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मध्यप्रदेश राजपत्र

(असाधारण)

प्राधिकार से प्रकाशित

क्रमांक 342]

भोपाल, मंगलवार, दिनांक 9 दिसम्बर 2025—अग्रहायण 18, शक 1947

सामान्य प्रशासन विभाग

मंत्रालय, वल्लभ भवन, भोपाल

क्र. 1-1-3-0005-2025-GAD-3-एक-part 1

भोपाल, दिनांक 9 दिसम्बर 2025

- (1) That the Madhya Pradesh High Court has passed the following order dated April 30, 2016 in R.B. Rai vs. The State of Madhya Pradesh (Writ Petition No. 1942/2011) in relation to the Madhya Pradesh Public Services (Promotion) Rules, 2002:

"Thus, taking overall view of the matter, the existing provision relating to reservation, backlog vacancies, carry-forward of backlog vacancies and the operation of roster, contained in the Rules of 2002 runs contrary to the constitutional provisions contained in clause (4A) and (4B) of Article 16 and Article 335 of the Constitution and the law predicated in M. Nagaraj (supra), are declared ultra vires and non-est in law.

Consequently, various promotions of Scheduled Castes/Scheduled Tribes category made on the basis of these Rules of 2002 are held to be non-est in the eyes of law and the persons be placed in the position as if the said Rules

(i.e. the Rules which are declared ultra vires) never existed and all actions taken in furtherance thereof must be reverted to status quo ante."

- (2) That in view of the above order, the State Government filed S.L.P. No. 13954/2016 in the Hon'ble Supreme Court, wherein, the following interim order has been passed on 12th May, 2016:

"Until further orders, status quo, obtaining as on that day, shall be maintained."

- (3) That, status quo is prevailing in the case for the past 9 years due to which the promotion process of public servants in the State is obstructed and a large number of officers-employees despite possessing eligibilities, have been retiring without obtaining promotion. In such a situation, while on the one hand the efficiency of the State Government is adversely affected, on the other hand the morale of the public servants is decreasing.
- (4) That, in the judgement referred to in paragraph (1) rendered by the Hon'ble High Court, while citing clause (4A) of Article 16 of the Constitution of India and the judgements rendered in *Shri M. Nagaraj* and other cases, it has been propounded that while considering reservation in promotion, the following principles shall be mandatorily identified and considered :-
- (a) Adequate representation of the reserved category;
 - (b) Administrative efficiency/eligibility.
- (5) That as per section 4 of the Madhya Pradesh Lok Seva (Anusuchit Jatiyon, Anusuchit Janjatiyon Aur Anya Pichhade Vargon Ke Liye Arakshan) Adhiniyam, 1994 (No. 21 of 1994) provides for giving reservation of 16% to Scheduled Castes and 20% to Scheduled Tribes in direct recruitment.

- (6) That the State Government is committed to provide equal opportunities to the Scheduled Castes and Scheduled Tribes at all levels in the Government services in accordance with Article 16 (4A) of the Constitution of India and to provide them opportunity to advance in the Government services on the basis of eligibility.

Therefore, in view of the situation mentioned in paragraphs (1) to (6) as aforesaid and the orders passed by the Hon'ble Courts, in exercise of the powers conferred by article 16 and 335 of the Constitution of India read with the proviso to article 309, the Governor of Madhya Pradesh, hereby, makes the following rules for grant of promotion to the Government Servants subject to the Special Leave Petition No. 13954/2016 pending before the Hon'ble Supreme Court and to provide equal opportunities to Government Servants belonging to the Scheduled Castes and Scheduled Tribes:-

RULES

1. Short title and commencement.-

- (1) These rules may be called the Madhya Pradesh Public Service Promotion Rules, 2025.
- (2) These rules shall come into force from the date of their publication in the Madhya Pradesh Gazette.

2. Definitions.- In these rules, unless the context otherwise requires,-

- (a) "Appointing Authority" in relation to any service or post in any establishment, means, the competent authority to make appointment to such service or post.
- (b) "Departmental Promotion Committee" means the Departmental Promotion Committee in accordance with the relevant departmental recruitment rules;
- (c) "Cadre" means the part of service, for which a separate gradation list is required to be prepared in accordance with the relevant recruitment rules. Which includes both temporary and permanent posts:

Provided that it shall not include casual labourers, sthayi karmi, employees paid from the work charged and contingency fund, daily wages and contractual workers.

