



सत्यमेव जयते

**Government of India**  
**Ministry of Personnel, Public Grievances & Pensions**  
**Department of Personnel & Training**

# **Guidelines Regarding Board Level Appointments in Central Public Sector Enterprises**

Second Edition

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MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES  
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D.O. No.28/43(EO)/2013-ACC

29<sup>th</sup> August, 2017

*Dear Secretary,*

The Guidelines pertaining to Board level appointments in Central Public Sector Enterprises were published on 27.11.2013. Since then, certain new instructions/clarifications have been issued and some of the relevant procedures have also been revised with the approval of the Competent Authority.

2. The Guidelines have accordingly been updated, incorporating all instructions which are current as on date and have not been superseded. While all care has been taken to ensure that there is no discrepancy in the Guidelines vis-a-vis the extant instructions, in case of any discrepancy, the actual OMs/Orders/instructions shall be taken as authentic. Instances of any such discrepancy or any important instruction having been inadvertently omitted in the Guidelines may kindly be brought to the notice of the undersigned for necessary rectification/inclusion. Two copies of the updated Guidelines are enclosed.

3. The updated Guidelines have also been uploaded on DoP&T's website and may be accessed at the following address:

<http://dopt.gov.in/notifications/oms-and-orders>

*with regards.*

Yours sincerely,

*(Rajiv Kumar)*  
29/8/17

To

Secretaries of all administrative Ministries/Departments as per list attached.

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# Chapter 1

## Introduction

### (A) Composition of Appointments Committee of the Cabinet (ACC)

{Auth: [Cabinet Secretariat's communication No.1/11/2014-Cab. dated 03.12.2014](#)}

Prime Minister – Chairman

Home Minister – Member

### (B) Broad functions of ACC

{Auth: [Government of India \(Transaction of Business\) Rules, 1961 as amended from time to time – As available on website of the Cabinet Secretariat](#)}

The broad functions within the jurisdiction of the Appointments Committee of the Cabinet as listed in the First Schedule of Government of India (Transaction of Business) Rules are:

- (i) To take decisions in respect of appointments specified in Annexure I to the First Schedule to the Government of India (Transaction of Business) Rules, 1961; and to decide upon temporary up-gradation of post(s) to the level of Joint Secretary and above (namely, post(s) carrying Grade Pay of Rs.10,000/- in Pay Band-4 and above) for a maximum period of two years from the date of up-gradation and to decide upon temporary down-gradation of such post(s) for a specified period;

*Note: The cases of temporary upgradation or down-gradation of posts are to be placed before the Appointments Committee of the Cabinet after completing requisite inter-Ministerial consultations including with the Department of Expenditure.*

- (ii) To take decisions in respect of empanelments specified in Annexure II to the First Schedule to the Government of India (Transaction of Business) Rules, 1961;
- (iii) To decide all cases of disagreement relating to appointments between the Department or Ministry concerned and the Union Public Service Commission;
- (iv) To decide cases of extension of tenure, under the Central Staffing Scheme(s) or relevant Central tenure norms, of officers belonging to the All India Services and other Group 'A' services beyond the prescribed limits;
- (v) To decide cases relating to lateral shift of officers serving on central deputation;
- (vi) To decide cases of premature repatriation of officers serving with the Central Government to their parent cadre or Department;

