MASTER CIRCULAR

Master Circular No. 37

Promotion of Non-gazetted (Group 'C') staff to Non-selection posts - Policy & Procedures

At present the orders relating to promotion of non-gazetted (Group 'C') staff to non-selection posts are contained in Chapter II - Selection 'B' of IREM, 1989 and also in a number of office circulars/letters issued from time to time. The question of consolidation of the existing orders/circulars has been under the consideration of the Ministry of Railways. They have now decided to issue a consolidated order on the subject as below for the information and guidance of all concerned.

2. **Promotion:** Promotion includes promotion from lower grade to higher grade, from one class to another class and from one group to another group.

*(Para 211 of IREM, 1989)*

A Railway servant may be promoted to fill any post only if he is considered fit to perform the duties attached to the post. The Railway Board, General Manager, the Head of Department or the Divisional Railway Manager may prescribe the passing of specific departmental or other tests as condition precedent to a Railway servant being considered fit to hold specified posts, such rules should be published for the information of the staff concerned.

*(Para 213 of IREM, 1989)*

Unless specifically provided otherwise, promotion shall be made without any regard for communal or racial consideration.

3. **Promotion for filling Non-selection posts**

3.1 Non-selection posts will be filled by promotion of the senior-most suitable Railway employees, the suitability, whether of individual or a group of employees, being determined by the authority competent to fill the posts on the basis of the record of service and/or departmental tests as considered necessary. The categories where such tests are to be conducted should be specified by the Railway Administration in advance.

3.2 A senior employees may be passed over only if he/she has been declared unfit for holding the post in question.

3.3 When a senior Railway employee is passed over, the authority making the promotion shall record briefly the reasons for such supersssession.


4. **Assessment of vacancies:**

4.1 The calculation of vacancies for promotion to non-selection posts should be made on the basis of the number of existing vacancies plus those anticipated to arise (as defined below in para 4.2) during the next 4 months.
4.2 The concept of anticipated vacancies connotes the following type of vacancies:

a. Vacancies on account of normal wastage, viz; retirement or superannuation;

b. Vacancies likely to be caused as a result of staff having given notice for voluntary retirement provided the same are likely to be accepted;

c. Vacancies in higher grade in the channel, the filling of which will result in the need to make consequent appointments from the proposed panel;

d. Vacancies likely to be caused due to staff approved to go on deputation to other units;

e. Number of staff already empanelled for ex-cadre posts;

f. Vacancies likely to arise due to creation of additional posts in higher grade and also in the same grade. This may include only those proposals which have been concurred in by the Accounts and approved by the competent authority; and

g. The vacancies arising out of cases where staff are likely to go out on transfer to other Railways/Divisions during the period under consideration.

(E(NG)I/76/PM1/21 dated 02.02.1983)

5 Eligibility Conditions (condition of the minimum two years service in the immediate lower grade)

5.1 The minimum period of service for eligibility for promotion within Group 'C' should be two years in the immediate lower grade irrespective of whether the employees belong to reserved community or not. In the case of safety categories the condition of 2 years service in the immediate lower grade will apply to promotion of Group 'D' staff also.

5.2 Service for this purpose shall be the service rendered on regular basis. Service rendered on ad-hoc basis shall, however, be taken into account for this purpose if it is followed by regularisation without break.

5.3 The condition of two years minimum service has to be satisfied at the time the promotion is actually made. Thus employees who are regular in the relevant lower grade can be considered according to the procedure laid down but a person, who is empanelled, can actually be promoted only when he completes two years service in the immediate lower grade. Accordingly, a suitable note to this effect should be inserted in all suitability lists which included names of candidates who have not completed two years of service in the lower grade at the time suitability was adjudged.

5.4 Where longer length of service in the lower grade has been stipulated as a condition of eligibility for promotion in any particular category, the same will continue to apply.