- (d) "Commission" means the Madhya Pradesh Public Service Commission;
- (e) "Establishment" means an establishment of the State Government or any local authority or statutory authority constituted under any Act of the State for the time being in force or any University or establishment of any such company, corporation or any co-operative society in which at least 51% of the paid-up share capital is held by the State Government;
- (f) "Government" means the Government of Madhya Pradesh;

- (g) "public services and post" means the services and posts of any office of the establishment;
- (h) "reservation" means the reservation of posts for promotion in the public services for the members of the Scheduled Castes and the Scheduled Tribes;
- (i) "Scheduled Castes" means any caste, race or tribe or part of, any group within such caste, race or tribe or thereof, which has been specified as Scheduled Castes in relation to the State of Madhya Pradesh under Article 341 of the Constitution;
- (j) "Scheduled Tribes" means any tribal category or tribal community or part of, or any group within such tribe or tribal community, which has been specified as Scheduled Tribes in relation to the State of Madhya Pradesh under Article 342 of the Constitution;
- (k) "reserved category" means the Scheduled Tribes Category and the Scheduled Castes Category;
- (l) "select list" means list of such public servants, who shall be selected for the next pay scale or higher grade of post as provided in the relevant recruitment rules;
- (m) "service" means the service of a group of posts connected with the affairs of the State, other than the Indian Administrative Service, Indian Police Service, Indian Forest Service, Higher Judicial Service, State Administrative Service, State Police Service, State Forest Service and State Finance Service, which is

organised and designated as such by the State Government;

- (n) "State" means the State of Madhya Pradesh;
- (o) "selection year" means the period commencing on the 1st day of January and ending on the 31st day of December for which the Departmental Promotion Committee is required to meet in the preceding year;
- (p) "date of consideration" means the 31st day of December of the year immediately preceding the selection year.

3. Extent and application.- Without prejudice to the generality of the provisions contained in the Madhya Pradesh Civil Services (General Conditions of Service) Rules, 1961 and notwithstanding anything contained in any service rules, these rules shall apply to the establishment as defined in these rules, but shall not apply to the employments specified in clauses (1), (3) and (5) of section 3 of the Madhya Pradesh Lok Seva (Anusuchit Jatiyon, Anusuchit Janjatiyon Aur Anya Pichhade Vargon Ke Liye Arakshan) Adhiniyam, 1994 (No. 21 of 1994).

4. Determination of basis for promotion.-

- (1) Promotions from Class-I to higher pay scale of Class-I shall be made on the basis of merit-cum-seniority.
- (2) Promotions to all other posts shall be made on the basis of seniority-cum-suitability.
- (3) The provisions of rule 11 shall apply in respect of seniority-cum-suitability and the provisions of rule 12

shall apply in respect of merit-cum-seniority. All the remaining rules shall apply equally to all promotions.

5. Calculation of posts to be reserved for the Scheduled Caste and Scheduled Tribe Category.- Keeping in view, the adequate representation of the reserved categories in a particular cadre of the department and the administrative efficiency in the cadre, the posts to be reserved for reserved categories shall be calculated as follows:

- (1) The number of posts reserved for the Scheduled Tribe category shall be '20' * (multiplied by) 'Y' percent of the total number of posts to be filled by promotion in the cadre.
- (2) The number of posts reserved for the Scheduled Caste category shall be '16' * (multiplied by) 'X' percent of the total number of posts to be filled by promotion in the cadre.
- (3) 'X' and 'Y' shall be a number valued from 0 to 1, calculated by taking into account the administrative efficiency in the functions performed by the cadre and to provide adequate representation to the reserved categories.
- (4) The Departments of the State Government shall separately determine 'X' and 'Y' for each cadre in which promotions are to be made. The following Committee shall make this determination:-
 - (i) Secretary-in-charge of the - Chairman concerned Department
 - (ii) Head of the concerned Department - Secretary

- (iii) A representative of the General Administration Department not below the rank of Deputy Secretary - Member
 - (iv) In case any of the members mentioned in clauses (i), (ii) and (iii) above do not belong to the Scheduled Castes Category, one public servant not below the rank of Class-II level belonging to the Scheduled Castes Category - Member
 - (v) In case any of the members mentioned in clauses (i), (ii) and (iii) above do not belong to the Scheduled Tribes Category, one public servant not below the rank of Class-II level belonging to the Scheduled Tribes Category - Member
- (5) The departments shall, in the absence of any special conditions regarding adequate representation of reserved categories and administrative efficiency in a particular cadre, generally determine 'X' = 1 and 'Y' = 1. If a department decides to fix the number 'X' or 'Y' different from 1 for a cadre in view of adequate representation and administrative efficiency, then such determination shall be done only after the approval of the following Committee:-
- (i) Chief Secretary - Chairman
 - (ii) Secretary-in-charge of the concerned Department - Secretary
 - (iii) Secretary-in-charge of the General Administration Department - Member

- (6) 'X' and 'Y' shall be determined for a period of five years. This determination shall be applicable for the meeting of the Departmental Promotion Committee from the year 2024 to the year 2028. After every five years, it shall be necessary to re-determine these by assessing adequate representation and administrative efficiency to achieve the number of 'X' and 'Y'.

