CHAPTER VII

PROMOTION

Promotion means an employee’s movement to a higher post within the same organisation involving more responsibility, higher status and higher salary. It is really a method of recruitment from within the organisation. The advantage in this method is that the employees themselves, their methods of working, their attitudes, their capabilities and their loyalties are known. It is thus easier to judge their suitability for a job. It also provides the employee motivation to work harder and look forward to rewards and better prospects. However, promotion is not adopted as the only method of recruitment as it is considered necessary to induct younger and freshly trained people from outside the organisation, that is, by direct recruitment.

Annual increments are not taken as promotion because they are more or less of a routine nature. So is crossing the efficiency bar which is generally at the middle of a scale and provides a bar on higher salary if the person is not fit. However, entry into the selection grade which, as the name specifies, is a higher grade is generally taken as promotion.

The employee looks at promotion as an incentive and reward for his good services. To some extent it can be seen as part of theory ‘X’. The management views it as a method of development of the employee and also a mode of maintaining continuity in the organisation and deriving benefit from the experience of its employees.
PROMOTION POLICY IN HIMACHAL PRADESH

The promotion policy is laid down in the recruitment and promotion rules which are framed by the government and have the approval of the cabinet. The State Public Commission is consulted on the principles to be followed in promotion and the suitability of candidate for promotion. Usually most States adopt the central policies though some follow policies of their own.

The constitution of India does not provide any specific guidelines for establishment of promotion policies. In the absence of such guidelines the policy is framed by the government. Usually state governments adopt the policies laid down by the central government - however they can alter it if they so desire. While framing such a policy, the State Public Service Commission is to be consulted on the principles to be followed in promotion and suitability of candidates for promotion. Such an arrangement is intended to keep the arbitrary power of the executive in check and to strike a judicious balance between the intent of management and the expectation of the employees.

Himachal Pradesh has shown a clear bias towards having more employees by promotion than by direct recruitment. At the lowest level i.e. class IV there is direct recruitment. Within class IV there is 100% promotion, like from peon (messenger) to gestetner (machine) operator. Class IV to class III also has some promotion but the nature of duties and basic educational qualification
required being totally different for class III, it has not been possible to give more promotion. For example, a clerk has to do typographical and paper work which is different from that of a peon who usually carries files and serves the staff. 10% of posts of class III are however reserved for promotion from class IV. Class III to class II has more than 50% promotion, generally 67% to 75%. Similarly class II to class I promotion is more than 50% and at places even 100%. Within class I, there is generally 100% promotion. This is in contrast to direct recruitment or other methods of promotion.

**TABLE VII.1**

<table>
<thead>
<tr>
<th>Promotion V/s direct recruitment as the method of recruitment</th>
<th>Promotion</th>
<th>Direct Recruitment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Within Class IV</td>
<td>100%</td>
<td>-</td>
</tr>
<tr>
<td>Class IV to class III</td>
<td>10%</td>
<td>90%</td>
</tr>
<tr>
<td>Class III to class II</td>
<td>75%</td>
<td>25%</td>
</tr>
<tr>
<td></td>
<td>67%</td>
<td>33%</td>
</tr>
<tr>
<td>Class II to class I</td>
<td>50%</td>
<td>50%</td>
</tr>
<tr>
<td>Within Class I</td>
<td>100%</td>
<td>-</td>
</tr>
</tbody>
</table>

205
Promotion can be done by seniority or by merit. Promotion by seniority means that unless there is something adverse against any employee, he is promoted in turn no matter what his level of efficiency. Promotion by merit means that within a specified number of eligible employees those who are more efficient are promoted.

Efficiency is measured by grading in annual confidential reports. These gradings are done by the reporting officers, reviewed by the reviewing officers and accepted by the accepting authority. This has been dealt with in the chapter on performance appraisal. Annual confidential reports are then considered by the departmental promotion committee constituted for the purpose. Before we deal with the departmental promotion committees, their constitution, functions and restraints, we will briefly go through the details of promotions by seniority and by merit.

Himachal Pradesh has vacillated in regard to the weightage to be given to seniority and merit. When more stress is given to seniority, it is called promotion by 'seniority-cum-merit' and when more stress is given to merit, it is called promotion by 'merit-cum-seniority' in the administrative jargon. These are also called the 'selection' and 'non selection' methods. Two factors reflect how much weightage is being given to seniority or to merit—one is whether promotion is being made by selection or non-selection method and the other is the zone of consideration in case of selection.
method. The higher the zone of consideration more is the weightage that can be given to merit.

