

No. AB.14017/13/2013-Estt. (RR) (1349)

**Government of India
Ministry of Personnel, PG & Pensions
(Department of Personnel & Training)
North Block, New Delhi**

FAQs on Recruitment Rules

1. What are Recruitment Rules?

Ans. Recruitment Rules are rules notified under proviso to Article 309 or any specific statutes for post(s) prescribing inter alia the method of recruitment and eligibility for such recruitment. It contains notification part having substantive rules and schedule part (as per prescribed Annexure-I). Recruitment Rules are subordinate legislation and so, they are statutory in nature.

2. What are Service Rules?

Ans. Service Rules are Recruitment Rules for any of the Organized Central Services covering many aspects including constitution of the Service, seniority, probation and other conditions of service.

3. Whether Recruitment Rules are applicable retrospectively?

Ans. The legal position is that the posts are to be filled up as per the eligibility conditions prescribed in the Recruitment Rules in force at the time of occurrence of vacancies unless the Recruitment Rules are amended retrospectively. The practice has however been to give effect to the Recruitment Rules prospectively.

4. Why are Recruitment Rules framed?

Ans. As soon as decision is taken to create a new post/ service to upgrade any post or re-structure any service, the Recruitment Rules/ Service Rules are framed. Any post is filled up as per the provisions of the Recruitment Rules/ Service Rules.

5. Why are Recruitment Rules amended?

Ans. Revision in the Recruitment Rules is made by way of amendment to incorporate changes due to implementation of Central Pay Commission Report, modification of orders/ instructions on the subject, creation/ abolition of posts etc. during the intervening period.

6. How Recruitment Rules are framed/ amended?

Ans. Recruitment Rules for Group 'A' & 'B' posts/ service are framed/ amended by the administrative Ministry/Department in consultation with Department of Personnel & Training, Union Public Service Commission and Ministry of Law (Legislative Department) and approval of competent authority in the Ministry/ Department to be obtained.

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7. Why and how are Recruitment Rules relaxed?

Ans. The power to relax clause in the Recruitment Rules/ Service Rules provides the authority to relax the rules in respect of class or category of person. The administrative Ministry/ Department may resort to relaxation of the rules in consultation with Department of Personnel & Training and Union Public Service Commission.

8. Who is competent authority to frame/amend the Recruitment Rules?

Ans. All Recruitment Rules including their amendments should be approved at the level of Minister-in-charge, unless the Minister has by general or special order delegated such approval at a lower level(s).

9. Who is competent authority to frame/amend the Recruitment Rules of Group 'C' posts?

Ans. Administrative Ministries/ Departments are empowered to frame/ amend the Recruitment Rules in respect of Group 'C' posts keeping in view the guidelines/ Model Recruitment Rules issued by this Department on various aspects. In case of deviation from existing guidelines/ Model Recruitment Rules, the concurrence of Department of Personnel & Training is to be obtained.

10. Who is competent authority to relax the Recruitment Rules of Group 'C' posts?

Ans. The Ministries/ Departments are competent to relax the Recruitment Rules for Group 'C' posts. The provisions governing upper age limit or qualifications for direct recruitment should not however be relaxed without prior concurrence of Department of Personnel & Training.

11. What is the format/ procedure to send the proposal for consultation with Department of Personnel & Training for framing/amendment of Recruitment Rules?

Ans. Proposal for framing/ amendment of Recruitment Rules for Group 'A' & Group 'B' posts (except Service Rules) is sent to Department of Personnel & Training, first, on-line under Recruitment Rules Framing Amendment and Monitoring System (RRFAMS) of the on-line services of Department of Personnel & Training. After approval of on-line Recruitment Rules in Department of Personnel & Training, the proposal is referred by the Administrative Ministry/ Department in a file with a self-contained note accompanied inter alia the following: -

- (i) Check-list for sending proposal to Department of Personnel & Training.
- (ii) Copy of the report of freezed on-line Recruitment Rules.
- (iii) Draft Recruitment Rules including notification and Schedule 1 (for posts other than those in the Organized Services) in the proforma in Annexure I

- (iv) Supporting particulars in Annexure II (for framing of Recruitment Rules)/ Annexure-III (for amendment of Recruitment Rules), as prescribed in Department of Personnel & Training OM No. AB.14017/48/2010-Estt. (RR) dated 31.12.2010.
- (v) Recruitment Rules for the feeder posts(s) and the higher post, if any.
- (vi) Present sanctioned strength of the post for which rules are being framed/ amended as also of the lower and higher posts.