6. Meeting of the Departmental Promotion Committee.-

- (1) The meeting of the Departmental Promotion Committee shall be convened once for each selection year.
- (2) A special Departmental Promotion Committee shall meet after the commencement of these rules for the vacancies up to the forenoon of 31st December, 2025, thereafter, the meeting of the Departmental Promotion Committee for each selection year shall be held in the preceding year generally between the months of September to November in which the suitability of the public servants for promotion shall be considered for all the vacancies available until the forenoon of 31st December of the selection year.

Example: After coming into force of these rules, each department shall hold a meeting of Special Departmental Promotion Committee for the vacancies up to forenoon of 31.12.2025 after determining 'X' and 'Y' as per rule 5. In the year 2025, again between the months of September to November, a meeting of the

Departmental Promotion Committee shall be held, to fill any unexpected vacancy arising in this year which could not be filled up even from the waiting list and the anticipated vacancies of the selection year (i.e. till the forenoon of 31.12.2026), thereafter, a meeting of the Departmental Promotion Committee shall be held between the months of September to November in the year 2026 to fill any unexpected vacancy arising in the year 2026 which could not be filled even from the waiting list and the anticipated vacancies of the selection year (i.e. till the forenoon of 31.12.2027).

- (3) If any meeting of the Departmental Promotion Committee for any selection year is not held within the period mentioned in sub-rule (2) above, then in the next meeting of the Departmental Promotion Committee, firstly, the suitability of the public servants for promotion with reference to the meeting not held earlier, shall be considered separately and selection list shall be prepared, thereafter, selection list shall be prepared and determined for the existing year considering the suitability of the public servants for promotion to fill the existing vacancies and vacancies likely to arise in the next year.**
- (4) Those public servants, in respect of whom, it is found that they would not be available till the forenoon of 31st December of the selection year due to deputation or other reasons for the meeting of the Departmental**

Promotion Committee, may be considered as vacant and included in the vacancy list of the selection year.

7. **Calculation of period of qualifying service.**-The period of qualifying service for eligibility for promotion shall be calculated from the year in which the public servant has come into the feeder cadre/part of the service/post till the forenoon of the date of consideration of the relevant selection year for which the meeting of the Committee is being held.

Explanation.- The calendar year in which the public servant has taken over the charge of previous promotion shall be treated as one year for calculating the qualifying service.

Example: If a public servant has joined the feeder cadre/part of service/post in December 2021, then his five years of qualifying service shall be completed on 31st December, 2025.

3. **Determination of suitability by Annual Confidential Reports.**-

- (1) The Departmental Promotion Committee shall determine the suitability of public servants for promotion on the basis of their service record and with reference to their Annual Confidential Reports for the five financial years immediately preceding the selection year for which the meeting of Departmental Promotion Committee is being held. If maximum two confidential reports out of the above mentioned 5 years' reports are not available for any reason, then the Departmental Promotion Committee may take into consideration the

Confidential Reports of two previous years i.e. upto a total of 7 previous years.

Example: For the meeting of the Departmental Promotion Committee to be held in the year 2026 (which includes posts up to 31 December, 2027), suitability shall be determined with reference to the Annual Confidential Reports of the financial years 2024-2025, 2023-2024, 2022-2023, 2021-2022, 2020-2021. If for any reason the Confidential Reports of any two years out of these years are not available, then in such a situation, the confidential reports of the financial year 2019-2020 and the year 2018-2019 may be considered.

- (2) In addition to sub-rule (1), Confidential Reports of at least one year out of the last two years are mandatorily required to be available.
- (3) If the period of Confidential Report of any year/part of a year is NRC (No Report Certificate), then such period shall not be taken into consideration for assessment as per sub-rule (1).
- (4) In case of availability of evidence of self assessment on the Confidential Report of maximum one year within the prescribed time, but non availability of assessment of the reporting, reviewing and accepting officer, the evaluation for the said year shall be average of the evaluation of the available years.

- (5) In case of availability of more than one Confidential Report in a year, a weighted average of evaluation of all the available reports shall be done.
- (6) On the availability of evaluation of Confidential Reports for a period of at least 6 months of any year shall only be considered as the evaluation for that year:

Provided that if the period of NRC (No Report Certificate) is more than 6 months, then the Confidential Report available for less than 6 months may be considered as evaluation of the year.

9. **Non-availability of Confidential Reports.-** As per rule 8, in case of non-availability of Confidential Reports, the concerned cases shall not be kept in circulation and other eligible public servants shall be promoted against such posts. Such cases shall be placed for consideration for promotion in the meeting of the Departmental Promotion Committee to be held after the availability of Confidential Reports. If found eligible in the next Departmental Promotion Committee, the seniority of that public servant shall be restored to its previous position as per eligibility.

