CHAPTER - VII

RECRUITEMENT - II

(Promotion and Transfer)

Promotion is a recruitment from within and it involves permanent transference of an employee's job that pays more money and higher status. In the words of Dr. White "it means 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." On the other hand transfer is simply a change of service and advancement, while promotion entails basic change in the position and status of the employee. From the point of view of employee, it is an advancement, from a lower grade or class of the service to a higher one carrying larger salary and higher duties and responsibilities, while from the point of view of the employing authority, it means filling up the higher posts by the selection of the fittest persons from within the service. It is a recruitment without advertisement and mostly without examination or interview. Posts are filled not from the open market but from the persons already
working on the lower posts and possessing intimate knowledge of the department.

Promotions are having certain objectives. It rewards employees for faithful service, meritorious performance, regular attendance, punctuality and outstanding ability on the job. It is intended to retain in service the employees of great potential ability. It is also a means of placing the employees in positions where they can render more valuable service. Moreover it improves the morale of the employees. To ensure the cardinal principles of "equal opportunity to all" and "a fair field to merit without favour", the sound system of promotion becomes necessary. A good promotion system works as an incentive to the employees. As Prof. Proctor says: "promotion is of direct significance to the management in as much as the rewards given to employees and the incentive held out to them react in important ways on practically all of the phases of employment administration. The actual promotions given to employees tend to create a contended, stable and efficient personnel. The opportunities for promotions held out to employees have similar effect. They operate as fundamental and far-reaching effect."
Lack of promotion system, says Prof. Proctor "has a marked retroactive effect on all the processes of personnel administration. It has a discouraging effect on recruiting. It tends to deter ambitious and capable workers from entering the public service. It frequently causes the better type of worker to leave the public service for work in the field of private enterprise. It discourages workers from entering upon courses of training calculated to prepare them for increased usefulness in public employment. It makes difficult the maintenance of discipline and of goodwill and enthusiasm throughout Government establishments. As a result, it renders difficult the maintenance of high standards of individual and group efficiency". However, there are two dangers that adversely affect the proper promotion system. They are: importunate solicitation and coercive influence from outside and secondly favouritism, corruption and prejudice on the part of appointing authorities. If the promotion methods fail, says Mayers "the fact is known to all the personnel affected and more surely and universally than any other defect in personnel methods, breeds discontent, diminution of incentive and general infairment of morale."

For a sound promotion system, Prof. Willoughby lays
down certain essential features. They are:

(1) Adoption of standard specifications setting forth the duties and qualifications required for all promotions in the Government service.

(2) The classification of these positions into distinct classes, series, grades and services.

(3) The inclusion of all positions into this classification.

(4) The adoption of the principle of merit in determining the selection of employees for promotion.

(5) The adoption, so far as possible, of the principle of recruitment from within for filling up of higher posts.

(6) The provision of adequate means for determining the relative merits of employees eligible for promotion.

(7) Eligibility for promotion should be considered on (i) personal qualifications and (ii) service status.

(8) The determining factors in selection for promotion are (i) seniority (ii) service ratings or efficiency records (iii) competitive examinations, and (iv) personal judgement of the appointing authority.
Promotions are not made over the whole service as a single unit. Normally they are departmental. Inter-departmental promotions occur in three circumstances: (i) in connection with highest posts (ii) when department concerned, do not find suitable candidate in the same department (iii) when new department is created or existing department is expanded. Within the department, the line of promotion is determined by grades, classes and the services. Normally the promotion is from grade to grade within the same class. Inter-class promotion do take place, but it involves special selection procedure and is not a routine occurrence. Moreover the administrative structure being pyramidal, the highest posts are few and so the opportunities are limited. Because of this limited range, there arises, according to L.D. White "the underlying and irreconcilable conflict in any promotion system. Large number of employees, normally, ambitious and intent on success --- and under heavy economic pressure with the passing of years face a limited number of higher positions in which vacancies occur at relatively irregular and infrequent intervals. No form of promotion system can solve this dilemma". Since the opportunities for higher posts are limited, the need for the principles of promotion arises.
There are only two principles of promotion. They are seniority and merit. These principles are followed as alternatives or in some degree of combination. At certain places seniority gets precedence and at other places merit gets precedence.

1. **Seniority:**

In case of a principle of seniority, the length of service becomes the determining factor. However the determination of the length of service raises certain problems. They are: whether the total service of the employee or the length of the service in the same department or the salary drawn by the employee is to be counted in determining the seniority? At the same time, the employee of the higher grade or scale is always a senior to the lower grades or scales.