- (vii) To decide cases relating to inter-cadre deputation or transfer of All India Services officers;
- (viii) To decide cases of extension of service beyond the age of superannuation under Fundamental Rule 56(d);
- (ix) To decide all cases of disagreement with the recommendations of the Search-cum-Selection Committee constituted in accordance with the statutory requirements or the relevant instructions of the Department of Personnel and Training in respect of officers of the rank or pay (pay band plus Grade Pay) equivalent to or higher than a Joint Secretary of the Central Government;
- (x) To consider and decide representations, appeals and memorials from officers of the rank or pay (pay band plus grade pay) equivalent to or higher than a Joint Secretary in the Central Government, except from those working in the cadre, against adverse remarks;
- (xi) To decide all cases of disagreement, including in the order of preference of the Public Enterprises Selection Board panel, between the administrative Ministry or Department concerned and the Public Enterprises Selection Board;
- (xii) To decide all cases of inter-company transfers of Chairman, Managing Director and Functional Directors of Public Sector Undertakings between holding companies and subsidiaries and within the subsidiaries, including memorandum of understanding signing Public Sector Undertakings;
- (xiii) To decide all cases relating to intra-company transfer of Managing Director and Functional Directors of Public Sector Undertakings, including Memorandum of Understanding signing Public Sector Undertakings; and
- (xiv) To decide cases relating to employment or re-employment of any person, who has attained the age of superannuation, in any Department of the Government of India, any State-owned public corporation, company or enterprise, in a post, appointment to which requires approval of the Appointments Committee of the Cabinet.

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## Chapter 2

### Board Level Appointments in CPSEs

#### (A) Authority

{Auth: [DoPT's OM No.27/12/97-EO\(ACC\) dated 15.10.1997](#)}

The powers to make appointments, whether salaried or not, of Chairman, Chairman-cum-Managing Director and other Members of the Board of Management (including the Managing Director and the Financial Adviser, if the Financial Adviser is a Member of the Board of Management) of any Schedule 'A' and Schedule 'B' State-owned public corporations, company or enterprise, except where such appointment is made on ex-officio basis by the Government, vests in the ACC as per Annexure I to the First Schedule of the GoI (ToB) Rules, 1961 as amended from time to time. Subject to certain conditions, the powers to make such appointments in Schedule 'C' & 'D' have been delegated to the Minister of the concerned administrative Ministries/Department.

2. In CPSEs which are exempted from the PESB procedure and/or rule of immediate absorption, irrespective of its Schedule, the powers of appointment, whether salaried or not, of Chairman, Chairman-cum-Managing Director and other Members of the Board of Management (including the Managing Director and the Financial Adviser, if the Financial Adviser is a Member of the Board of Management) of any CPSE vests with the ACC.

3. For appointment of Non-official Director-cum-Part-time Chairperson, on the Board of a CPSE, Search Committee procedure of DPE prescribed for appointment of Non-official part-time Directors is to be followed (DPE has clarified this in the case of CCIC, M/o Textiles vide *Para 3 of [OM No.9\(35\)/2011-GM dated 12.12.2011](#)*).

#### (B) Procedure

{Auth: [DoPT's OM No.28\(30\)EO/2010\(ACC\) dated 31.03.2011](#) and as per PESB guidelines communicated vide PESB's OM No.5/3/2017-PESB dated 08.02.2017 and OM of even number dated 10.02.2017 or as specifically indicated}

1. The advertisement for a vacancy should be released by the PESB one year before the expiry of the tenure of the incumbent.
2. The Ministry/Department concerned shall finalise/modify the job description/qualifications/eligibility conditions and communicate the same to the PESB, three months in advance of the stipulated period of one year.
3. In the event of such a job description/qualifications/eligibility conditions not being received by the stipulated time, the PESB shall finalise the same so that the schedule for advertising vacancies is adhered to strictly.



4. In case of any disagreement or dispute between PESB and the administrative Ministry/Department in relation to finalisation of eligibility conditions, educational qualifications, experience, etc., the matter should be referred to the ACC for final orders. Once the recruitment norms are finalised, such norms should have validity for a minimum period of five years.

{Auth: [DPE's OM No.18\(21\)/2005-GM dated 18.09.2008](#)}

5. The recommendation of the PESB shall be sent to the Ministry concerned six months before the notified date of vacancy.

6. In case of unforeseen vacancies, the PESB shall give 45 days' time for receipt of duly forwarded applications in PESB and select and recommend a candidate within four months from the date of vacancy.

{Auth: [DPE's OM No.18\(21\)/2005-GM dated 18.09.2008](#)}

7. The advertisement is issued and the vacancy is circulated among all CPSEs, Ministries and the State Governments and also uploaded on the PESB website. Applications eligible as per the criteria prescribed in the vacancy circular should not be withheld by the CPSEs or the administrative Ministry/Department/State Govt.

