

AIS Branch

Q 1. What is the main function of the All India Services (AIS) Branch?

Answer - The main function of the All India Services Branch of the Commission is to assist the Commission in induction of State Services Officers into the All India Services through Promotion or by Selection.

Q 2. Does the AIS Branch deal with the regular promotion cases/disciplinary cases/other service matters of the All India Services?

Answer - No. AIS branch deals only with appointment by promotion of State Civil Service (SCS)/State Police Service (SPS)/State Forest Service (SFS) Officers to the Indian Administrative Service (IAS)/Indian Police Service (IPS)/Indian Forest Service (IFS) respectively and appointment by Selection of Non-State Civil Services (NSCS) Officers to the IAS.

Q 3. What are the different modes of recruitment to the All India Services?

Answer - There are two modes of recruitment to the All India Services;

- (i) **Direct Recruitment:** Through the Civil Services Examination for IAS and IPS and the Indian Forest Service Examination for the IFS. These Examinations are conducted by UPSC.
- (ii) **Promotion/Selection:** By way of promotion of the SCS/SPS/SFS officers to the respective All India Service and by way of selection of Non-State Civil Services (NSCS) Officers to the IAS.

Q 4. What is the quantum of promotion quota?

Answer - The number of persons recruited by way of promotion/selection in any State or group of States shall not, at any time, exceed 33.33% of the total cadre strength of the All India Service in that State or group of States.

Q 5. Is there any restriction on the number of Non-State Civil Service (NSCS) Officers who can be inducted into the IAS in a given year?

Answer - For any State or group of States, the number of persons recruited by way of selection shall not at any time exceed 15% of the number of persons recruited against promotion quota which is 33.33% of the cadre strength.

Q 6. What are the Rules and Regulations governing the promotions to the Indian Administrative Service (IAS), Indian Police Service (IPS) and Indian Forest Service (IFS)?

Answer - Promotions to the three All India Services viz. IAS, IPS and IFS are governed under the respective Recruitment Rules viz. Indian Administrative Service (Recruitment) Rules 1954, Indian Police Service (Recruitment) Rules 1954 and Indian Forest Service (Recruitment) Rules 1966 and the respective Promotion Regulations viz. IAS (Appointment by Promotion) Regulations 1955, IPS (Appointment by Promotion) Regulations 1955 and IFS (Appointment by Promotion) Regulations 1966. The selection of Non-State Civil Service (NSCS) Officers for appointment to IAS is governed by the IAS (Appointment by Selection) Regulations 1997. Copies of these Recruitment Rules and Promotion Regulations are hosted by Government of India, Department of Personnel & Training (DoP&T) on their Website www.persmin.gov.in.

Q 7. What are the eligibility conditions for consideration for promotion to All India Services?

Answer - In terms of the provisions of Promotion Regulations, a State Civil/Police/Forest Service Officer is eligible to be considered for promotion to IAS/IPS/IFS, provided on 1st January of the year for which the Select List is to be prepared, if he/she-

- (a) is a member of the State Civil/Police/Forest Service, as the case may be; and
- (b) has completed not less than eight years of continuous service (whether officiating or substantive) in the post of Deputy Collector or in any other post or posts declared equivalent thereto by the State Government for IAS/ Deputy SP or in any other post or posts declared equivalent thereto by the State Government for IPS/ post(s) included in the State Forest Service for IFS; and
- (c) is confirmed in the State Service; and
- (d) is within the zone of consideration which is equal to three times the number of vacancies in the order of seniority; and
- (e) has not attained the age of 54 years (The cut-off age has been increased to 56 years which shall come into effect from the Select List of 2015, that is for the vacancies which may arise between 01.01.2015 and 31.12.2015, as per the amendments to the IAS/IPS/IFS Promotion Regulations dated 17.03.2015 and the clarification issued vide OM No. 14015/30/2015-AIS-I dated 20.03.2015 by the Department of Personnel & Training, Government of India).