12. What are model Recruitment Rules?

Ans. Model Recruitment Rules for a number of common categories of posts have been framed in consultation with Union Public Service Commission, wherever required. While framing/ amending Recruitment Rules for such posts, the model rules should be adhered to.

13. What is procedure for consultation with Union Public Service Commission?

Ans. After obtaining the concurrence of the Department of Personnel & Training, the Administrative Ministry / Department should refer the draft Recruitment Rules for posts/ services which are within the purview of the Union Public Service Commission in a self-contained letter to the Commission, along with the information in the prescribed proforma (Check list, Annexure II/ Annexure-III etc.). It should be stated in the letter to the Commission whether the clearance of the Department of Personnel & Training (and also the Department of Pension & Pensioners' Welfare were required) has been obtained in respect of the proposals in question.

14. What is initial constitution clause in Recruitment Rules?

Ans. In cases where a new service is formed and the Recruitment Rules are framed for the first time and that there are officers already holding different categories of posts proposed to be included in the service on a regular / long term basis, a suitable 'Initial Constitution' Clause may be inserted in the Notification so as to count the regular service rendered by such officers before the date of notification of the Rules.

15. Whether reservation, relaxation of age limit and other concessions for special categories of persons are applicable in Recruitment Rules?

Ans. These concessions in recruitments are made applicable by inserting the following 'Saving Clause' in the covering notification of the Recruitment Rules:-

"Nothing in those rules shall affect reservations, relaxation of age-limit and other concessions required to be provided for the Scheduled Castes, the Scheduled Tribes, Ex-servicemen and other special categories of persons, in accordance with the orders issued by the Central Government from time to time in this regard".

16. What is the schedule in Recruitment Rules?

Ans. The schedule of Recruitment Rules of post(s) is a 13 columns table as per prescribed Annexure-I (vide OM No. AB-14017/48/2010-Estt. (RR) dated 31.12.2010) containing details of the post(s) along with method of recruitment and eligibility criteria. The prescribed schedule is used for post(s) which are not covered by any organized service.

17. What is notification part of Recruitment Rules?

Ans. Notification of Recruitment Rules contains the substantive rules which include the provisions related to title, date of commencement, enabling provision for applicability of schedule, disqualification clause, power to relax clause, saving clause and any other rule specific to a post viz. initial constitution clause, liability for all-India Service etc.

18. What are the upper age limits prescribed for Direct Recruitment?

Ans. The upper age limits for different posts depend upon the nature of duties, educational qualifications and experience requirements as prescribed in this Department OM No. AB-14017/48/2010-Estt (RR) dated 31.12.2010 (Para 3.7.4.1 & 3.7.4.2).

19. What are relaxations available for upper age limit in direct Recruitment Rules?

Ans. A provision is prescribed in the recruitment rules for relaxation of the upper age-limit for departmental candidates up to 40 years for appointment by direct recruitment to Groups C posts and for Government servants up to 5 years for direct recruitment to Groups A and B posts:

20. How to calculate crucial date for age limit?

Ans. In the case of recruitment through the Union Public Service Commission and the Staff Selection Commission, the crucial date for determining the age-limit shall be as advertised by the UPSC / SSC. In the case of other recruitment, the crucial date for determining the age-limit shall be the closing date for receipt of applications from candidates in India (and not the closing date prescribed for those in Assam etc.).

21. How is the educational and other qualification required for direct recruit fixed?

Ans. The minimum educational qualifications and experience required for direct recruitment may be indicated as precisely as possible and if necessary, into two parts, viz., "Essential Qualifications" and "Desirable Qualifications" taking into account the pay band/ grade pay and the nature of duties, and the provisions in the approved Recruitment Rules for similar higher and lower posts in the same hierarchy.