{Auth: [DoPT's OM No.2\(43\)EO/2014\(ACC\) dated 14.08.2015](#)}

8. **Shortlisting of candidates:**

{Auth: As per PESB guidelines communicated for incorporation in Compendium vide [PESB's OM No. 5/3/2017-PESB dated 08.02.2017](#) and [OM of even number dated 10.02.2017](#), amendment in [PESB Resolution dated 10.06.2016](#) and [DoPT's OM No.27/1/2017-EO\(ACC\) dated 03.02.2017](#)}

The applications are considered and shortlisted with reference to the job description and eligibility criteria in the following manner:

(a)	Internal (from the same CPSE or its subsidiary)	06
(b)	Sectoral (from CPSEs of the same cognate group as defined by DPE)	02
(c)	External (from any other CPSE)	02
(d)	Central Government / Private Sector / State PSEs	02
<b>Total</b>		<b>12</b>

- (i) If eligible applications are received for any particular post from the applicants of all the three categories namely Central Government, Private Sector and State PSEs, the allotted slot of 02 may be exceeded by 01 making a total of 03 slots (i.e. one for each category) as an exception.

- (ii) **Internal candidate** is one who is an employee of the same CPSE or its subsidiary and has put in a minimum of two years of continuous service in it immediately preceding the date of vacancy, and who does not hold a lien in any other PSE/Government. An employee who holds a lien on a post in a

CPSE can also be considered as an internal candidate of that enterprise, provided he/she has put in a minimum of two years of continuous service in that enterprise, on the date of acquiring lien and the period for which he/she is away from the enterprise is not more than 5 years.

{Auth: [DPE's OM No.18\(2\)/96-GM-GL-81 dated 16.05.2007](#)}

Further, in case of formation of a new company consequent upon merger of companies/carving out from the old company, a candidate from the erstwhile company/companies will also be treated as internal candidate subject to his/her fulfilling the eligibility norms.

- (iii) **Sectoral candidate** is one who is an employee of those CPSEs which fall in the same cognate group as per DPE guidelines issued from time to time (List as on 31.03.2015).
- (iv) **External candidate** is one who is an employee of a CPSE and is other than an Internal or a Sectoral candidate.
- (v) Candidates from Central Government will also inter alia include Armed Forces of the Union and All India Services.
- (vi) **SPSE candidate** is a candidate working in State Public Sector Enterprise (SPSE) where annual turnover is as per the Table below.
- (vii) **Private Sector candidate** is a candidate working in Private Sector in a company whose annual turnover is as per the Table below.

Category of CPSE	Sub Category	Annual Turnover requirement for consideration of a candidate from SPSEs or Private Company
Schedule A	Maharatna	Rs.10,000 crore or more
	Navratna	Rs.5,000 crore or more
	Miniratna	Rs.2,000 crore or more
	Others	Rs.1,500 crore or more
Schedule B	Miniratna	Rs.1,000 crore or more
	Others	Rs.750 crore or more
Schedule C		Rs.500 crore or more
Schedule D		Rs.250 crore or more

*\*The average audited annual turnover of three financial years preceding the calendar year in which the post is advertised shall be considered for applying the approved limits.*

9. Consideration of a candidate already working in a CPSE -**Job Hopping**  
 {Auth: Internal guidelines of PESH read with [DoPT's communication No.27\(35\)EO/98\(ACC\) dated 10.02.1999](#)}
- (i) The concept of job hopping is valid only when a candidate has taken a position at the Board level.
  - (ii) When a candidate moves from Company A to Company B on a Board level position, he is expected to work for minimum two years in order that restriction of job hopping does not apply to him.