The merit of this principle is its objectivity, simplicity, certainty and dependability. It reduces rivalry and struggle and leaves little room for favouritism or nepotism. To quote Dr. Finer: "it is automatic and avoids the need for making invidious distinctions between one person and another, of placing the young over the old, of measuring the responsibility for the result of promotion." On the other hand, it has certain demerits
as well. It is argued that mere length of service is not a criteria for ascertaining the fitness of the employees. This principle assumes that all the employees of the grade are fit for the higher posts. A French writer G. Jeze writes that: "Promotion by grade or class by seniority is very much open to criticism; it suppresses emulation, renders useless zeal and intelligence in the exercise of the function."

2. Merit:

This is the most meritorious principle and favours the best qualified to be selected for promotion. The determination of merit is also a very complex matter and includes besides the intellectual attainment, the personality, qualities of leadership and character etc. Moreover it involves the complex problem of devising the proper method of testing. Generally three methods are there to test the worth of an employee. They are: (i) personal judgement of the head of the department (ii) competitive examinations (iii) efficiency rating.

The principle of merit has its own merit and demerit and moreover the methods of testing are also in question.

Looking at the pros and cons of the principles of
promotion, the experts have opined that at the higher posts merit only should be the criteria for the determination of promotion. At the lower range posts, seniority should get the weightage and at the middle level posts, combination of merit and seniority should be followed.

Traditionally, in India, the weightage is being given to seniority. Before 1946, the concerned departments were in charge for making the selections for promotion. The selections were then referred to the Commission along with the confidential reports. However on June 17, 1946 the Government issued the orders, accepting the recommendations of the Inter-Departmental Committee, to establish a system of Departmental Promotion Committee (now known as D.P.C.) for promotion within a service and from lower classes to higher ones. The object of this scheme is to associate the Commission with the selection for promotions.

The system of establishing D.P.C.s. has continued since then. Under the Constitution of India, Article 320(3)(b) requires the Public Service Commission to be consulted "on the principles to be followed in making appointments to civil services and posts and in making promotions and transfers from one service to another and on the suitability of candidates for such appointments,"
promotions, or transfers." In the field of promotions, the Commission's scope is limited by the Exemption from Consultation rules framed by the President or the Governor as the case may be. To start with, the D.P.C. of the concerned ministry meets periodically and prepares the list in the order of merit of officers to be selected for promotion. At the centre and in some states, the practice of deputing one of the members of the Commission to sit on all D.P.C.s. is followed. The recommendations of the D.P.C.s. are referred to the Commission for the posts which fall under its purview.

3. Promotion System in Gujarat:

Under the Article 320(3)(b) of the Constitution of India, the Government of Gujarat is required to consult the Gujarat Public Service Commission before making promotions. Two methods are followed in this respect. One method is that of referring to the Commission individual cases of the persons who are to be actually promoted. The other method is to prepare a Select List in advance of officers considered fit for promotion to the higher posts. The system of preparing a Select Lists has its origin in 1940-41 when the then Commission made certain suggestions to the Government of Bombay and Sind with a
view to ensuring better enforcement of the rules and orders already issued by Government. One of the recommendations was that of preparation of Select Lists in which officers considered fit for promotion would be included, scrutiny of their suitability being made in advance. This scheme was progressively applied to more services and posts in the following years. Principles for preparation and revision of Select Lists were also laid down in consultation with the Commission.

The practice of preparing the Select Lists of officers fit for promotion is still followed in Gujarat. The concerned departments review the position in respect of the vacancies likely to occur during the year. The percentages for the promotion is fixed and is generally 50:50%. Instead of approaching the Commission for the purpose of promotion, the Government, in consultation with the Commission prepares a Select List of officers fit for promotion and out of this List, promotions are made when the vacancies occur. These Lists are not so long but restricted to the number equal to the number of vacancies likely to occur during the next two years. These Lists are revised annually and sometimes, if necessary, even earlier.
The preparation of Select Lists involves certain operational aspects. For this purpose, a committee of the department is formed. In the Committee, if it is for the I class officers, the Secretary to the Government, Head of the Department and one other officer are the members. For the II class officers, the Committee is formed consisting of two deputy secretaries and special Secretary to General Administration Department. In Gujarat, the Member of the Commission does not sit on the Departmental Promotion Committee as is the practice at the centre and in some States. The Committees of the various departments consider the cases of all officers concerned who are eligible for promotion on account of seniority and good service record. In preparing the Select List, the criteria followed is that of seniority-cum-merit in the case of middle and upper middle level. While for certain limited number of posts in the higher categories, say Heads of the Department, merit-cum-