5.5 If by virtue of operation of the above, a junior is eligible for promotion to the relevant next higher grade, his/her senior also will be eligible for promotion even though he/she might not have put in a total of two years service in the immediate lower grade.

5.6 In cases where promotion could not be made on account of a Stay Order or injunction of the Court of Law and the employees in the meantime becomes due for promotion to higher grade but could not be promoted on account of non-fulfilment of two years service in the immediate lower grade, relaxation
can be granted in such cases with the personal approval of :-

i. DRM in the case of Divisionally controlled posts;

ii. A nominated SA Grade Officer of the concerned Department in the case of posts controlled by the headquarters (standing nomination to be done by the PHOD of the Department).

iii. Respective SA Grade Controlling Officer in other cases

5.7 In addition to the above, the employees should also fulfill the educational qualifications etc. and any other condition wherever prescribed for the post for which suitability test is held.

5.8 If a person is selected for and appointed in another cadre to a post in the same grade as that held by him in his parent cadre and he has to seek further promotion in the new cadre, he has to render two years service in the new cadre before being promoted therein.

5.9 If the post is to be kept unfilled due to candidates with two years service in the immediate lower grade not being available the posts should be downgraded and operated in the lower grade.

5.10 Two years service condition in the immediate lower grade is also applicable to local officiating/ ad hoc promotions against short terms vacancies.


6. Suitability test, Number to be Called, Continuation/Supplementary test, Interval between two suitability tests etc :-

6.1 The number of eligible candidates to be considered at a suitability test should be the same as the number of vacancies calculated for this purpose in accordance with para 4 above so that persons qualified need not wait long for promotion. If sufficient number of suitable candidates are not available further candidates to meet the shortfall may be called up in continuation and so on, but the whole process/ should be completed within six months. If this period is exceeded, it will be treated as a fresh suitability test and those who failed in the earlier test should be eligible for reconsideration.

6.2 Next suitability test should be held after a gap of not less than six months. All eligible staff, including those who failed in the earlier test should be called. Period of six months is reckoned from the date of announcement of results.

6.3 An employee who has passed a suitability test once need not be called for the test again and should be eligible for promotion as and when vacancy arises.

6.4 An employees failing in a suitability test should be considered only for a fresh suitability test after a lapse of six months and not in a supplementary suitability test or suitability test held in continuation of the earlier one which has to be done within six months.

6.5 If a person fails in a suitability test but is called up again for a suitability test after a time lapse of six months and he/she passes the same, he/she should be given preference for promotion over his/her junior, who had passed the suitability test earlier but is still waiting to be promoted for want of a vacancy.
6.6 If a Railway servant is promoted after qualifying in a suitability test and is subsequently reverted on grounds of unsuitability, he/she should not be further promoted to the said post, irrespective of time limit, till he qualifies afresh in a suitability test and held next for promotion to such a post.

6.7 An employee who is unable to appear in a suitability test within a period of six months due to reasons beyond his control, such as prolonged sickness etc., he/she should be given a supplementary suitability test within a reasonable period after return to duty and on being found suitable for promotion, he/she should be assigned pro forma seniority position vis-à-vis his/her juniors promoted earlier.

6.8 Once an employee has been placed on a suitability list he should not be denied the promotion simply because of subsequent adverse confidential Report. However, it is open to the Administration to revert him on the ground of general unsuitability, in case his work is found unsatisfactory after promotion, in terms of the Board's letter No. E(D&A)65 RG 6-24 dated 09.06.1965 and E(D&A)61 RG 6/20 dated 30.05.1966 (Annexure-I & Annexure-II) which also apply to promotion to non-selection Posts mutatis-mutandis.

6.9 However, a person promoted after being found/declared suitable cannot be reverted for unsatisfactory work after 18 months without following the procedure prescribed in the Discipline and Appeal Rules.

Note: General Managers may, however, in very special circumstances revert an employee regularly officiating in a higher post, in relaxation of the above mentioned time limit of 18 months, in exercise of their personal judgments.