Explanation.- If the promotion of a public servant is not considered in the meeting of the Departmental Promotion Committee of the selection year 2026 due to non-availability of Confidential Reports and his confidential reports in respect to selection year 2026 become available in the meeting of the Departmental Promotion Committee of the selection year

2027 and after consideration the public servant is found suitable for promotion, then in such a situation, while promoting him, his seniority shall be restored to its previous position, that is, seniority shall be determined as per the selection list of the consideration year 2026.

- 10. Unsuitability for promotion.-** If as a result of disciplinary proceedings against the concerned public servant, penalty has been imposed under rule 10 of the Madhya Pradesh Civil Services (Classification, Control and Appeal) Rules, 1966 and that penalty is effective on the date of consideration, then the public servant shall not be considered suitable for promotion. The effect of the penalty shall be as per the following table:

No.	Nature of penalty	Duration of effect
1.	Censure	One year from the date on which the penalty is imposed
2.	Recovery from his salary of the whole or part of any pecuniary loss caused to the Government by his negligence or orders	Until one year after the date of complete recovery of the amount ordered to be recovered
3.	Withholding of increments or stagnation allowance	Until the receipt of the first pay increment after the withheld increment/ increments imposed as penalty
4.	Reduction to a lower stage in the time-scale of pay for a specified period, with further directions as to whether or not, the public servant will	After completion of the period of reduction, till the receipt of the first increment

	earn increments of pay or the stagnation allowance, as the case may be during the period of such reduction and whether on the expiry of such period the reduction will or will not have the effect of postponing the future increments or his pay or stagnation allowance	
5.	Reduction to a lower time-scale of pay, grade, post or Service which shall ordinarily be a bar to the promotion of the public servant to the time-scale of pay, grade, post or Service from which he was reduced, with or without further directions regarding conditions of restoration to the grade or post or Service from which the public servant was reduced and his seniority and pay on such restoration to that grade, post or service;	After completion of the period of reduction, till the receipt of the first increment, but in case of an order regarding not granting promotion in future in the imposed penalty, the public servant shall not be eligible for promotion

11. Promotion on the basis of seniority-cum-suitability.-

- (1) Calculation of vacancies of the Scheduled Tribes Category: The vacancies available for the Scheduled Tribes Category shall be the number of posts obtained by deducting the number of posts already filled in that

cadre by promotion from among the public servants belonging to the Scheduled Tribes Category from the number of posts reserved for the Scheduled Tribes Category under sub-rule (1) of rule 5.

(2) Calculation of vacancies of Scheduled Castes category:

The vacancies available for the Scheduled Castes Category shall be the number of posts obtained by deducting the number of posts already filled in that cadre by promotion from among the public servants belonging to the Scheduled Castes category from the number of posts reserved for the Scheduled Castes Category under sub-rule (2) of rule 5.

(3) Calculation of unreserved vacancies: The number of unreserved vacancies shall be the number of posts obtained after deducting the number of posts calculated under sub-rule (1) and (2) of rule 11 from the total vacancies to be filled by promotion in the cadre.

Example: Suppose the total number of posts in a cadre is 50, in which as per rule 5, 10 posts are reserved for the Scheduled Tribes Category and 8 posts are reserved for the Scheduled Castes Category. In that cadre, 6 public servants of the Scheduled Tribes Category and 3 public servants of the Scheduled Castes category are already working. If total 20 posts are vacant in that cadre, then in such a situation, the number of vacancies reserved for the Scheduled Tribes category shall be $10 - 6 = 4$ and the number of vacancies reserved for the

Scheduled Castes category shall be $8-3=5$. The number of unreserved vacancies shall be $20-4-5=11$.

- (4) **Consideration List:** A combined consideration list shall be prepared in the order of seniority of such public servants who have completed the prescribed qualifying service in the pay scale of the feeder cadre/part of the service/post as per the recruitment rules and other eligibility criteria mentioned in the recruitment rules. The zone of consideration shall be two times the total available vacancies of the year + four (4).

Example: If the total number of vacancies in the cadre to be promoted is 8, then the maximum $(2 \times 8) + 4 = 20$ public servants from the seniority gradation list of the cadre from which promotion is to be made shall be included in the consideration list.

- (5) (i) Promotions from Class-IV to Class-III posts and from Class-IV to the higher pay scale of Class-IV shall be made on the basis of suitability as determined in the Confidential Reports.
- (ii) The classification of Confidential Reports of all the remaining public servants of the period under consideration shall be determined in terms of marks. For this, 4 marks shall be determined for 'Excellent' (A+) category, 3 marks for 'Very Good' (A) category, 2 marks for 'Good' (B) category, 1

mark for 'Average' (C) category and 0 marks for 'Poor' (D) category shall be determined.