After the Second Pay Commission report stating that 'seniority confers no claim to promotion', it was decided by Government of Himachal Pradesh that at lower levels promotions would be made on 'seniority-cum-merit' and on higher levels by 'merit-cum-seniority'. Instructions were issued in February, 1976 specifying that: 1

- Promotion within class III be made on seniority subject to rejection of unfit
- Promotion from class II to class I and within class I be made by merit-cum-seniority

It was further decided by letter dated July 27, 1978 that: 2

- Promotions from class III to class II will be made by seniority subject to rejection of unfit.
- Promotions within class II will be made by seniority subject to rejection of unfit

Instructions were issued to all departments to include this in their recruitment & promotion rules. In 1978 Himachal Pradesh government passed the H.P. Government Civil Service (Declaration of Selection or Non-Selection posts) Rules 1978. 3 Hence it became clear that at junior levels seniority was important and at higher level it was merit that was more important. It was

specified that all class III posts and class II civil posts, section officers, superintendent grade I or private secretaries shall be non-selection posts and all promotion from class II to class I and within class I shall be on selection basis. An amendment issued on April 14, 1981 made it all encompassing by stating that all promotions from class II to class I and within class I shall be selection posts "notwithstanding anything contained to the contrary in the recruitment and promotion rules".\(^4\)

At lower levels promotions are encouraged by seniority. From class IV to class IV instructions have repeatedly reiterated that all promotions should be from within and by seniority. The government has even gone to the extent of saying that for promotion from class IV to class III, no typing test will be required. class III is generally clerical level and this step though retrograde by itself (in the sense that if a person does not know typing he is not very useful as a clerk) shows the government’s intention to promote seniority at lower levels. In keeping with the recommendations of the Third Pay Commission which favoured and encouraged employees to get general and technical education before they are promoted by relaxing age if necessary but not by relaxing educational qualification, the government has been encouraging people to acquire higher educational qualifications.

Promotion by merit-cum-seniority as well as seniority-cum-merit

rejects the unfit. However, in the non-selection method, that is, seniority-cum-merit after rejection of the unfit, the fit are listed as per their seniority and that constitutes the select list, according to which promotions are made. In the merit-cum-seniority guidelines it is laid down under what conditions, after rejection of the unfit, selection (based on merit) is to be made from those who are fit. These guidelines have differed from time to time and have reflected the attitudes of the government. These are detailed below.

The method in 1978 was to consider three candidates out of the 'fit' list for the first vacancy and select one from amongst them. For the second vacancy three candidates were considered by adding one name. However, for two vacancies a total of four fit candidates were considered. It was laid down that for filling up posts based on merit-cum-seniority, the procedure to be adopted would be to prepare a list as per seniority of the eligible officers possessing the required minimum length of service (excluding those who are unfit).\(^5\)

Out of the list so prepared, selection for filling up the vacancies would be done by making a slab of 3 suitable officers for each vacancy. If the junior happens to be of exceptional merit he would be selected, otherwise the senior most would get selected. For the second vacancy one name would be added on to the 2 names that remain from the first slab (after one has been selected) and the same procedure will be followed for the second slab for selection.


209
Instructions dated July 27, 1978 further elaborated the procedure of selection by specifying that the confidential reports of eligible officers would be classified by the DPC separately for each year and marks would be awarded as under:

<table>
<thead>
<tr>
<th>Grade</th>
<th>Marks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Outstanding</td>
<td>5 marks</td>
</tr>
<tr>
<td>Very Good</td>
<td>4 marks</td>
</tr>
<tr>
<td>Good</td>
<td>3 marks</td>
</tr>
<tr>
<td>Fair</td>
<td>2 marks</td>
</tr>
</tbody>
</table>

After a evaluation for 3 to 5 years has been made, average marks are worked out by dividing the total by the number of years for which confidential reports have been considered. An officer who gets an average of 4.5 marks or above would be of an exceptional merit. Average marks of 3.5 to 4.5 would be classified as very good and 2.5 to 3.5 as good. Officers who get get less than 2.5 marks would be classified as unfit for promotion and excluded from the eligibility of promotion. Thus for 'selection' method, fair is considered unfit.

Further, these instructions clarified that an officer with 'outstanding' grading would supersede one with 'very good' grading and an officer with 'very good' grading would supersede an officer with a 'good' grading. However, further instructions modified this by saying that an officer graded as 'outstanding' would supersede an officer graded as 'very good' only when the difference in the length of service is not more than two years. Similarly supersession of 'very good' grading over 'good' grading

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would be done only when the difference in service is not more than two years. This was done to avoid supersessions by very junior officers.

The zone of consideration was extended on March 16, 1981, to the field of choice, wherever possible (i.e. subject to availability of eligible candidates) to extend to five times the number of vacancies within a year. This meant that the number of candidates who would be considered for promotion would be the number of vacancies multiplied by five in the seniority list.