Q 8. What are the eligibility criteria for consideration for selection of Non-State Civil Service Officers to the Indian Administrative Services?

Answer - In terms of the provisions of IAS (Appointment by Selection) Regulations 1997, a Non-State Civil Service Officer is eligible to be considered for selection to the Indian Administrative Service, provided he/she-

- (a) is of outstanding merit and ability; and
- (b) holds a Gazetted post in a substantive capacity; and
- (c) has completed not less than 8 years of continuous service under the State Government on the first day of January of the year in which his/her case is being considered in any post which has been declared equivalent to the post of Deputy Collector in the State Civil Service; and
- (d) has not attained the age of 54 years on the 1st day of the January of the year for which the Select List is to be prepared. (The cut-off age has been increased to 56 years which shall come into effect from the Select List of 2015, that is for the vacancies which may arise between 01.01.2015 and 31.12.2015, as per the amendments to the IAS Selection Regulations dated 17.03.2015 and the clarification dated 20.03.2015 issued thereto by the DoP&T, Government of India).

Q 9. What is the crucial date for reckoning the eligibility of Officers for the vacancies of a particular year?

Answer - The crucial date for reckoning the eligibility of Officers for inclusion in the zone of consideration is to be taken as the 01st January of the year in which the promotion quota vacancies arise.

Q 10. What is the notional date for reckoning the availability of the eligible Officers?

Answer - The notional date for reckoning the availability of eligible Officers in the State Services for consideration for promotion is to be taken as 31st December of the vacancy year.

Q 11. Who are the Cadre Controlling Authorities for the IAS/IPS/IFS?

Answer - The Central Government is the Cadre Controlling Authority for the three All India Services. In terms of the provisions of the respective IAS/IPS/IFS Promotion Regulations, the Central Government means Ministry of Personnel, Public Grievances & Pensions, Department of Personnel &

Training for IAS, Ministry of Home Affairs for IPS and Ministry of Environment, Forests & Climate Change for IFS. The vacancies to be filled under the Promotion Quota for each year are determined by the Central Government in consultation with the respective State Government and the final appointments are also made by the Central Government.

Q 12: Who does play the role of State Government for Union Territories (UT)?

Answer - For promotions to UT segment of Joint AGMUT Cadre the State Government means Ministry of Home Affairs for IAS and IPS and the Ministry of Environment, Forests & Climate Change for IFS.

Q 13. What is the role of the UPSC in promotion/selection to the All India Services?

Answer - Once the vacancies for promotion/selection to the All India Services have been determined by the respective Cadre Controlling Authorities in consultation with the State Governments concerned, the State Government forwards the proposal for promotion/selection for the relevant year(s) to the Commission through the Single Window System.

Thereafter, the proposal is examined by the Commission in detail and deficiencies, if any, are communicated to the State Government concerned for rectification of such deficiencies. After the proposal is complete in all respects, the meeting of the Selection Committee is convened by the Commission for preparation of a list of Officers as are suitable for promotion/selection. Upon receipt of the observations of the State Government and the Central Government on the recommendations of the Selection Committee, as required under relevant Regulations of respective Promotion/Selection Regulations, the recommendations of the Selection Committee are placed before the Commission for approval. The list as finally approved by the Commission forms the Select List of the members of the State Service Officers. Appointments to the All India Services are then made by the respective Cadre Controlling Authorities.

Q 14. What are the documents required to be sent by the State Government while sending proposals to the Commission for convening the Selection Committee Meetings?

Answer - a) Latest Seniority List duly notified.
b) Eligibility List(s) of Officers to be considered.
c) Integrity Certificate duly signed by the Chief Secretary.