seniority is the criteria to be followed. Moreover, while considering the case of the individual officers, the Confidential Report, Files of the concerned officers are placed before the Committee. The proforma of the Confidential Report is given in the Appendix-XXVI. The Committee then checks the individual cases in terms of the
satisfactory record; passing of examination, if any; eligibility condition where it is prescribed for next promotion and any serious misconduct including integrity. After the scrutiny in terms of these criteria, the Committee prepares a tentative Select List which is then submitted to the Government along with its Report. The Department then prepares a proposal for being sent to the Commission for their approval. The proposal for class I officers is, however, sent to the Commission, after being examined by the General Administration Department. For class II officers, the Department itself is authorised to go ahead. In both the cases, the Select Lists are referred to the Commission for its concurrence, after being approved by the Government. In the meantime, the Departments start making provisional appointment at a time and when the individual officer is adjudged, then the appointment after over one year is made for the long term.

The cases referred to the Commission are examined by the Commission in the light of the Confidential Reports. The Commission also checks the Select lists in terms of the satisfactory records; passing of examination, if any; eligibility condition, if any for the next promotion and any serious misconduct including integrity. After the
scrutiny, the Commission gives approval to the Select Lists. The number of officers, recommended by the Commission to be placed on the Select Lists during 1960-61 to 1975-76 are given in the Appendix XXVII. The individual cases of officers who are to be actually promoted is to be referred to the Commission for its approval. The number of such cases considered and advised by the Commission every year is given in the Appendix XXVIII.

However there is a controversy regarding the inter-grade promotion. Article 320(3)(b) of the constitution requires that the Commission shall be consulted on the principles to be followed in making promotions and transfers from one service to another and on the suitability of candidates for such promotions or transfers. In this regard, some of the State Governments have interpreted the expression "in making promotions and transfers from one service to another" as making promotions and transfers from a lower to a higher service and transfers from one service to another and not as referring to promotions made from a lower grade to a higher grade. This means that in the case of a promotion from the post of Executive Engineer to Supdt. Engineer, the consultation with the Commission is not required. The Government of Gujarat also follows this interpretation. Now, how far this procedure is regular or otherwise is a matter of deeper consideration.
4. **Appointment by Transfer**

Under Article 320(3)(b), the Governments are required to consult the Commission in the cases of transfers as well. The Government of Gujarat under the Rule 9(d) of the Gujarat Civil Services Classification and Recruitment (General) Rules 1967, makes appointment by transfer.

If the transfer is on the same post, the consultation with the Commission is not required. However, if the transfer is for advancement, the Government is required to consult the Commission for the posts that fall under its purview. The details regarding the cases of such transfers considered by the Commission every year is given in the Appendix XXIX.

5. **Summary:**

In the field of promotions and transfers, the role of the Commission is negative in the sense that it can either agree or disagree. To uphold the principle of "equal opportunity for all" and "a fair field to merit without favour", the association of Commission is necessary not merely in the recruitment from without but also in the recruitment from within. The problem of promotion is a service matter and both the management and the employees are deeply concerned in it. The role of the Commission
can strike a judicious balance between the interest of management and the interests of the employees. A sound promotion policy can enhance the morale and efficiency of the services.

However, the problem of associating the Commission with the Departmental Promotion Committee and thus making the role of the Commission more positive has taken a different turn in Gujarat. Its roots are to be found in the history.

Though for the different purpose of curtailing delays and not for ensuring the cardinal principle of "equal opportunity for all", the former Government of Bombay approached the Bombay Public Service Commission with a suggestion that Committees for each department known as Departmental Promotion Committees should be established. It was also suggested that these Committees should be presided over by a Member of the Commission. But the Bombay Public Service Commission disagreed with the proposal. On the contrary, the Gujarat Public Service Commission suggested to the Government that the scheme of Departmental Promotion Committees should be introduced. The Commission in its fourth Report has referred that "Departmental Promotion Committees if properly set up and worked judiciously are bound to cut down delays, and avoid the
lengthy correspondence which ensues while dealing with each proposal of a Select List.\textsuperscript{1} The Government, however, is not prepared to introduce any change in the present system. In fact, the Commission insisted for the establishment of Departmental Promotion Committee presided over by the Member of the Commission for three successive years, but the Government did not agree. It has argued that it is the Department concerned which knows better about the candidates for promotion and not the Commission.

In this respect, the recommendation made by the Conference of Public Service Commissions in India which met in November 1976 should be implemented. It suggested that whether from class II to class I or from one grade to another grade within class I all promotions should be made through the system of D.P.C.'s presided over by the Chairman of the Commission or a Member nominated by him. Very few States have the D.P.C.s. presided over by the Chairman or the Member of the Commission. In Jammu and Kashmir, the D.P.C.s. were set up in 1958 presided over by the Chairman or one of the Members of the

\textsuperscript{1} Gujarat Public Service Commission: \textit{Fourth Report}, 1963-64, Para 13(ii) Page 7
Commission. In Andhra Pradesh, when the Chief Secretary or a Secretary to the Government is a member of the D.P.C., he would preside over the Committee and not the Chairman or the Member of the Commission. In view of this, the Andhra Pradesh Public Service Commission was not participating in any meeting of the D.P.C. for promotion.