<table>
<thead>
<tr>
<th>No. of vacancies</th>
<th>No. to be considered</th>
</tr>
</thead>
<tbody>
<tr>
<td>5</td>
<td>25</td>
</tr>
</tbody>
</table>

This resulted in a few supersessions and it was realised that while it was encouraging a few employees, it was also frustrating those who were being superseded resulting in creating a number of disgruntled employees. Very soon these instructions were modified to reduce the zone of consideration. By instructions dated November 3/4, 1981 it was specified that:

- the field of consideration would be three eligible persons for one post up to 20 posts
- above twenty posts one additional name for an additional post

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It was also clarified that the zone of consideration of scheduled caste and scheduled tribe candidates would be extended to 5 times the number of vacancies if these candidates are not available in the normal field of choice.

However, in the case of Himachal Pradesh Administrative Service and Himachal Pradesh Police Service and Tehsildari Service where the select list is to contain twice the number of vacancies available at the time of selection in accordance with the relevant recruitment and promotion rules, the Departmental Promotion Committee shall, for the purpose of determining the number of officers who should be considered for promotion from the feeder grade restrict the field of choice as under:

- 3 eligible persons for 1 person to be brought on the panel
- one eligible person for 1 additional name to be brought on the panel.

Thus within the principle of 'merit cum seniority', Himachal Pradesh Government has issued instructions which gives either more or less weightage to merit through the zone of consideration of employees.

Illustration

<table>
<thead>
<tr>
<th>No. of vacancies</th>
<th>No. of eligible persons to be considered</th>
</tr>
</thead>
<tbody>
<tr>
<td>20</td>
<td>60</td>
</tr>
<tr>
<td>21</td>
<td>60 + 1</td>
</tr>
<tr>
<td>22</td>
<td>60 + 2</td>
</tr>
<tr>
<td>23</td>
<td>60 + 3</td>
</tr>
</tbody>
</table>
Promotion by merit has always been viewed with suspicion by the employees. Seniority on the other hand was clear, simple and objective. However "as a system it is fair to every official except the best ones". Yet inspite of having accepted promotion by merit in the seniority posts, it was seen that not many supersessions had taken place.

IMPLEMENTATION

Himachal Pradesh Government’s policy to give weightage to seniority at lower levels and merit at higher levels for purpose of promotion is clear. However, in actual fact most promotions have been done on seniority. This is because the employees themselves prefer promotions by seniority and resist promotions by merit. Government also realised that creating discontentment amongst the majority is not productive in any way. Most promotions, as survey data given below will reveal, were done on the basis of seniority.

<table>
<thead>
<tr>
<th>Class</th>
<th>Total Nos. promoted</th>
<th>Promotions By Merit</th>
<th>Promotions By Seniority</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>25</td>
<td></td>
<td>13</td>
</tr>
<tr>
<td>II</td>
<td>30</td>
<td>1</td>
<td>11</td>
</tr>
<tr>
<td>III</td>
<td>43</td>
<td>22</td>
<td>22</td>
</tr>
<tr>
<td>IV</td>
<td>20</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>Total</td>
<td>118</td>
<td>52</td>
<td>51</td>
</tr>
</tbody>
</table>

Thus it can be seen that out of 118 employees, only 52 had received promotion. The others were either not due for promotion, or no post was vacant for them to be considered for promotion. 51 had received promotions by seniority and only 1 by merit. This one was an exceptional case who superseded 2 of his colleagues from the post of section officer to that of under secretary.

In an interview the chief secretary mentioned that the implementation of the promotion policy is satisfactory. He said that since norms are laid down with clearly, it is not easy to deviate from them. Relaxation in rules has not so far been made in particular cases though rules have been amended to help a particular category which will be seen later in this chapter.

It is well known that the personality of the person writing annual confidential report influences the record which he is writing as much as the personality of the person who is reported on. The problems of performance appraisal and confidential records are dealt with in the earlier chapter. Indefinite measure of promotion means that promotions based on them would not be fair.

Interviews with employees revealed that they felt that helping the boss in various personal things and doing his public relations rather than official work helped in promotions. They gave remote examples of how people had been promoted because they sought the favour of the boss. They admitted that it was correct that those who were promoted were of outstanding merit but they also insisted that this merit based promotion could not have been
possible without ‘keeping the boss happy’. Person to person loyalty, it was felt by some employees, however was an important guiding rule for appraising the individual.

In our sample survey, the employees were asked whether in their opinion the assessment was fair or biased and also whether in their opinion the promotions were fair or biased. The responses are given in the table below.