- (6) (i) The class-wise minimum qualifying marks for suitability for promotion based on the overall evaluation of the Confidential Reports of five years of a public servant shall be as under:-

No.	Nature of promotion	Minimum qualifying marks of overall evaluation
1.	From Class-II to Class-I posts	13
2.	From Class-II to higher pay scale of Class-II and from Class-III to Class-II posts and from Class-III to higher pay scale of Class-III	12
3.	From Class-IV to Class-III posts and from Class-IV to higher pay scale of Class-IV	On being found suitable

- (ii) If sufficient numbers of public servants are not eligible for promotion even after calculating the minimum qualifying marks of the public servants available in the zone of consideration, then in such a situation, the standard may be relaxed by 1 mark.
- (iii) If sufficient number of public servants are not available in a department even after relaxing the standards as per clause (ii) of sub-rule (6) of Rule

11, then it may obtain exemption from the General Administration Department regarding relaxation of the standards for that selection year.

- (iv) If the required public servants belonging to the reserved category are not available, then in such a situation, the criteria prescribed as per clauses (i), (ii) and (iii) of sub-rule (6) of rule 11 may be relaxed by additional one mark for the public servants belonging to the reserved category:

Provided that the public servants promoted by relaxing the standards under clause (iv) of sub-rule (6) of rule 11 shall be eligible for promotion against the vacancies of the reserved category only, they shall not be promoted against unreserved vacancies.

- (7) If the overall marks of the Confidential Reports of five years taken into consideration of the concerned public servant is less than the prescribed minimum qualifying marks, the public servant included in the consideration list shall not be suitable for promotion.
- (8) For filling up of posts under this method, the Departmental Promotion Committee shall consider the case of each public servant separately on the basis of his merit i.e. it shall not be necessary to make any comparative assessment of the qualifications of public servants. The Promotion Committee shall consider the

records of each public servant separately and classify them as suitable or unsuitable.

- (9) Out of the public servants included in the consideration list by the Departmental Promotion Committee, except those public servants in respect of whom the recommendations of the Departmental Promotion Committee have been kept in a sealed envelope as per rule 14, the select list of public servants found suitable for promotion shall be prepared as per the following criteria:-

- (i) for determining inter-se seniority of the Scheduled Tribes Category, Scheduled Castes Category and unreserved public servants in the pay scale of the cadre/part of the service/post to which promotion is to be made, a combined list of all eligible public servants shall be prepared in the same order in which their names appear in the gradation list of the cadre/part of the service/post, from which promotion is being made i.e. in the order of seniority list of the current post.
- (ii) From the combined consideration list, the names of the public servants belonging to the Scheduled Tribes category found suitable against the available vacant posts of the Scheduled Tribes Category as per sub-rule (1) of rule 11 shall be entered first in order of seniority. This list shall be the select list of the Scheduled Tribes Category.

- (iii) After the procedure provided under clause (ii) of sub-rule (9), from the combined consideration list, the names of the public servants belonging to the Scheduled Castes Category found suitable against the available vacant posts of the Scheduled Castes Category as per sub-rule (2) of rule 11 shall be entered in order of seniority. This list shall be the select list of the Scheduled Castes Category.
- (iv) After the procedure provided under clauses (ii) and (iii) of sub-rule (9), after removing the names of public servants mentioned in the select list of the Scheduled Tribes and the Scheduled Castes from the combined list, from the remaining public servants, the available vacant post as per sub-rule (3) of rule 11 shall be entered in the order of seniority. This list shall be the unreserved select list.
- (v) Waiting list:-
 - (a) for filling up the vacancies arising during the period of selection year for each category, a waiting list of 02 public servants or 10% of the number of public servants included in the select list of the concerned category, which is higher, shall be prepared in the order of seniority.
 - (b) If the vacancy arising during the period of selection year is a reserved vacancy as per

calculation according to sub-rule (1) or (2) of rule 11, it shall be filled up from the waiting list of the concerned category only:

Provided that in case of non-availability of post as per calculation of sub-rule (1) or (2) of rule 11, the aforesaid vacancy shall be filled from the unreserved waiting list.

- (c) If a public servant belonging to a reserved category is eligible on the basis of seniority in both the waiting lists of reserved category and unreserved category, he shall be placed in both the waiting lists.**
- (vi) if in any selection year, such a situation arises, that suitable number of public servants belonging to any reserved category are not available in the required number for adequate representation of the reserved category, then such posts remaining unfilled shall be kept vacant till the minimum number of posts determined in any selection year for adequate representation of the reserved category [as per rule 5 and clauses (i) and (ii) of sub-rule (9) of this rule] is fulfilled.**
- (10) The promotion orders of the public servants included in the select list prepared on the basis of clauses (ii), (iii) and (iv) of sub-rule (9) shall be issued by the competent officer. In respect of vacancies available on 1st January,**

the order shall be issued before 1st January which shall be effective from 1st January. Promotion orders may be issued maximum one month prior to the date on which vacancies arise after 1st January, which shall be effective from the date of actual vacancy. In all promotion orders it shall be mandatory to clearly mention the date from which the order shall become effective and that in case of proceedings mentioned in clauses (i), (ii) or (iii) of sub-rule (1) of rule 14 is taken prior to assuming charge, the order shall be deemed to be suspended.

