended by the Cell for that post :

Provided that the post in question carries the same scale of pay or has the same maximum of the pay scale as the one held by him; he is found suitable for appointment to such post in preference to the other posts for which his candidature may have been sponsored by the Cell; and he does not suffer from any of the disabilities mentioned in clause of sub-rule (5) of this rule.

(3) Where a post is to be filled up by transfer in consultation with the Commission the controlling authority in respect of the post shall first intimate the vacancy to the Cell, who, if it has a surplus employee on its rolls who is *prima facie* suitable for appointment thereto, shall sponsor him to the commission, under intimation to the controlling authority concerned, for being considered for absorption against the post in question. Such a post will be circulated only if (a) the Cell communicates the non-availability of a suitable surplus employee from its rolls to sponsor for absorption in it, or (b) the Commission holds the surplus employee sponsored by the Cell to be unsuitable holds the surplus employee sponsored by the cell to be unsuitable for appointment to the post.

(4) The surplus employees recommended by the Cell will be entitled to first priority for appointment to the vacancies in Group 'A' and 'B' Services/ Posts filled by direct recruitment through the Commission (otherwise than on the basis of a competitive examination held by the Commission) or by transfer :

Provided that they are found suitable by the Commission and no suitable disabled defence services personnel are available with them for appointment to such vacancies.

(5) (a) The Cell shall recommend to the Commission the name of a surplus employee, who for the time being is borne on its rolls, for being considered for appointment to a specified post, the vacancy wherein has been notified to the Commission and to the Cell, and for appointment to which the surplus employee concerned appears to the Cell to be *prima facie* suitable, having regard to the

scale of pay attached to the post and the one held by him, his qualifications and the relevance of his previous experience.

(b) The Cell may recommend more than one surplus employee on its rolls for being considered for appointment to a post for which each of them seems to it to be *prima facie* suitable for appointment.

(c) The Cell shall not recommended the name of a surplus employee to the Commission—

- (i) if on being sponsored by the Cell he has already been recommended by the Commission for appointment to a post in a Central Government Department, carrying a pay-scale not lower than his existing pay-scale;
- (ii) if he has completed six months stay on the rolls of the Cell; or has joined another post in the meantime whether on redeployment through the Cell, or otherwise, or has asked for reversion to another continuing post on which he holds a lien;
- (iii) if he is due for superannuation within six months from the date of his transfer to the rolls of the Cell;
- (iv) if his services are terminated or he is to be retired (including *inter alia* on a notice seeking premature voluntary retirement given by the surplus employee) or discharged from service or otherwise ceases to be on the rolls of the Cell on any date before the expiry of six months from the date of his transfer to the rolls of the Cell;
- (v) for absorption in a post which lies outside the parameters of placement laid down in Rule 5.

(6) Determination of suitability of a surplus employee and relaxation of qualifications, experience, etc. for this purpose,—

- (a) The Commission may at its discretion consult the confidential reports written earlier on a surplus employee or, if necessary, call him for interview to determine his suitability for appointment to a post but shall not subject him to a written test for this purpose.
- (b) The Commission may, in its discretion, relax the educational qualifications, experience etc. prescribed for recruitment to a service/post, in respect of any member of the surplus staff sponsored by the Cell for appointment to such service/post, if the surplus candidate is otherwise considered by them to be suitable for appointment to the service/post in question.
- (c) The Commission shall, as far as possible, finalise and communicate to the Cell its assessment of suitability or otherwise of a surplus employee recommended by the Cell for a post, within one month from the date of receipt of such recommendation in its office.

Explanation.—For the purpose of these rules, a surplus employee shall be deemed as transferred to/borne on the rolls of the Cell for the purpose of

arranging his redeployment from the date from which he has been declared surplus by his parent Ministry/Department in the contingencies specified in Clause (c) of Rule 2 above, even though he is formally not so transferred and only his particulars have been reported to the Cell.