<table>
<thead>
<tr>
<th>Table VII.3</th>
</tr>
</thead>
</table>

Perception of fairness in assessment & promotion

<table>
<thead>
<tr>
<th>Class</th>
<th>Fair Assessment</th>
<th>Biased Assessment</th>
<th>Fair Promotion</th>
<th>Biased Promotion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class I</td>
<td>18</td>
<td>7</td>
<td>20</td>
<td>5</td>
</tr>
<tr>
<td>Class II</td>
<td>20</td>
<td>10</td>
<td>20</td>
<td>10</td>
</tr>
<tr>
<td>Class III</td>
<td>13</td>
<td>30</td>
<td>15</td>
<td>28</td>
</tr>
<tr>
<td>Class IV</td>
<td>10</td>
<td>10</td>
<td>20</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td><strong>61</strong></td>
<td><strong>57</strong></td>
<td><strong>75</strong></td>
<td><strong>43</strong></td>
</tr>
</tbody>
</table>

The table shows that a majority of the employees that is 61 out of 118 consider the assessment to be fair, a large majority that is 75 out of 118 consider promotion to be generally fair. However, when we examine the class wise distribution, we find that in class III the majority consider both assessment and promotion to be biased. By contrast, in class I and class II, the majority consider both assessment and promotion to be fair. So far as class IV is concerned, in regard to assessment, they are
PERCEPTION OF FAIRNESS IN ASSESSMENT

FAIR ASSESSMENT
61 out of 118 Employees

BIASED ASSESSMENT
57 out of 118 Employees
PERCEPTION OF FAIRNESS IN PROMOTIONS

FAIR PROMOTIONS
75 out of 118 Employees

BIASED PROMOTIONS
43 out of 118 Employees
divided half and half between the perception of fairness and bias. In regard to promotion, no one thinks that promotion is biased. Class III as noted earlier, consists of clerks and other subordinate staff. The discrepancy between the perception of class III employees on the one hand and class I & II employees on the other hand seems to be due to the fact that it is class I & class II employees who make the assessment of most of the employees and are involved in effecting their promotion. Hence they naturally tend to believe that these functions are performed fairly. The subordinate staff, on the other hand, does not share this view. So far as class IV is concerned, promotion is purely by seniority and so there is no chance of bias.

Records show that supersessions have not been made in more than 5 to 10% cases in the last 15 years in Himachal Pradesh. There were a small number of section officers who superseded other section officers to become under secretaries. However, two or three momentous supersessions which took place in the State are dealt with as detailed below.

In the year 1975 a deputy director superseded three deputy directors for promotion to Joint Director Agriculture. He also became Director of Agriculture later. The deputy director at the second place was aggrieved and took over as director after the deputy director who has superseded him retired as director. Discussion with the employees of the department revealed that this change did not influence the functioning of the other employees in the department. They were not encouraged to improve
their performance. Glenn Stahl’s observation, "The employee’s wounds at being passed over (even unjustifiably) in favour of a younger or newer candidate may be severe but they usually heal in time, and what’s more, he usually has another chance..." could be seen in operation in this case. 10

Another example is of a Himachal Administrative Service officer who superseded four of his colleagues in the select list of the IAS. This had happened earlier, but when the select lists of IAS was remade the next year the rumblings from within the Himachal Administrative Service had restored him to his original position. This time, however, the supersession was maintained. Similarly in the year 1981 another officer of Himachal Administrative Service superseded seven of her colleagues in the select list of IAS. The aggrieved persons went to the Central Administrative Tribunal and for the first time in known history, the court (in this case the tribunal) went into the grading of annual confidential report and held that since one officer has as good a grading (if not better grading) as the defendant’s grading, the select list should be remade by the Union Public Service Commission. The UPSC after long consideration and after debating the merits and demerits of going in appeal to Supreme Court, finally decided to accept the orders of the Central Administrative Tribunal and remade the select list.

In the cases of supersessions given above an interview was done with a cross section of employees in these departments and

services. It was revealed that almost all of them felt that though all three officers who had superseded their fellow colleagues were undoubtedly of outstanding merit, at least in the first two cases the role of patronage and favouritism could not be ruled out. It is only in the third case that some employees expressed the doubt that patronage could be from the outside the State and hence they were not aware of it.

It can be seen that supersessions have been small in number and have sometimes later been cancelled. They also do not appear to have served the purpose of having encouraged the establishment of a merit system and helping employees to improve their performance.

Merit system is also associated with political patronage. In such cases, it is attempted to pressurise the members of the Departmental Promotion Committee to promote certain candidates where norms do not permit it. Sometimes it is attempted to amend the rules.

One case where promotion rules were changed to avoid supersession is that of section officer. Though instructions dated August 7, 1981 had specified that promotions to the posts of superintendents grade II,(class III) shall be made on selection basis,11 when supersession of some section Officers belonging to the then chief minister’s constituency was going to be made, the rules were amended. It was

stated that all promotions to superintendents, grade II, (class III) shall be made on non-selection basis i.e. seniority subject to rejection of unfit.12

ROLE OF PUBLIC SERVICE COMMISSION IN PROMOTIONS

Under Article 323(b) of the Constitution of India the commission is to be consulted on the principles to be followed in making promotions and on the suitability of candidate for promotions. The practice followed in Himachal Pradesh is that for all posts within the purview of the Commission promotions are a joint decision between the Public Service Commission and the department. This is done by having the chairman or a member of the Public Service Commission preside over the departmental promotion committee. The approval of commission is taken for granted when a member is present in the departmental promotion committee proceedings. In other cases proceedings are approved by circulation.