12. Promotion on the basis of merit-cum-seniority.-

- (1) Calculation of vacancies of the Scheduled Tribes Category: The vacancies available for the Scheduled Tribes Category shall be the number of posts obtained by deducting the number of posts already filled in that cadre by promotion from among the public servants belonging to the Scheduled Tribes Category from the number of posts reserved for the Scheduled Tribes Category under sub-rule (1) of rule 5.
- (2) Calculation of vacancies of Scheduled Castes category: The vacancies available for the Scheduled Castes Category shall be the number of posts obtained by deducting the number of posts already filled in that cadre by promotion from among the public servants belonging to the Scheduled Castes category from the

number of posts reserved for the Scheduled Castes Category under sub-rule (2) of rule 5.

- (3) Calculation of unreserved vacancies: The number of unreserved vacancies shall be the number of posts obtained after deducting the number of posts calculated under sub-rule (1) and (2) of rule 11 from the total vacancies to be filled by promotion in the cadre.

Example: Suppose the total number of posts in a cadre is 25, in which as per rule 5, 5 posts are reserved for Scheduled Tribes Category and 4 posts are reserved for Scheduled Castes Category. 2 public servants of Scheduled Tribes Category and 2 public servants of Scheduled Castes Category are already working in that cadre. If a total of 11 posts are vacant in that cadre, then in such a situation the number of vacancies reserved for Scheduled Tribes Category shall be $5-2=3$ and the number of vacancies reserved for Scheduled Castes Category shall be $4-2=2$. The number of unreserved vacancies shall be $11-3-2=6$.

- (4) Consideration List: A combined consideration list shall be prepared in the order of seniority of such public servants who have completed the prescribed qualifying service in the pay scale of the feeder cadre/part of the service/post as per the recruitment rules and other eligibility criteria mentioned in the recruitment rules. The zone of consideration shall be two times the total available vacancies of the year + four (4).

Example: If the total number of vacancies in the cadre to be promoted is 5, then maximum $(2 \times 5) + 4 = 14$ public servants from the seniority gradation list of the cadre from which promotion is to be made, shall be included in the consideration list.

- (5) The classification of Confidential Reports of public servants for the period under consideration shall be determined in terms of marks in accordance with sub-rule (5) of rule 11. The minimum qualifying marks for suitability for promotion from Class-I to Class-I posts shall be 15 on the basis of overall evaluation of Confidential Reports of five years of the public servant. If the overall marks of Confidential Reports of five years of the concerned public servant taken into consideration is less than the prescribed minimum qualifying marks, then the public servant included in the consideration list shall not be suitable for promotion in the selection year.

If the required public servants of the reserved category are not available, then in such a situation the minimum qualifying marks of the reserved category may be made 14:

Provided that the public servants who are promoted by relaxing the standards shall be eligible for promotion only against the vacancies of the reserved category and they shall not be promoted against unreserved vacancies.

- (6) The Departmental Promotion Committee shall make a comparative evaluation of the administrative efficiency of suitable public servants included in the consideration list. The Committee shall divide suitable public servants into two categories based on marks obtained in their Annual Confidential Reports:-
- (i) such public servants who have secured 20 marks as per the grading obtained in the Confidential Reports of 5 preceding years shall be placed in category-1.
 - (ii) Such public servants who have secured 15 to 19 marks as per the grading obtained in the Confidential Reports of 5 preceding years shall be placed in category-2.
 - (iii) For determining the inter-se seniority of public servants, a combined list of public servants of category-1 and category-2 shall be prepared in which the public servants of category-1 shall be placed at the top, thereafter the public servants of category-2 shall be placed below them.
 - (iv) If more than one public servant are classified in a category, they shall be included in the combined list maintaining inter-se seniority of their feeder cadre/part of service/pay scale of post.
- (7) The select list from the combined list prepared by the Departmental Promotion Committee as per sub-rule (6)

shall be prepared in accordance with the following criteria:-

- (i) the names of the public servants belonging to the Scheduled Tribes found suitable against the available vacant posts of the Scheduled Tribes Category as per sub-rule (1) of rule 12 from the combined consideration list shall be entered in the order of seniority. This list shall be the select list of the Scheduled Tribes Category.
- (ii) After the procedure provided in sub-rule (1) of rule 12, the names of the public servants belonging to Scheduled Castes found suitable against the available vacant posts of Scheduled Castes Category as per sub-rule (2) of rule 12 shall be entered in in the order of seniority from the combined list. This list shall be the select list of the Scheduled Castes Category.
- (iii) After the procedure provided under clauses (i) and (ii), after removing the names of public servants mentioned in select list of the Scheduled Tribes Category and in select list of the Scheduled Castes Category from the combined list, from the remaining public servants, the available vacant post as per sub-rule (3) of rule 12 shall be entered in the order of seniority. This list shall be the unreserved select list.