- d) Statement of Disciplinary/Criminal proceedings pending against the Officers with date of issue of charge sheet/filing in the Court of law.
- e) Statement of adverse remarks in the ACRs – which are yet to be communicated; ACRs communicated but the time limit to represent is not yet over; a representation against the adverse remarks is submitted but decision of the State Government is pending.
- f) Statement of penalties imposed during the last 10 years with brief particulars, date of penalty and the currency period of penalty.
- g) Statement of Court cases having a bearing on the preparation of the Select List.
- h) Complete ACR dossiers containing original ACRs with 'Non Recording Certificates' indicating valid reasons for missing ACRs.
- i) A statement of available ACRs with reasons for missing ACRs.

Q 15. When can a meeting of the Selection Committee for a particular year be convened for promotion to IAS/IPS/IFS?

Answer - A meeting of the Selection Committee for the vacancies of a particular year can be convened at any time after the vacancies have been determined by the Central Government, provided a proposal, complete in all respects, is furnished by the State Government concerned to the Commission. However, Commission advises the State Governments from time to time, to complete this exercise as early as possible during the year.

Q 16. What is the composition of the Selection Committee?

Answer - Composition of the Selection Committee is specified in the Schedule of the Promotion Regulations which are available on Website of Government of India, Department of Personnel & Training (DoP&T) viz. www.persmin.gov.in. The absence of a Member, other than the Hon'ble Chairman or Hon'ble Member of the Commission, shall not invalidate the proceedings of the Committee if more than half of the members of the Committee have attended the Meeting.

Q 17. What is a Select List?

Answer - The list of the Officers recommended for induction into the All India Services for a particular year vacancy by the Selection Committee forms the Select List for that year after it is finally approved by the Commission in terms of the relevant provisions of the Promotion/Selection Regulations. The number

of officers in the Select List cannot exceed the number of vacancies notified for that year by the Cadre Controlling Authority concerned.

Q 18. Whether year-wise Select Lists can be prepared if the Selection Committee does not meet for a year?

Answer - Yes, in case, the Selection Committee Meeting could not be held by 31st December of the previous year(s), year-wise Select Lists can be prepared as and when the Selection Committee meets again, in terms of proviso to Regulation 5(1) of the Promotion Regulations.

Q 19. What is the validity period of the Select List?

Answer - In terms of Regulation 7(4), the validity period of the Select List is up to 31st December of the year in which the Selection Committee Meeting is held or 60 days after the Select List is approved by the Commission, whichever is later.

Q 20. An Officer has retired from the service/expired. Can he/she still be considered for inclusion in the Select List?

Answer - Yes. If an Officer was eligible for the Select List of a particular year and also available for consideration on the 31st December of that year, he/she will be considered for inclusion in the Select List for that year even if he/she has retired from the service / expired in the meanwhile. For example, if an officer who was eligible for the Select List of 2010, retired/expired in, say, 2012 and the Selection Committee Meeting was conducted in 2013, this Officer would be considered for the Select List of 2010 as he was available for consideration on 31st December of the vacancy year, which is 2010.

Q 21. Is there any provision to give extended Panel in lieu of officers included in the Select List who are retired or not available for appointment by promotion?

Answer - No.

Q 22. Can an Officer whose representation for expunction of adverse remarks from his ACRs is pending with State Government be included in the Select List?

Answer - Yes, if he is otherwise found suitable by the Selection Committee by ignoring such adverse remarks. However, his inclusion will be provisional subject to expunction of such adverse remarks in terms of proviso to Regulation 5(5).

Q 23. Can the Officers against whom disciplinary proceedings/ criminal proceedings are pending, be included in the Select List? What will be the position if they are subsequently exonerated? Will 'Sealed Cover Procedure' be followed in their cases?

Answer - Yes, they can be included provisionally if otherwise found suitable. However, in the event of their exoneration or if the conditions leading to their provisional inclusion no longer subsist, their names can be made unconditional by the Commission in the Select List provided a proposal is received from the State Government within the validity period of the Select List. There is no 'Sealed Cover Procedure' in promotions to the All India Services.

Q 24. Whether an eligible Officer whose Integrity Certificate has been withheld by the State Government can be included in the Select List (other than Non-SCS category)?