6.10 The following procedure has been evolved for effecting reversion of such a person on account of unsatisfactory performance, such unsatisfactory performance being adjudged from:-

i. The annual C.R. of the employee, if already written; and

ii. By calling for a special report on his performance if his C.R. has not been written.

iii. Reversion should take place only after the incumbent has been warned for unsatisfactory performance and after having watched his subsequent performance after warning.

iv. Decision for such a reversion should be taken at the level of DRM in the Division for divisionally controlled posts and the Head of the Department concerned for the Headquarters controlled posts.

v. In case where action as above is taken, the concerned Railway employee will have to appear at a subsequent suitability test before his repromotion.

Note:

1. The procedure indicated in sub-paragraph 6.9 and 6.10 above will be applicable to those employees who have acquired the prescriptive right to the officiating post by virtue of their having been found/declared suitable.

2. The said procedure does not apply to those employees officiating on a stop-gap arrangement on an ad hoc basis and also to those cases where the employees duly selected have to be reverted after a lapse of 18 months because of the cancellation of the promotion
proceedings or consequent on the rectification of mistake in seniority etc.

6.11 Whenever a written test is held for promotion to the highest grade non-selection post in a category, objective type question may be set for about 50% of the total marks, the remaining questions could continue to be the narrative (conventional) type. The above percentage for objective type questions is intended to be for guidance only and should not be taken as constituting an inflexible percentage.

6.12 Question papers are required to be prepared in bilingual form for all the Departmental tests. The staff will have the option to write their answers in Hindi. Option of Hindi medium should also be allowed in viva-voce conducted as part of Departmental tests. This will, however, be subject to the condition that where necessary, knowledge of English may be tested separately to ensure that the employee would understand instructions relating to requirements of his job. Where, however, the competent authority considers that the knowledge of English is essential, which shall be in few cases, the authority may insist upon such test being conducted in English.

6.13 Whenever written test is held for adjudging suitability the subject of 'Passenger Amenities' should also, as far as possible, figure in the questions for written examination for promotion to the post of Inspectors etc. in categories of staff concerned with Provision and maintenance of passenger amenities. The specific categories for this purpose may be laid down by the Zonal Railways.

7. **Representation against suitability test/list:**

7.1 A suitability list once approved should not be normally cancelled. If after the announcement of the suitability list procedural irregularities or other defects are found and it is considered necessary to cancel or amend such a list, this should be done after obtaining the approval of the authority next higher than the one who approved the suitability list.

7.2 Representations, if any, in this regard should be submitted to the competent authority within a period of two months from the date of announcement of the list. However, the authority that approved the list or higher authority may use his discretion and take such action as is considered necessary if he is satisfied that an irregularity has occurred and on that account some staff have been put to hardship.

8. **Proforma promotion as a result of empanelment for higher grade:**

If an employee is selected for a higher grade selection post, he will be given proforma position in the non-selection intermediate grade only if such a
position was due in accordance with his seniority, suitability being accepted by virtue of fitness for the higher grade on the basis of the procedure prescribed for this purpose.

E(NG)56/PM 1/36 dated 22.01.1960
and Para 222(b) - Chapter-II, Section-B, IREM-1989)

9. Effect of Refusal of Promotions:

9.1 The following principles may be followed in respect of staffs who refuse promotion on transfer from one station to another:-

a. The employee concerned should give in writing his refusal to accept promotion accepting the condition that he would not be eligible for promotion to that post for a period of one year. Employee who refuses promotion for a period of one year on account of some unavoidable domestic reasons should not be transferred for that year.

b. At the end of the one year period, if the employee still refuses promotion, his name will be removed from the suitability list and he will be required to appear against for a suitability test before being promoted to that post. In such cases, the Railway Administration can transfer the employee should they consider it necessary to do so.

c. An employee who refuses promotion on transfer will not lose seniority to another employee promoted to the same promotion category during the one year penalty as a result of fresh suitability test subsequently held.

d. It is left to the Administration to entertain requests from employees for postponement of promotion for a very short period on account of some domestic difficulty or other humanitarian considerations. The employees concerned should be promoted after that period if there is a vacancy. They will take their seniority only from the date of their promotion.