22. Whether the educational qualifications prescribed for direct recruits are applicable to promotees?

Ans. The educational qualifications are not generally insisted upon in the case of promotion to posts of non-technical nature; but for scientific and technical posts, these should be insisted upon, in the interest of administrative efficiency, at least in the case of senior Group A posts in the Pay Band-3 Grade Pay Rs. 6600 and above. Sometimes the qualifications for junior Group A posts and Group B posts may not be insisted upon in full but only the basic qualification in the discipline may be insisted upon.

23. Whether any age limit prescribed for promotion?

Ans. Unless there are any specific grounds, the age limit prescribed for direct recruits are not insisted upon in the case of promotees.

24. When probation for appointment to a post/service in Central Government is prescribed? What is the duration of probation?

Ans. The probation is prescribed when there is direct recruitment, promotion from one Group to another e.g. Group B to Group A or officers re-employed before the age of superannuation. There will be no probation for promotion from one grade to another but within the same group of posts e.g. from Group 'C' to Group 'C' and for appointment on contract basis, tenure basis, re-employment after superannuation and absorption. The period of probation is as prescribed in this Department OM No. AB-14017/48/2010-Estt (RR) dated 31.12.2010 (Para 3.10.1 & 3.10.2).

25. What are the methods of recruitments?

Ans. The different methods of recruitment are:

- (a) Promotion
- (b) Direct Recruitment
- (c) Deputation
- (d) Absorption
- (e) Re-employment
- (f) Short-term contract

26. How is the method of recruitment or percentage of vacancies to be filled by various methods of recruitment decided?

Ans. The percentage of vacancies to be filled by each method that may be prescribed for a particular post or Service depend on a judicious blending of several considerations, e.g.,

- (i) the nature of duties, qualifications and experience required;
- (ii) the availability of suitable personnel possessing, the requisite qualifications and experience within a cadre.

- (iii) The need for ensuring that suitable incentives exist for the maintenance of an adequate standard of efficiency in the cadre;
- (iv) Consideration of the question whether, having regard to the role to be performed by a specified cadre or Service, it is necessary to provide for direct intake of officers at an appropriate level with a view to injecting fresh knowledge and experience that may not be normally available in a particular Service or Department etc.
- (v) The proper mix of the six methods of recruitment i.e. (a) promotion (b) direct recruitment (c) deputation (d) absorption (e) re-employment (f) short-term contract (mentioned at (a) to (f) above).

27. What is promotion?

Ans. Promotion is method of recruitment from feeder grade post(s) to higher post in the hierarchy as per the provisions of the Recruitment Rules. If promotion is kept as a method of recruitment, it is also necessary to lay down the number of years of qualifying service before the persons in the field become eligible for promotion. Only regular, and not ad hoc, period of service is taken into account for purposes of computing this service.

28. What is Direct Recruitment?

Ans. Direct recruitment is the recruitment which is open to all candidates, eligible as per the provisions regarding age, educational qualification/ experience etc. as prescribed in Recruitment Rules.

29. What is Deputation?

Ans. Deputation is a method of recruitment where officers of Central Government Departments or State/ UT Governments from outside are appointed to post(s) in Central Government for a limited period, by the end of which they will have to return to their parent cadres. In case of isolated post, it is desirable to keep the method of recruitment of deputation/ short term contract as otherwise the incumbents of such posts, if directly recruited, will not have any avenue of promotion/ career progression.

30. What is short term contract?

Ans. Short term contract is also a form of deputation where officers from non-Government bodies e.g. universities, research institutions, public sector undertakings for teaching, research, scientific and technical post(s) can come to Central Government posts.

31. Whether absorption and Deputation are synonymous? What is absorption?

Ans. Absorption and deputation are not synonymous. There is a substantial difference between absorption and deputation. Under the provision absorption, the officer, who initially comes on deputation, may be permanently absorbed in the post/ grade if recruitment rules prescribe for absorption as mode of recruitment. Such absorption can be effected only in the case of officers who are on deputation from the Central / State Government.

32. What is composite method of recruitment?

Ans. In cases where the field of promotion or feeder grade consists of only one post, the method of recruitment by "deputation (including short-term contract) / promotion" is prescribed so that the eligible departmental officer is considered along with outsiders. If the departmental candidate is selected for appointment to the post; it is to be treated as having been filled by promotion; otherwise, the post is to be filled by deputation / short-term contract for the prescribed period of deputation / short-term contract at the end of which the departmental officer will again be afforded an opportunity to be considered for appointment to the post.