The association of the Public Service Commission for promotion ensures uniformity of standards and objectivity. In Himachal Pradesh in 1971-72, the Commission dealt with three cases of promotion and two cases of confirmation. In 1972-73, 22 categories of posts were referred for promotion and 11 categories of posts for confirmation. However, most cases remained pending. This was due to the fact that incomplete information was received from the departments and hence back references were made. The main areas where incomplete information was received was

seniority lists, integrity and vigilance certificates, complete and up-to-date character rolls, copy of the recruitment and promotion rules. It was seen that in 1974-75, 39 cases of posts were referred to Public Service Commission for promotion out of which 12 could not be finalised and in 1975-76 out of 22 categories of cases 13 remained pending. Out of these 13, in 10 cases back reference were made; in two cases, amendment of rules were awaited and in one case, meeting of the departmental promotional committee could not be fixed.

Further, in 1976-77, in the case of 4 categories there was delay in promotion due to want of complete information but in one case, that is, Agriculture Department, exceptional delay took place due to amendment of rules (initial receipt of the case 11.9.74 - date of approval - 7.7.76). In certain cases, however, for example, Horticulture Department (Nursery Inspection and Certification Officer) though complete information was received on 26.10.76 the Departmental Promotion Committee took place on 10.12.1976 after over six weeks thereby showing delay. Given below is a table of promotions made and also where the cases were incomplete for the rest of the years.
TABLE VII.4
Promotions Recommended or Delayed by H.P.P.S.C.

<table>
<thead>
<tr>
<th>Years</th>
<th>Promotion recommended</th>
<th>Not finalised</th>
<th>Reason given by the HPPSC</th>
</tr>
</thead>
<tbody>
<tr>
<td>1977-78</td>
<td>28 cadres</td>
<td>15 cases</td>
<td>13 due to non-receipt of information. 1 withdrawal by Government. 1 non-finalisation of promotion.</td>
</tr>
<tr>
<td>1978-79</td>
<td>28 cadres (143 posts)</td>
<td>15 cases</td>
<td>3 returned to department. 1 post downgraded and not confirmed. 1 under consideration. 1 minutes not sent to commission. 3 returned to department. 6 information not supplied.</td>
</tr>
<tr>
<td>1979-80</td>
<td>24 cadres</td>
<td>23 cases</td>
<td>9 non-receipt of information. 4 non receipt of documents. 2 conflict in rules, 8 under consideration.</td>
</tr>
<tr>
<td>1980-81</td>
<td>31 cadres</td>
<td>12</td>
<td>4 received late. 8 non-receipt of documents</td>
</tr>
<tr>
<td>1981-82</td>
<td>37 cadres</td>
<td>17</td>
<td>7 received late, 1 reviewed, 1 not agreed by commission. 8 non-receipt of complete information</td>
</tr>
<tr>
<td>1982-83</td>
<td>29 cadres</td>
<td>16</td>
<td>2 under consideration. 1 received late. 1 returned as department did not turn up. 2 returned due to non receipt of information. 2 returned after review. 9 non-receipt of information.</td>
</tr>
<tr>
<td>1983-84</td>
<td>39 cadres</td>
<td>18</td>
<td>6 received late. 11 incomplete information.</td>
</tr>
<tr>
<td>1984-85</td>
<td>35 cases</td>
<td>20</td>
<td>2 returned (exempted) &amp; 1 withdrawn. 1 could not be sent. 17 incomplete information.</td>
</tr>
</tbody>
</table>
The consultation of the Public Service Commission had been prescribed to prevent patronage and ensure uniformity. However it has been held by Supreme Court that non-concurrence or even non consultation of the Public Service Commission would not make the government’s action unconstitutional. 13

The advice of the public service commission is not binding, and has been ignored at times. However, this does not vitiate the proceedings unless mala-fide intentions are proved. Having the public service commission on Departmental Promotion Committees is to maintain uniformity as well as objectivity.

DEPARTMENTAL PROMOTION COMMITTEES IN HIMACHAL PRADESH

Constitution of Departmental Promotion Committees

The matter regarding constitution of departmental promotion committees (DPC) to consider promotion and confirmation in respect of various departments used to be quite haphazard. Each department used to send proposals for constituting separate committees without completing formalities There was no uniformity. The pattern has been systematised by HP Government. The administrative department now sends its proposal for constitution of DPC for the following posts to Department of Personnel.

13 State of UP V Manbodhan Lal Srivastav AIR 1957 SC (912)
- Promotion within class I and for Head of the Department
- Promotion within class II and class I services
- Promotion from class II to class I and from class III to class II
- Promotion to class III and within class III.

The pattern prescribed for constitution of Departmental Promotion Committee is as under.