9.2 Staff promoted at the same station cannot decline such promotion. Refusal to accept the promotion in the higher grade, whether on short term or long term basis should be treated as refusal of duty entailing action under Discipline and Appeal Rules against the recalcitrant staff. However, action under Discipline and Appeal Rules for good and sufficient reasons may be initiated for refusal of ad hoc promotion only in those cases where such refusal affects train operations. Other conditions like debarment for one year etc. specified in Railway Board's instructions would apply.

9.3 It is for the competent authority to decide in which cases D&A action is necessary and in which cases the difficulties or reasons given by the employees concerned are genuine. In the latter type of cases, the competent authority can always accept the request of the staff and allow them to continue in the existing grade.

9.4 In the case of an employee who neither gives the refusal in writing nor joins duty on being promoted, it should be treated as refusal of promotion and action taken accordingly.

9.5 Refusal of promotion has relevance to a particular grade at any station and not to a particular post at a particular station.

9.6 In case of Section Officer (A/cs) Inspectors of Station/Stores Accounts who refuse promotion, their panel position is maintained for that particular year i.e. they do not lose in seniority.

9.7 Penalty for refusal of promotion applies to cases of seeking of reversion in
the grade after being once promoted.

[E(NG)64/PM 1/66 dated 21.01.1965, 
E(NG)64/PM 1/66 dated 14.10.1966 & 04.05.1969, 
E(NG)I/71/PM 1/106 dated 15.12.1971, 
E(NG)I/73/PM 1/120 dated 02.02.1974, 04.09.1974 and 11.09.1974, 
E(NG)I/76/PM 1/90 dated 22.09.1978, 
E(NG)I/79/PM 1/147 dated 31.01.1981, 
E(NG)I/80/PM 1/133 dated 05.07.1980, 

10. Ad hoc Promotions:

10.1 Government is averse to making ad hoc promotions and continuing the same for a long time which results in hardship to the employees when reverted.

10.2 Normally ad hoc promotions should not be made in vacancies of regular nature. In any case such arrangements should not be allowed to last beyond 3 to 4 months except in exceptional circumstances like Stay Orders from the Court etc.

10.3 Ad hoc arrangements should normally lapse after 4 months. Further continuance can only be ordered by the CPO personally who should determine the reasons for non-finalisation of suitability test etc and then authorise extension for the ad hoc promotions for a minimum period. Delays in holding suitability test must be explained and put up for GM’s perusal and acceptance.

10.4 The FA&CAO should not clear the pay of such promotions beyond 3 months unless such sanction has the personal approval of the CPO.

10.5 Where it is absolutely necessary to fill up a post on ad hoc basis, then the senior most person available in the seniority list should normally be promoted unless the authority ordering the promotion considers him unsuitable; exception may be made in cases where change of station is involved and short term promotions involving transfer are not desirable. It is not also the intention that staffs who have failed in the suitability test should be debarred even for promotion on ad hoc basis.

10.6 In no case second ad hoc promotion should be allowed.

10.7 Some of the situations which may lead to ad hoc promotions are illustrated below:-

a. Due to absence of a suitability list

b. Revision of Recruitment/Promotion Rules is under process or is contemplated; and

c. revision of seniority list

Reg.(a): As indicated above the ad hoc promotion should not be for more than 3 to 4 months. Any extension should have the personal approval of the CPO and every effort should be made to finalise the suitability tests.

When ad hoc promotions are made in such a case, the notification for promotion should clearly specify that the employee concerned has not been approved for regular promotion and that this ad hoc promotion gives him no right for regular promotion and that his promotion is provisional for the purpose of drawing pay.