(iv) Waiting List.-

- (a)** for filling up the vacancies arising during the period of selection year for each category, a waiting list of 2 public servants or 10% (whichever is more) of the number of public servants included in the select of the concerned category shall be prepared in the order of seniority.
- (b)** If the vacancy arising during the selection year is a reserved vacancy as per the calculation of sub-rule (1) or (2) of rule 12, then it shall be filled up from the waiting list of the concerned category only:

Provided that in case of non-availability of post as per the calculation of sub-rule (1) and (2) of rule 12, the aforesaid vacancy shall be filled from the unreserved waiting list only.

- (c)** If a public servant belonging to the reserved category is eligible for both the reserved category and unreserved waiting lists based on seniority, then he shall be placed in both the waiting lists.
- (v)** If in any selection year such a situation arises that suitable public servants belonging to any reserved category are not available in the required number for adequate representation of the reserved

category, the number of posts remaining unfilled shall be kept vacant till the minimum number of posts determined for adequate representation of the reserved category in any selection year [as per rule 5 and sub-rule (1) and (2) of rule 12 for the said selection year] is fulfilled.

- (8) The promotion orders of the public servants included in the select list prepared on the basis of clauses (ii), (iii) and (iv) of sub-rule (7) shall be issued by the competent officer. In respect of vacancies available on 1st January, the order shall be issued before 1st January which shall be effective from 1st January. Promotion orders may be issued maximum one month prior to the date on which vacancies arise after 1st January, which shall be effective from the date of actual vacancy. In all promotion orders it shall be mandatory to clearly mention the date from which the order shall become effective and that in case of proceedings mentioned in clauses (i), (ii) or (iii) of sub-rule (1) of rule 14 is taken prior to assuming charge, the order shall be deemed to be suspended.

- 13. Fixation of pay as a result of promotion.-** On promotion of a Government servant, his pay shall be fixed in the pay scale of the promoted post on the date on which he takes over the charge of the promoted post:

Provided that the promoted Government servant may give the option to get his pay fixed from the date of promotion

to the higher post or from the date of next annual increment to be received by that Government servant.

14. Procedure in case of sealed envelope.-

- (1) The recommendations of the Committee shall be placed in a sealed envelope in respect of public servants included in the list of consideration in the following circumstances:-
 - (i) if the public servant is under suspension;
 - (ii) if a charge sheet under rule 14 or a charge memo/sheet under rule 16 of the Madhya Pradesh Civil Services (Classification, Control and Appeal) Rules, 1966 has been issued for disciplinary proceeding against the public servant and such proceeding is pending;
 - (iii) if in a prosecution case against a public servant based on any criminal charge, prosecution sanction has been issued by the Department for presenting a charge sheet before the competent court or a charge sheet has been presented before the competent court.
- (2) The vacancy arising in respect of public servants whose recommendation by the Committee has been kept in a sealed envelope, shall be filled provisionally on officiating basis.

- (3) The public servants in respect of whom recommendation of the Departmental Promotion Committee has been placed in a sealed envelope, in cases where the public servant is wholly exonerated, the sealed recommendation shall be opened and on being eligible, the date of promotion of that public servant shall be determined from the date of promotion of the junior most public servant below him, with reference to the date of which the recommendation of the Departmental Promotion Committee was placed in a sealed envelope. In such cases, the public servant shall be adjusted against the vacant post of the cadre. If no vacant post is available, on reverting the person who was promoted last and working provisionally on officiating basis, he may be promoted against that post.
- (4) The public servants in respect of whom recommendation of the Departmental Promotion Committee has been placed in a sealed envelope, in such cases where any penalty as specified in rule 10 of the Madhya Pradesh Civil Services (Classification, Control and Appeal) Rules, 1966, is imposed on any public servant as a result of disciplinary proceedings, the sealed envelope shall not be opened. In such a situation, his name shall be considered in the next meeting of the Departmental Promotion Committee, after the effect of the penalty imposed on him comes to an end.

- 15. Procedure in case of category upgradation.-** If the competent authority decides to upgrade the category in the Confidential Report of a public servant, then the benefit of this for promotion shall not be provided in reference to the meeting of the Departmental Promotion Committee held before the issuance of the order regarding category upgradation, i.e., a review meeting of the Departmental Promotion Committee shall not be held for such cases. The benefit of upgradation shall be provided only when the person is considered for promotion in the meeting of the Departmental Promotion Committee which is held after such upgradation. The seniority of that Government servant shall not be affected if he is found eligible in the next Departmental Promotion Committee as a result of category upgradation.
- 16. Joining on the promoted post.-** The promoted Government servant shall assume charge from the date of promotion order becoming effective. In such cases where a public servant does not assume charge of the promoted post within a period of 2 months, disciplinary action shall be taken against him under the Madhya Pradesh Civil Services (Classification, Control and Appeal) Rules, 1966 and he may be denied promotion for the next 5 years:
- Provided that in special circumstances, the appointing authority may provide relaxation in the joining period on the basis of sufficient reasons.
- 17. Procedure in case of proceedings in taking charge.-** After being found suitable in meeting of the Departmental

Promotion Committee but before taking charge, if any action as mentioned in clause (i), (ii) or (iii) of sub-rule (1) of rule 14 is taken against a public servant, then in such a situation, without issuing the promotion order of that public servant or if the order has been issued, then staying such order, in such cases action shall only be taken as per sub-rule (3) and (4) of rule 14.