4. Redeployment in posts not filled through the Commission.—(1) All vacancies in Central Civil Services and posts in Group 'A' and 'B', which are to be filled in by direct recruitment or by transfer, but otherwise than through the Commission, shall be filled up from amongst the surplus staff, unless the controlling authority of the service/post in question has ascertained from the Cell that they have no suitable persons from amongst the surplus staff available with them for being nominated against the particular post.

(2) The provision made in sub-rule (1) shall not apply to the posts and services under the administrative control of—

- (a) the Department of (i) Atomic Energy (ii) Space (iii) Electronic (iv) Indian Audit & Accounts and (v) Railways (excluding the posts located in the Headquarters offices of the Railway Board);
- (b) the Ministry of Defence (lower field formation other than the Defence Research and Development Organisation);
- (c) the various security and para-military organisations under the Ministries of Home Affairs and Defence :

Provided that this will not debar the controlling authority of such services/posts to request the Cell to sponsor suitable surplus employees, and to appointment them.

(3) In respect of the surplus employees nominated under sub-rule (1) the Department of Personnel and Training, and in respect of those sponsored under sub-rule (2) the Ministry/Department/Organisation concerned, shall determine their suitability for appointment to the posts concerned, where necessary, by relaxation of the educational qualifications, experience, etc. prescribed under the relevant recruitment rules.

5. Determination of placement.—(1) (i) As far as possible, a surplus employee shall, subject to his suitability, be redeployed in a post carrying a pay-scale matching his current pay-scale.

(ii) For the purpose of Clause (i), a matching pay-scale shall mean a pay-scale the maximum of which is equal to that of the pay-scale of the surplus employee, and the minimum of which is not higher than the basic pay (including the stagnation pay) which the surplus employee is in receipt of at the time of making his nomination.

(b) Where a suitable vacancy in a post carrying matching scale of pay is not available, the surplus employee may be redeployed in a post carrying a non-matching pay-scale :

Provided that—

- (i) the maximum of the pay scale of such post does not exceed the maximum of the pay-scale of the surplus employee by more than 10 per cent; and

- (ii) such post is not lower than the post which forms, or would ordinarily form, the next lower rung in the promotional ladder for the incumbents of the post of the level currently held by the surplus employee :

Provided further that when redeployed in a post carrying a lower scale of pay, the surplus employee shall be permitted to carry his previous pay-scale long with him to the next post even if he was only officiating in it.

6. Age limit.—The upper age limit shall not apply in the case of a surplus employee appointed under these rules.

7. Medical Examination.—The surplus staff redeployed by the Cell shall not be required to undergo fresh medical examination unless different medical standards have been prescribed for the post in the recipient organisation or unless the person concerned had not been medically examined in respect of his previous post or, if examined, had been declared medically unfit.

8. Acceptance of surplus staff recommended for appointment by the Commission or nominated by the Cell.—The Administrative Ministry/ Department shall, on receipt of the recommendation made by the Commission or nomination made by the cell, for appointment of a surplus employee to a post/service for which a requisition had earlier been placed the Commission or the Cell, as the case may be, shall take immediate action to issue the order of appointment of the surplus employee concerned under advice to the Cell and, where relevant, the Commission.

8. Fixation of pay and seniority, counting of previous service for various other purposes and carrying over of lien/classification.—The fixation of seniority and pay of the surplus employee and counting of his previous service for various purposes and carrying over of lien/classification in the new post to which he is appointed on redeployment under these rules shall be regulated in accordance with the instructions issued from time to time by the Government of India in this behalf.

10. Amendment of recruitment rules.—All rules regulating the recruitment of persons to the Central Civil Services and posts (Group 'A' and 'B') shall be deemed to have been amended to the extent as provided for in these rules.

11. Validation of earlier appointments of surplus employees in Group 'A' and 'B' services/posts.—All appointments made of surplus employees in Group 'A' and 'B' services/posts in Central Government Departments/ Offices/Organisations before the commencement of these rules in accordance with the provisions of the (then) Ministry of Home Affairs O.M. N. 1/2/ 66-CC/CS.III, dated the 25th March, 1968, shall be deemed to have been validly made as if these rules were in force at all relevant times.

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