Reg.(b): Generally Rules are brought into effect prospectively. Hence posts
are to be filled by holding selection in accordance with the eligibility conditions prescribed in the Recruitment Rules in force at the point of time.

Reg.(c): Wherever the seniority is under dispute, selections may be made with reference to the existing seniority when the cases are pending before the Court of Law/Tribunal, selections may be finalised with the existing seniority list but while making promotions it may be mentioned in the order of promotion, that the promotions are provisional subject to the final order of the Court/Tribunal.


11. Erroneous Promotions:

11.1 Sometimes due to administrative error, staffs are overlooked for promotion to higher grades. This could be either on account of wrong assignment of relative seniority of the eligible staff or full facts not being placed before the competent authority. Broadly, there can be two types:-

a. Where a person has not been promoted at all because of administrative error; and

b. Where a person has been promoted but not on the date from which he would have been promoted but for the administrative error.

11.2 Each such case should be dealt with on merits. Staff who have not been promoted on account of administrative error, should, on promotion, be assigned correct seniority vis-à-vis their juniors already working, irrespective of the date of promotion. Pay in the higher grade may be fixed proforma at the stage which the employee would have reached, if he was promoted at proper time. However, no arrears shall be paid as he did not actually shoulder higher responsibility of the higher post.

11.3 The orders of notification, promotion or appointment of a railway employee in a substantive or officiating capacity to a post if later found to be erroneous on the basis of facts, should be cancelled and the Railway servant should immediately be brought to the position which he would have held but for the incorrect order of promotion or appointment.

11.4 Service rendered by the Railway servant concerned in the post to which he was promoted wrongly should not be reckoned for purpose of increment or for any other purpose in that grade.

11.5 Any consequential promotions/appointments made as a result of the erroneous promotion, will also be required to be regulated on the lines indicated above.

11.6 The decision on question whether the promotion/appointment of a particular Railway servant to a post was erroneous or not should be taken by an authority higher than the appointing authority.

11.7 Suitable disciplinary action should be taken against those who were responsible for such erroneous promotions/appointments.

11.8 The orders refixing the pay in such cases should be issued expressly under Rule 1326 R-II.
12. **Exemption in Suitability Test in the open line on the basis of suitability Test passed while in RE or Construction Projects:**

Employees who have already qualified in the suitability test for non selection posts while in Construction/R.E. Projects need not be subjected to such tests on open line and they may be promoted on the basis of their seniority as and when due in turn. This is, however, applicable in comparable categories/grade/trades only in which the lien of the individual is kept on the open line and is applicable to only one grade higher than the one in which the lien is kept.

13. **Promotion Courses:**

13.1 Railways may prescribe requisite promotional courses passing of which should be pre-condition for promotion to a grade in a cadre.

13.2 When employees are booked for promotional course, they should be relieved immediately.

13.3 No exemption should be given from passing a prescribed promotional course.

13.4 In case of posts for which 'Promotional Course' has been prescribed as a pre-requisite condition to promotion, the employee may be allowed to avail of three chances to pass the course at the cost of the Administration. More chances, if any allowed, should be at the cost of the employee himself.

14. Procedure and guidelines to be followed in the case of promotion of Railway employees who are under suspension or against whom departmental proceedings/ prosecutions have been initiated or whose conduct in under investigation is enclosed as Annexure III to this circular. Clarifications issued vide letter of even number and date should also be kept in view.

15. Instructions contained in the "Brochure on reservation for SC/ST" concerning promotion wherever found necessary would also be applicable.

16. General:

- **a.** While referring to this circular, the original letters referred to herein should be read for a proper appreciation. This circular is only a consolidation of the instructions issued so far and should not be treated as a substitution to the originals. In case of doubt, the original circular should be replied upon as authority.