- Departmental Promotion Committee to consider promotion within class I and for Head of Department
  
  Chief Secretary  Chairman
  Financial Commissioner  Member
  Secretary of the Department  Member

- Departmental Promotion Committee to consider promotion within class II and within class I service
  
  Secretary of the Department  Chairman
  Head of the Department  Member
  Jt.Secy/Dy.Secy of the Deptt.  Member

- Departmental Promotion Committee to consider promotion from class II to class I and class III and to class II
  
  Chairman/Member HP Public Service Commission  Chairman
  Secretary of the Department  Member
  Head of the Department  Member
Departmental Promotion Committee to consider promotion to class III and within class III

Head of Department/appointing authority
Any two gazetted officers of the department nominated by the chairman

Functions of Departmental Promotion Committee

The following functions of DPCs were laid down in 1969

- Promotion of officers to selection as well as non-selection posts
- Confirmation of officers in their respective grades/posts
- Assessment of the work and conduct of probationers for the purpose of determining their suitability for retention in service or their discharge from it or for curtailing or extending the prescribed period of their probation.

It has been laid down that the Departmental Promotion Committee should be convened at regular intervals to draw a panel. Select lists drawn by them should be utilised for promotion against the vacancies due to occur during the course of the year. The departmental promotion committee after following the prescribed procedure, for selection or non-selection posts as the case may be, makes their recommendations which have to be
approved by the appointing authority before being implemented. Their role in confirmation and assessment of work during probation has been dealt in the chapter on recruitment.

Powers of Departmental Promotion Committee

The departmental promotion committee is an advisory body and it is for the appointing authority to accept its recommendations. The role played by them till the last few years was very mechanical. The gradings given by the competent authorities were accepted by the Departmental Promotion Committees before they made their recommendations. Generally the recommendations of the Departmental Promotion Committee were accepted. However, in case of difference of opinion, the matter was referred to the Public Service Commission and where the difference of opinion persisted, the case was put up to the Minister in charge after obtaining advice from Department of Personnel. In case the minister agreed with the opinion of the department, it was put up to cabinet sub-committee for a final decision.

It was felt that since the standards of different officers doing the grading is different and at times the overall grading conflicted with the main body of the report given, the departmental promotion committee should have the powers to regrade. Hence instructions were issued in March, 1981, that the powers have been given to the Departmental Promotion Committees to regrade keeping in view the following factors. ¹⁴

- matters regarding job responsibilities
- the change in gradings keeping in view change in reporting officer
- the relevance of overall grading in the context of grading in each column.

This was considered a landmark and expected to make a material difference by bringing some standardisation in promotions.

Powers to regrade have been given under limited circumstances. However, interviews with the senior officers revealed that these powers were not being used. An interview with the Chairman, Public Service Commission showed that in rare cases regrading had been done keeping in view the context of the whole text of the report.

Procedure Adopted by Departmental Promotion Committees

After weeding out the unfit and making select list in order of seniority for non-selection posts is done, the DPC forwards its recommendations for acceptance. In the case of selection posts a merit list is made out as per the prevalent instructions and forwarded to the appointing authority for acceptance.

Select List

Usually the select list is prepared on the basis of twice the number of anticipated vacancies in a year. It is operative for a period of one year and in any case it should cease to be in force on the expiry of 18 months or when a fresh list is prepared

228
whichever is earlier. The select list comes into effect from the date on which the Departmental Promotion Committee met. In case it is required to be approved by the commission, the validity is from the date the commission communicates its approval.

Disciplinary Proceedings pending

In cases where disciplinary proceedings are pending for decision or even if decision has been taken to launch disciplinary proceedings against an employee or prosecute him in a court of law, the cases are considered by DPC at the appropriate time of the meeting and kept in a sealed cover to be opened only when the proceedings are over. In case the officer is exonerated he is promoted and given the benefit of pay fixation (without arrears) and seniority. This would mean reversion of the officer who is given officiating promotion on this behalf. Later when it was noticed that departmental proceedings pend for a long time it was decided by instructions dated September 1, 1983, that where the departmental proceedings or court cases get prolonged for more than two years, the case of the concerned officer or official may be placed before the next DPC. This DPC, keeping in view the record of service of the official concerned, and the gravity of the charges and involvement of the official may recommend ad hoc promotion of the officer or official concerned.\footnote{Department of Personnel O.M. No. Per/AP-II-A(3)-1/79-III dated 1st September, 1983.}
In the case where a minor penalty or censure is imposed after departmental proceedings are completed, this will not by itself stand against promotion. In case where the responsibility of an officer in any loss is indirect or where increments of an officer have been stopped as a measure of penalty, it will not stand in the way of his promotion though it is laid down that promotion cannot be given effect during the currency of the penalty.\textsuperscript{16}

Cases of officers on deputation, foreign service, study leave

The cases of officers who are away on deputation and foreign service are to be taken into account by the Departmental Promotion Committee. It is to be decided on the basis of an employee’s record whether he would have been promoted had he been available. In case he is selected he should be given an opportunity to return to the department/office within a reasonable time. However, when this is not possible, a special advice giving him proforma officiating promotion in a higher scale or grade may be given to him from the date the officer junior to him is given the benefit. This is called the ‘next below rule’ in the administrative jargon and benefit of pay protection and regular promotion is given from the date the person below him in seniority gets it in the cadre.