Answer - Yes, the name of the Officer, whose Integrity Certificate has been withheld by the State Government may be included in the Select List by the Selection Committee provisionally, subject to grant of Integrity Certificate, if the Selection Committee finds the Officer otherwise suitable for promotion on the basis of an overall assessment of his/her ACRs.

Q 25. Whether an Officer whose integrity certificate is withheld by the State Government or against whom disciplinary/ criminal proceedings are pending is eligible to be considered for selection to IAS (Non-SCS)?

Answer - No.

Q 26. When can a disciplinary/criminal proceedings be treated as pending against an Officer?

Answer - A disciplinary/ criminal proceedings shall be treated as pending only if a charge sheet has been issued to the Officer or filed in a Court as the case may be.

Q 27. What is meant by the categorization of Officers by the Selection Committee Meeting?

Answer - In accordance with Regulation 5(4) of the Promotion Regulations, the Selection Committee shall classify/categorize the eligible Officers as 'Outstanding', 'Very Good', 'Good' and 'Unfit' as the case may be on an overall relative assessment of their service records.

Q 28. Is there any 'bench mark' grading, like in DPCs, in the preparation of the Select List?

Answer - No. There is no concept of 'bench mark' or assessment as 'fit/unfit' in the preparation of Select List by the Selection committee. The Select List is prepared by including the required number of names first from amongst the Officers finally classified as '**Outstanding**' then from amongst those similarly classified as '**Very Good**' and thereafter from amongst those similarly classified as '**Good**' and the order of names, inter-se, within each category are in the order of their seniority in the State Service.

Q 29. What records are assessed by the Selection Committee?

Answer - The Selection Committee makes an assessment of the ACRs (and other service records) of the eligible Officers furnished by the State Government with special reference to the performance of the Officer during the last five years including the vacancy year.

Q 30. In case of unavailability of ACR of a year within the matrix of five preceding years, how is the assessment done by the Selection Committee?

Answer - As the overall assessment of the Officer cannot be withheld because of non-availability of ACRs, the Selection Committee makes the categorization on the basis of available ACRs. Thus, where one or more ACRs of an Officer have not been written for a year or more on account of his/her being on leave, training or because no officer supervised his/her work for more than three months or for any other valid reason during the relevant period, the Selection Committee consider the ACRs of the years preceding the period of five years.

Q 31. How are the assessments made by the Selection Committee?

Answer - Selection Committee is independent to make its own assessments. The Hon'ble Supreme Court have also upheld this power of the Selection Committee vide their judgments in **UPSC Vs H.L. Dev and Others [1988 SC 1069]** and **UPSC Vs K. Rajaiah and Others [2005 10 SCC 15]**. The detailed internal guidelines, framed by the Commission in this regard, are hosted on the website of UPSC at www.upsc.gov.in.

Q 32. An Officer has been graded differently by his Reporting Authority and Reviewing/Accepting Authority. Will the Selection Committee take the lower grade for assessment?

Answer - No. The Selection Committee make their own assessment while assessing an Officer's ACR. If the Reviewing Authority or the Accepting Authority, as the case may be, has differed from the assessment made by the Reporting Officer or the Reviewing Authority, as the case may be, the remarks of the latter authority are taken as the final remarks for the purpose of assessment provided it is apparent from the relevant entries that the higher authority has come to a different assessment consciously after due application of mind.

Q 33. Can the Selection Committee differ with the overall grading indicated in the ACRs?

Answer - Yes, the Selection Committee is a high powered statutorily constituted Committee and is vested with the power to make an independent assessment of the service records and ACRs of the Officers. The grading awarded by the Committee is based on the attributes indicated in various columns of the ACRs and at times may be at variance with the overall grading recorded in the ACR by the Reporting Officer/Reviewing Officer/Accepting Officer. The Hon'ble Supreme Court in their judgment in the case of K. Rajaiah [2005 10 SCC 15], have also held that the Selection Committee is not bound by the overall grading recorded in the ACRs.