- **b.** The instructions contained in the original circulars referred to have only prospective effect from the date of issue unless specifically indicated otherwise in the concerned circular. For dealing with old cases, the instructions in force at the relevant time should be referred to; and

- **c.** If any circular on the subject, which has not been superseded, has not been taken into consideration while preparing this consolidated letter, the said circular, which has been missed through oversight should be treated as valid and operative. Such a missing circular, if any, may be brought to the notice of
the Railway Board.

The consolidation has been made from the following circulars:-

1. **E.48/RC1/18/3 dated 21.11.1953** (Item 2)
2. **E.55/PM 1/19/3 dated 11.06.1955**
3. **E(56)/PM1/12/3 dated 23.03.1956**
4. **E(NG)56 PM 1/36 dated 22.1.1960**
6. **E(NG)64/PM 1/66 dated 21.01.1965**
7. **E(NG)64/PM 1/66 dated 14.10.1966 & 4.5.1969**
8. **E(NG)63/PM 1/43 dated 6.9.1963**
9. **E(NG)63/PM 1/82 dated 15/17.9.1964**
10. **E(D&A)65 RG 6-24 dated 9.6.1965**
11. **E(D&A)61 RG 6/20 dated 30.5.1966**
12. **E(D&A)65 RG 6-24 dated 20.11.1966**
15. **E(NG)71/PM 1/106 dated 15.12.1971**
16. **E(NG)73/PM 1/214 dated 8.11.1973**
17. **E(NG)73/PM 1/196 dated 05.12.1973**
18. **E(NG)72/PM 1/55 dated 29.1.1974**
19. **E(NG)73/PM 1/120 dated 02.02.1974**
20. **E(NG)73/PM 1/222 dated 23.02.1974**
22. **E(NG)75/PM 1/266 dated 21.2.1976, 4.7.1976 and 29.11.1977**
23. **E(NG)76/PM 1/219 dated 31.05.1977**
24. **E(NG)76/PM 1/90 dated 22.09.1978**
25. **E(NG)79/PM 1/105 dated 26.04.1979**
26. **E(NG)76/PM 1/21 dated 15.1.1980**
27. **E(NG)76/PM 1/122 dated 26.6.1980**
28. **E(NG)80/PM 1/133 dated 05.07.1980**
29. **E(NG)80/PM 1/125 dated 11/14.08.1980**
31. **E(NG)79/PM 1/147 dated 31.01.1981**
32. **E(NG)82/PM 1/68 dated 28.4.1982**
33. **E(NG)75/PM1/44 dated 31.05.1982**
34. **E(NG)81/PM 1/221 dated 28.06.1982**
35. **E(NG)75/PM 1/44 dated 22.09.1982**
36. **E(NG)76/PM1/21 dated 02.02.1983**
37. **E(NG)75/PM 1/44 dated 26.05.1984**
38. **E(D&A)85 RG 6/9 dated 20.04.1985**
40. **E(NG)85/PM 5/3 dated 28.08.1985**
43. E(NG)I/85/PM1/13 dated 04.11.1987
46. Hindi-87/OL1/10/3 dated 03.11.1988
47. E(NG)I/85/PM1/13 dated 23.03.1989 (RBE 83/1989)

Supplementary Circulars and other subsequent letters

Supplementary Circular 2 - Calculation of Vacancies - E(NG)I-88/PM7/16 dated 30.01.1992 (RBE 17/1992)


Supplementary Circular No. 6 vide letter No. E(NG)I-2000/PM1/6 dated 18.4.2000 (RBE 72/2000). - the vacancies anticipated to occur during the next one year instead of six months were to be taken into account, as a trial measure up to 30.6.2002.

Supplementary Circular No. 7 vide letter No. E(NG)I-2002/PM1/37 dated 1.11.2002 (RBE 198/2002) - A declaration of unfitness should ordinarily have been made sometime previous to the time when the promotion of the Railway servant is being considered.