This is a principle which is easily followed and provides more promotions than the number of posts that are available. Some

\textsuperscript{16} Department of Personnel O.M.No.21/5/70-Estt.(A) dated 5.5.71 and O.M.No.21/4/70-Estt.(A) dated 17.5.71.
times it is attempted to ensure more people are on or go on deputation and are given the scale of pay and proforma promotion against the next below rule. This is specially so in the Indian Administrative Service where at the time supertime promotions and selection grade promotions are made almost double the number of promotions are effected under this rule every year. The only thing to be ensured is that the junior most has a cadre post.

Adverse remarks in annual confidential report

In case of adverse remarks, if the period of submission of representation is not yet over, or a decision on the representation against adverse remarks had not been taken, the Departmental Promotion Committee may, in their discretion, defer consideration of the case of the officer. When a decision is taken it may be referred to the Departmental Promotion Committee for consideration in case the adverse remarks are expunged, toned down or left unchanged by the competent authority. While considering the deferred case or review of the cases of the superseded officer, if the Departmental Promotion Committee finds the officer fit for promotion he would be placed at the appropriate place in the relevant select list of officers considered fit for promotion after taking into account the toned down or expunged report of the officer. If the officer immediately below him has been promoted, he would be placed at the level he would have reached had he been promoted from the date the officer immediately below him was promoted. However, no arrears are paid though he gets the seniority.
Review Departmental Promotion Committee

When certain unintentional mistakes come to light, review DPC can be convened to review the proceedings of the earlier DPC. These can be

- when eligible persons were omitted to be considered
- when ineligible persons were considered by mistake
- where the seniority of a person is revised with retrospective effect
- where some procedural irregularity was committed by the DPC
- where adverse remarks in the CRs were toned down or expunged

In the year 1980-81, 4 cases of review D.P.C. - Assistant Professor Microbiology (class - I), Pathology (class-I), Section Officers(class-II) and Asst.Engineer(class-II) were received by the Commission. In year the 1981-82, 4 cases of review D.P.C. were received, for example, Department of Personnel Aptt-I for Himachal Pradesh Police Service (class-I), Section Officers (class-II), District Industries Officers (class-II) (Industries Department) and Assistant Engineers (class-II) (P.W.D.)
HINDRANCES TO PROMOTION POLICY

Extensions

Government servants normally retire at the age of 58. In certain technical organisations, technical staff retires at the age of 60. A government servant should generally retire gracefully. However, some of them try to get extensions which becomes a barrier for the promotions of persons next on the list. In Himachal Pradesh when the Chief Secretary who was to retire in 1975, was granted an extension for 6 months (which State Government is competent to give) and the promotion of the next Chief Secretary was held up.

Pressures

In the democratic form of government the bureaucrats and politicians have to work together. In this system of political patronage and pressures are exercised in recruitment and promotion. This sometimes hinders genuine cases.

Lack of Norms

It is difficult to define ‘norms’ and to put them in measurable terms. The departmental promotion committee has been given powers to reclassify grading and ‘Play God’. At the earliest stage the supervisory officer is given the image of being a judge. However, everyone’s standards are different. Many other factors like temperaments and state of mind play on the writing of annual confidential report. It has been seen that
gradings given by different officers of the same employee differ during two different years. This obstructs promotion by merit.

It is seen that if this feeling of partiality is removed, some of the employees do react favourably to merit promotions. In a sample survey carried out by Radrabasavaraj of the 70 officers the consensus was that a very large majority were prepared to go in for merit promotion but expressed grave apprehension that merit would not be fairly judged. Only 3% wanted promotion by seniority. In our survey of the attitudes towards promotion regarding preference for promotion by seniority or merit in the present system and in an improved assessment system, the responses received were as follows.