Explanation:- If action mentioned in clauses (i), (ii) or (iii) of sub-rule (1) of rule 14 is taken after determination of suitability for promotion but before assuming charge, then in such a situation, it shall be necessary to suspend the promotion order because the suitability for promotion has been determined by the Departmental Promotion Committee in a meeting before the actual eligibility for promotion and in such a situation it is not appropriate to give effect to the promotion order.

- 18. Option for not being considered for promotion.-** Any public servant may give an option in respect of not being considered for promotion to a higher cadre/part of service/post till 31st August of the relevant selection year that he does not want to be promoted. If the name of such public servant is included in the consideration list of any selection year as above, then he shall be removed from the consideration list due to the option given:

Provided that such public servant shall not be eligible for time pay scale till next promotion.

- 19. Filling of vacancies from waiting list.-** Vacancies arising during the period of selection year shall be filled from the waiting list. Promotion order shall be issued on the date of occurrence of such vacancies.
- 20. Calculation of integer.-** During the proceedings conducted under these rules, if at the time of conducting evaluation, if the total marks are not integers, then if the calculation is 0.5 or more, then it shall be considered as the next integer and if the calculation is less than 0.5, then such fraction shall be ignored, i.e., it shall be considered as zero.
- 21. Review meeting of Departmental Promotion Committee.-**
- (1) A meeting of review Departmental Promotion Committee may be held, in reference to a meeting of any Departmental Promotion Committee, under the following circumstances:-
- (i) in compliance with the order of the Hon'ble Court (in case no legal remedy is available);
 - (ii) in case of serious error apparent on the face of record: In case a serious error is apparent on the face of record in the meeting of the Departmental Promotion Committee, it shall be necessary that in such circumstance, the appointing officer shall issue an order with his own signature for holding a meeting of the review Departmental Promotion Committee along with the reasons, which shall clearly state the error and the correct information in this regard.

- (2) The provisions of rule 11 or rule 12, as the case may be, shall apply in respect of the revised selection list, prepared in recommendations of review meeting of Departmental Promotion Committee. In the promotion order issued on the basis of the revised selection list, if necessary, a public servant who was earlier promoted on the basis of the recommendations of the meeting of the original Departmental Promotion Committee may be reverted. In such cases, supernumerary posts shall not be created.
- (3) These rules shall not apply to the review meetings of Departmental Promotion Committees held before these rules were notified i.e. action shall be taken according to the rules in force at the time.

22. Certification by the Appointing Authority.- Every Appointing Authority shall endorse on the promotion order issued by him a certificate to the effect that he has complied with the provisions of these rules and the instructions issued by the State Government, from time to time in the light of these rules.

23. Consultation with the Commission.- The Departmental Promotion Committee headed by the Chairman or a Member of the Commission shall be deemed to have complied with the requirements of consultation with the Commission under sub-clause (b) of clause (3) of Article 320 of the Constitution of India.

- 24. Power to remove difficulties in interpretation.-** If any difficulty arises in regard to the enforcement of these rules, the same shall be referred to the Government of Madhya Pradesh, General Administration Department whose decision thereon shall be final.
- 25. Provision regarding single post.-** A single post shall be a post which is a single post in a particular pay scale or grade in any cadre/part of service/category, whatever may be the designation thereof. If more than one post is sanctioned in any cadre/part of service/category of pay scale and only one post is available for appointment/promotion in any year, then it shall not fall under the definition of single post because other posts in that cadre have also fallen vacant in the previous years and shall fall vacant in the upcoming years. If more than one post are sanctioned in any State/Divisional/District Level cadre/part of service/grade and pay scale of the post and posts have been allotted to subordinate offices/ institutions/ establishments on the basis of one post in each office/institution/establishment, then these posts shall not come under the category of single post. The principle of adequate representation for reserved category on a single post i.e. reservation for promotion on a single post shall not be applicable. For promotion to a single post, action shall be taken according to the zone of consideration.
- 26. Amendment in recruitment rules.-** All the rules regulating recruitment to the State Public Services and posts shall be deemed to be amended to the extent provided in these rules.

By order and in the name of the Governor of Madhya Pradesh,

AJAY KATESARIA, Dy. Secy.