Q 34. Does the Selection Committee follow the DPC guidelines issued by the Government of India, DOP&T?

Answer - No. The Selection Committee makes the assessments in terms of the provisions of the Promotion Regulations as per the guidelines of the Commission. The Hon'ble Supreme Court in their judgment dated 13.12.2007 in Civil Appeal No. 5883-5891 of 2007 filed by Shri M.V. Thimmaiah & Ors. Vs. Union Public Service Commission & Others have upheld the guidelines of the Commission for making the assessment of service records by the Selection Committees constituted under the Promotion Regulations. The Court have observed as under:

“Therefore, in view of the catena of cases, courts normally do not sit in the court of appeal to assess the ACRs and much less the Tribunal can be given this power to constitute an independent Selection Committee over the statutory Selection Committee. The guidelines have already been given by the Commission as to how the ACRs to be assessed and how the marking has to be made. These guidelines take care of proper scrutiny and not only by the Selection Committee but also the view of

the State Government are obtained and ultimately the Commission after scrutiny prepare the final list which is sent to the Central Government for appointment”.

Q 35. How is the case of a provisionally included Officer considered while preparing year-wise Select Lists for more than one year?

Answer - While preparing year-wise Select Lists for more than one year pursuant to the 2nd proviso to Sub-Regulation (1) of the Promotion Regulations, the officer included provisionally in any of the Select List so prepared, shall be considered for inclusion in the Select List of subsequent year in addition to the normal consideration zone and in case he is found fit for inclusion in that Select List also on a provisional basis, such inclusion shall be in addition to the normal size of the Select List determined by the Central Government for such year.

Q 36. Can an Officer be assessed as ‘unfit’ on the basis of a disciplinary/criminal proceedings pending against him?

Answer - No. An Officer can be declared ‘unfit’ only if the Officer has been imposed with a penalty which renders him unfit on overall assessment and not merely on basis of a disciplinary/ criminal proceedings pending against him. However, in case of disciplinary/criminal proceedings being pending against an Officer, he/she is to be included in Select List provisionally, if otherwise found fit, subject to clearance in the disciplinary/criminal proceedings.

Q 37. What is the date from which the currency of a penalty is taken?

Answer - The currency of penalty is taken from the date on which it is imposed to the date it ceases to be in force.

Q38. Will the penalty render an Officer ‘unfit’ for inclusion in a Select List if the offence was committed prior to the Assessment Matrix of five preceding years but currency of penalty flows into the Assessment Matrix?

Answer - Yes. Suppose, an offence was committed by an Officer in the year 2000 but the penalty was imposed in 2008 and he/she was included in the zone of consideration for the Select List of 2010, he/she would be rendered ‘unfit’ as the currency of the penalty flows into the Assessment Matrix which spans from 2005-06 to 2009-10.

Q 39. Suppose the Selection Committee Meeting for preparation of year-wise Select Lists of 2012 & 2013 was held in June 2014 and a penalty was imposed on one of the eligible Officers in, say, March 2014. Will the Officer be rendered 'unfit' for inclusion in the Select Lists?

Answer - Yes. If the currency of the penalty flows into the SCM year, which is 2014 in this case, the Officer would be graded as 'Unfit' in the overall assessment for all the Select Lists being prepared.

Q 40. How is the penalty of 'Censure' treated while making assessments?

Answer - The Selection Committee, while preparing the Select List(s), may take into account the effect of 'Censure' as under:

(a) If the date of imposition of the 'Censure' falls within any of the years in the Assessment Matrix, the Committee would categorize the Officer as 'Unfit' for the year in which it is imposed for the first Select List prepared in which he is eligible to be considered.

(b) If the date of imposition of the 'Censure' is subsequent to the last year in the Assessment Matrix, and upto the date of the Selection Committee meeting (SCM), the Committee would categorize the Officer as 'Unfit' in the overall assessment for the first Select List prepared in which he is eligible to be considered.