### TABLE VII.5
Preference of Promotion by merit or seniority in the present system and in an improved system

<table>
<thead>
<tr>
<th></th>
<th>Prefer promotion by merit</th>
<th>Prefer promotion by seniority</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Present System</td>
<td>9</td>
<td>109</td>
<td>118</td>
</tr>
<tr>
<td>Improved assessment system</td>
<td>38</td>
<td>80</td>
<td>118</td>
</tr>
</tbody>
</table>

We find that out of 118 respondents, only 9 prefer promotion by merit in the present system while the vast majority of 109 prefer promotion by seniority. This indicates widespread

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PREFERENCE OF PROMOTION BY MERIT OR SENIORITY IN THE PRESENT & IMPROVED SYSTEM

PRESENT SYSTEM
BY MERIT: 8%
BY SENIORITY: 92%

IMPROVED SYSTEM
BY MERIT: 32%
BY SENIORITY: 68%
view that promotions by merit in the present system are considered to be unfair and unacceptable. However, in a system where assessment has been improved 38 employees are agreeable to promotion by merit. This means that one of the important reasons for unacceptability of promotion by merit relates to the quality of assessment. However, even under an improved system, the majority (80 out of 118) still prefer promotion by seniority. This may be because the majority does not hope to do better than certain others in a merit system.

ATTITUDES

It is quite clear that a large number of employees prefer promotion by seniority rather than by merit. This is because of two reasons; they do not have to indulge in any kind of effort to become 'favourites' as some others and they do not have to go out of the way to work hard to prove their worth. They also do not like direct recruitment as they feel that none but they themselves should be considered for higher posts.

However, higher level officers feel that if promotions are to be given only by seniority and merit has no role to play then there is no method to distinguish between an average worker and a better worker. They also feel that fresh blood and those trained in modern technology or management advances should be inducted into the service.

The attitude of politicians is that they want to keep this group of voters happy. In Himachal Pradesh employees constitute a large part of the population. Hence, the Himachal Government
has kept on a middle path and promoted mostly by seniority and also had very little element of direct recruitment in Class I (except organised services).

Various countries have resolved the problem differently. The main motive is to avoid the element of subjectivity. Some have introduced time scale promotions (this has also been done in India in the armed forces) for staff which is not promoted on merit like in Sweden. Some have introduced the method of selection as in Switzerland and Sweden (this has been done in India too in certain places, mostly autonomous bodies and public sector undertakings). In Holland 50% of posts are filled by promotion from within 5% are from other services and remainder from outside.

Limited departmental examinations have also been introduced. In Italy 25% of the posts are filled by merit from the examination result and 75% on the basis of seniority from amongst those who have qualified this examination. In Thailand and Singapore competitive examinations are necessary for promotion, so are they in Britain and France.

In India and in Himachal Pradesh we seem to be solving the problem by promoting more and more according to seniority. This is being done to satisfy the employees and also to avoid the problems of favouritism and that of subjectivity. Merit, it is felt by many, is a mask and cannot be measured. However writers like Stahl feel that even if merit is an 'unattainable illusion',

237
promotion by seniority also 'deserves condemnation'. Twenty years experience, according to him, may just be one year of experience multiplied by twenty. Regarding feelings of the other employees he feels 'the employees wounds of being passed over (even unjustifiably) in favour of a younger or newer candidate may be severe but they usually heal in time'. He suggests sharpening the modes of appraisal, objectivity in the process of selection by pooling judgement and making merit as objective as possible.

CONCLUSION

Generally the constituents of good promotion policy are that it should be clear, concise and balanced in the weightage that is to be given to promotion by merit and by seniority. To that extent Himachal Government's policy, inspite of repeatedly changing instructions, foots the bill. It should also provide judicious balance between the interest of administration and expectation of employees. Even here Himachal, though not fully successful, has at least in class II, allowed some direct recruitment. Also it has merged promotion by seniority with promotion by merit. Another important element is evidence of very little favouritism in promotions. Kuldip Nayyar after interviewing the officers of Bihar said that some of the officers admitted that they were out to curry favour with the Chief Minister because they wanted easy jobs and quick promotions. Though even in Himachal it cannot be said that officers are not

out to oblige the politicians and bureaucrats, may be for personal benefits, only a stray case could be located where promotion could be said to be made on the basis of any favours given. Discussion with the Chief Minister and one of his cabinet colleagues showed that Himachal Government has realised that they deal with human beings pulsating with emotions and thus have to be treated carefully. They realise that obliging one employee may mean annoying many others. This has sometimes meant that meritorious employees could not get promotions which has discouraged hard work and incentive. This has, however, not only prevented an 'army of disgusted workers' but also acted as a disincentive. The Government could do with a little bit more of promotions based on merit. However there would have to be no compromise on criterion and objectivity which by itself would be very difficult to achieve.

For this, the whole work culture would need to be revamped. McGregor suggested that procedural changes rarely come by changing procedures unless the assumptions underlying the procedures are examined and changed if necessary. Otherwise, many well-intentioned administrators feel overwhelmed by the system, struggle to improve it, and even achieve limited success which is lost after the individual moves from his position. Ishwar Dayal tried to build an island "Operation KPE : Developing a new Organisation" where with the help of 'role analysis

technique' (RAT) counselling session; the organisational policy was developed in harmony with the internal and external environment.\textsuperscript{21} Without a basic change in the assessment system an environment perhaps no government would be able to adopt a sound promotion policy based on merit.