Moreover for the purpose of promotion, it is the Confidential Reports (known as C.R.) which play the decisive part. Very often these reports are found incomplete and incorrect. In this regard, the Fourth Report of the Gujarat Public Service Commission throws some light. It says "when the proposal is received by the Commission, very often Confidential Report Files of all officers are not sent, and the files which are sent are very often found incomplete. The Commission can tender advice only on a careful examination of these Confidential Report Files, and cannot proceed to consider the Government proposal unless files concerning all officers are received." ¹ The experiences of the Bombay Public Service Commission, which is a predecessor of the present Commission, are

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also not happy. It is being noted during the years from 1952 to 57 that "Difficulties, however, arose in dealing with references regarding promotion owing to the unsatisfactory manner of maintenance of confidential records. In a large number of cases reports were not recorded from year to year; in some cases reports were written up for several years only after a request for the complete record was made by the Commission. There were cases in which the original reports were subsequently modified and no indication was given whether the modifications were accepted by the Head of the Department. In many cases, the reports were not sufficiently factual. Instances were also noticed in which unfavourable reports on officers which were accepted as correct at the time they were made, were later rejected by Government as biased or inaccurate."¹ The Chairman, Orissa Service Commission stated at the Conference of Public Service Commissions in India, November 1976, that "original confidential records were not being forwarded to them for considering the cases of promotions etc. and only

copies of the confidential records without even proper attestation were being furnished."¹ The Chairman, Rajasthan Service Commission observed, at the Conference that "he had come across a number of cases in which adverse remarks in C.Rs. which had been recorded in the C.Rs. Several years earlier had been expunged just when the D.P.C. was going to meet."²

In order to improve the existing system, the Administrative Reforms Commission, in its report on Personnel Administration, has made certain recommendations. They are:

(1) At the end of each year the official reported upon should submit a brief resume, not exceeding three hundred words, of the work done by him, bringing out any special achievement of his. The resume should be submitted to the reporting officer and should form a part of the Confidential record. In giving his own assessment, the reporting officer should duly take note of the resume and after making his own comments and assessment, submit the


entire record to the next higher officer, namely, the reviewing officer. The reviewing officer should add his own comments, if any, and also do the grading.

(2) The gradings in the Confidential Report should be reduced to three: (i) fit for promotion out of turn; (ii) fit for promotion; (iii) not yet fit for promotion. There need be no such category as 'unfit for promotion.'

(3) Only five to ten percent of officials engaged in work of a similar nature and at the same level in any office or organization should normally be graded fit for promotion out of turn. This grading should be supported by a specific mention of the outstanding work.

(4) There is no need to communicate adverse remarks to an official. In the event of any adverse remarks having been recorded, the reviewing officer should after discussing them with the reporting officer and, if necessary, the officer reported upon, either confirm the remarks or suitably modify them, as the case may be.

(5) The annual report may be called "performance Report" instead of "Confidential Report."1

In all the States, there exist a well defined system of promotion. Promotion within the same class are easier but it is not so in the cases of promotion from one class to a higher one. To enhance the morale of the civil service, a sound system of promotion should be evolved. In this regard, the suggestions made by the Estimates Committee in its 9th report 1953-54, is noteworthy. They are:

"(a) Promotions should be solely on the basis of merit regardless of the seniority of the persons concerned in service.

(b) Persons should be judged for promotion by the people who have watched their work and conduct over a period.

(c) Promotions should be made on the recommendations of a Committee consisting of not less than 3 officers, one of whom at least is acquainted with the work of the person concerned.

(d) In judging the person on the basis of the Confidential Report on him, it should be seen that he was warned in time of the defects noticed in his work and conduct and that if he did not show improvement he was warned again.

(e) If no warning has been given to a person, it should
not be presumed that the reports on him are so good as to justify his promotion."  

Examining the different systems of promotion policy, it becomes evident that much more depends upon the discretion of the appointing authority. Prof. P.D. Sharma rightly suggest that "It is of utmost importance that the deciding authority should be a man of responsibility. In ordinary circumstances the deciding authority while considering promotion, should take into account the candidate's experience as well as his ability to undertake new task. In arriving at this ability, he should look into the candidate's past experiences and his personal traits or should require him to undergo some qualifying test."  

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