33. How is field of deputation decided?

Ans. The field for "deputation/ short-term contract/ absorption should, as far as possible, consist of officers holding analogous posts on regular basis but may be widened to include officers working in the next lower grade also with the qualifying service on regular basis normally prescribed for promotion.

34. How is the period of qualifying service for promotion decided?

Ans. The qualifying service for promotion from one grade to another is necessary so that there is no premature promotion or undue jump in pay and also to ensure that the officer has sufficient opportunity to demonstrate his competence/potential for holding the higher post. The period of qualifying service varies from post to post depending upon the scale of pay and the experience, required for manning the higher post. Broadly, the following qualifying service to be followed is prescribed in this Department OM No. AB-14017/48/2010-Estt (RR) dated 31.12.2010 (para 3.12.2).

35. What is the maximum age limit for Deputation?

Ans. The maximum age limit for appointment on deputation (including short term contract) or absorption shall be not exceeding 56 years as on the closing date of receipt of applications.

36. What is the crucial date for determination of eligibility of absorption/ deputation?

Ans. The guidelines for crucial date for determination of eligibility for absorption/ deputation are as follows: -

(i) In the case of a vacancy already existing at the time of issue of the communication inviting nominations, the eligibility may be determined with reference to the last date prescribed for receipt of nominations in the Ministry/ Department/ Organization responsible for making appointment to the post i.e. originating Ministry etc.

(ii) In the case where a vacancy is anticipated, the crucial date for determining eligibility should be the date on which the vacancy is expected to arise.

37. How is Departmental Committee formed?

Ans. When promotion is kept as a method of recruitment, the detailed composition of the Departmental Promotion Committee, with minimum 3 officers, may be indicated. In the case of promotion to Group 'A' posts, the Union Public Service Commission shall also be associated. The total strength of DPC including Chairman need not necessarily be an odd number, as the decision is to be taken as a joint one.

38. What are the circumstances in which Union Public Service Commission is to be consulted for recruitment?

Ans. UPSC is required to consult in case of recruitment to all Central Civil Services and Central Civil Posts. Exemption from Consultation with Union Public Service Commission is governed by the Union Public Service Commission (Exemption from Consultation) Regulations, 1958 as amended from time to time and the Central Civil Services and Civil Posts (Consultation with Union Public Commission) Rules, 1999 as amended. Some of the circumstances in which the Union Public Service Commission are to be consulted in making recruitment to the posts are illustrated below:-

- (i) Direct Recruitment,
- (ii) Re-employment,
- (iii) Absorption,
- (iv) Composite method of recruitment (i.e. where the departmental candidate is to be considered along with outsiders),
- (v) In case of deputation – (a) if the field for consideration includes State Government Officers or Group 'A' & 'B' officers of the Central Government simultaneously and (b) if the field for consideration consists of not only Central/State Government officers but also officers from non-Government institutions
- (vi) Any relaxation or amendment of the provisions of the Recruitment Rules.

39. Whether recruitment to a post can be made in absence of recruitment rules of a post?

Ans. If there are overriding compulsions for filling any Group A or Group B post in the absence of Recruitment Rules, then the Ministries/ Department may make reference to Union Public Service Commission for determination of method of recruitment as a onetime measure for filling up of a post on regular basis.

40. What are the limits for notification of Recruitment Rules?

Ans. The Recruitment Rules or amendment(s) thereto as finally approved by the Union Public Service Commission are required to be notified within a period of 10 weeks from the date of receipt of their advice letter. This time limit should be strictly adhered to.

41. What needs to be done in case where posts are transferred to some other Ministries/Departments?

Ans. The Ministry/Departments concerned should mutually agree for transfer of the posts and the same should be concurred by Department of Expenditure. Thereafter, the existing RR needs to be de-notified in consultation of Department of Personnel & Training, Union Public Service Commission and Ministry of Law. Suitable recruitment rules in the transferred Department may be framed/ amended following due procedure.