(c) The penalty of 'Censure' would be ignored for the subsequent Select Lists for which the Officer may be eligible to be considered.

Q 41. Is there any supersession in the promotion to the All India Services?

Answer - Yes. In terms of provisions of Regulation 5(4) and 5(5) {5(3AA) and 5(4) for IFS} of Promotion Regulations, the selection for promotion to the All India Services is on the basis of merit.

Q 42. For selection of Non-SCS Officers for appointment to IAS, what is the weightage of ACRs and interview?

Answer - It is 50:50. However, a minimum of 50% marks in each segment would be required to qualify for inclusion in the Select List.

Q 43. Is there a provision for preparation of year-wise Select Lists in respect of appointment by selection of Non-SCS Officers?

Answer - No. The process of selection of Non-SCS Officers terminates at the end of the calendar year succeeding the vacancy year. If the Selection Committee Meeting could not be held by the end of that calendar year, the vacancy ceases to exist for Non-SCS Officers and, thereafter, for that particular year, no Meeting is possible.

Q 44. Is there any reservation for Scheduled Caste(SC)/Scheduled Tribe (ST)/Other Backward Classes (OBC)/ Physically Handicapped (PH) categories in the appointment by promotion/selection to the All India Services?

Answer - No. There is no provision for reservation for any category of persons in the Promotion/Selection Regulations which govern the promotions/selections to the All India Services.

Q 45. Can minutes of the Selection Committee Meeting be disclosed under RTI Act?

Answer - Yes, the minutes of the Selection Committee Meeting can be disclosed under the Right to Information Act, 2005.

Q46. Can the year-wise assessment sheet be disclosed under RTI Act?

Answer - No. The year-wise assessment sheet cannot be disclosed. However, in pursuance of the Interim Order passed by the Hon'ble Delhi High Court in the case of **UPSC Vs Madhu Khare**, the Commission has decided that the year-wise assessment of the individual concerned only can be revealed to him/her if specifically asked for under the Right to Information Act, 2005.

Q 47. Is there provision for review of the Select Lists already approved and acted upon subsequently due to change of seniority in the State Service, change of records viz. expunction of adverse remarks, exoneration from disciplinary/criminal proceedings, setting aside of penalties etc.?

Answer - No. There is no provision in the Promotion Regulations for review of Select Lists for promotion to the All India Services for any reason whatsoever. A Select List can be reviewed only on specific directions of the Court.

Q 48. Can any Officer who has expressed his/her unwillingness to be appointed to the All India Services be included in a Select List?

Answer - If any Officer has been included for the first time in the zone of consideration, he/she shall be considered for inclusion in the Select List. However, the Committee shall not consider the case of such member of the State Civil Service who had been included in an earlier Select List and had expressed his/her unwillingness for appointment to the All India Service.

However, he/she shall be considered for inclusion in the subsequent Select List, if before the commencement of the year, he/she applies in writing, to the State Government expressing his/her willingness to be considered for appointment to the Service.

Q 49. What is the procedure for declaring an Officer included provisionally in the Select List as 'unconditional'?

Answer - The State Government has to forward a specific proposal to declare provisionally included Officer in the Select List as 'Unconditional', to the Commission during the period when the Select List is in force. The Commission shall decide the matter within a period of **forty-five** days or before the date of meeting of the next Selection Committee, whichever is earlier and if the Commission declares the inclusion of the provisionally included Officer in the Select List as unconditional and final, the appointment of the concerned Officer shall be considered by the Central Government.

Q 50. Can the Commission make any changes in the Select List after receiving comments from the State Government?

Answer - If the Commission considers it necessary to make any changes in the list received from the State Government, the Commission shall inform the State Government and the Central Government of the changes proposed and after taking into account the comments, if any, of the State Government and the Central Government, may approve the list finally with such modifications, if any, as may, in its opinion, be just and proper.