- (iii) If he has put in less than 2 years, the rule of job hopping will apply to him for a position in other companies.
  - (iv) If a position falls vacant in the same company at a higher level, the restriction of job hopping will not apply to a Director as 'vertical hopping' is permitted in the same Company. For example, if an incumbent has moved from company A to company B he will be eligible for applying for CMD's position in company B but not in company A even if he holds lien in company A.
  - (v) Job hopping restriction will apply to an incumbent for lateral movement within the company as well as in any other company.
10. The selection meeting is scheduled in consultation with the Secretary of the administrative Ministry/Department.
11. Assistance by the Ministry's representative and CMD/MDs of the PSE:
- (i) Secretary is invited to assist the PESB on behalf of the administrative Ministry/Department. However the concerned Secretary may nominate an officer not below the rank of Additional Secretary to represent him in selection for a Board level post other than CMD of Schedule 'A' company. In the case of selection for Functional Directors, the concerned full time Chief Executive of the concerned enterprise is invariably invited to assist the PESB.
  - (ii) However, in the case of subsidiaries, the full time Chairman of the holding Company is invited to assist the Board.
  - (iii) In the case of Joint Venture enterprises with the State Governments, Chief Secretary of the concerned State Government is also invited.
12. The Officers from Central Government are considered only on "**immediate absorption basis**", unless the posts have been exempted specifically from the rule of immediate absorption with the approval of the ACC. As per present practice, proposals for exemption from the rule of immediate absorption are recommended by DPE and proposals for recruitment through other than PESB mode are recommended by PESB.
13. The terms and conditions of appointment of Central Government Officers in the CPSEs on immediate absorption basis are to be regulated in terms of [DoPT's OM No.28016/5/85-Estt\(C\) dated 31.01.1986](#). Procedure for finalization of terms and conditions including pay fixation in respect to Board level executives of CPSEs has been detailed in [DPE's OM No.2\(34\)/12-DPE-\(WC\)-GL-XX/12 dated 14.12.2012](#).
14. The **minimum length of service** required in the eligible scale/rank/level as on the cut-off date is:
- (i) one year for internal candidates; and
  - (ii) two years for others.

{Auth: [DPE's OM No.18\(6\)/98-GM-GL-72 dated 20.10.2005](#)}

15. **Cut-off date for determining eligibility**

{Auth (i) [DoPT's OM No.27\(22\)EO/98\(ACC\) dated 28.01.1999;](#)  
(ii) [DPE's OM No.18/6/98-DPE\(GM\) dated 03.02.1999;](#)  
(iii) [DoPT's I.D. No.27\(22\)EO/98\(ACC\) dated 07.05.1999}](#)

- (i) The cut-off date for deciding the eligibility of the candidates is the date of occurrence of the vacancy.
- (ii) In case(s) of rejection of the panel by the ACC or the selected candidates not joining, the crucial date is the date on which the panel was rejected by the ACC
- (iii) If all the persons in the panel, to whom offer of appointment had been issued, refuse to join, the date of cancellation of appointment order in respect of the last person offered appointment may be taken as the date of occurrence of vacancy.
- (iv) The date of vacancy of a post is reckoned with reference to the date it will fall vacant or has fallen vacant as follows:
  - For newly created posts or posts kept in abeyance – Date of issue of order creating/reviving the post. (PESB's internal guidelines)
  - Panel recommended by PESB scrapped by the ACC - Date of issue of order for scrapping the panel

16. **Age criteria** for selection of CMD/MD/Director on the Board of CPSEs is as under:

{Auth: (i) [PESB's internal guidelines and DPE OM No.18\(6\)/98-GM-GL-72 dated 20.10.2005;](#)  
(ii) [DoPT's communication No.27/2/2017-EO\(ACC\) dated 22.02.2017}](#)

On the date of occurrence of vacancy				
Post in CPSE	Internal		External	
	Min.	Max.	Min.	Max.
Age of superannuation 60 years				
CMD Schedule A or Schedule B Director Schedule A	45	2 years of residual service as on the date of vacancy w.r.t. the date of superannuation	45	3 years of residual service as on the date of vacancy w.r.t. the date of superannuation
Director Schedule B or Schedule C CMD Schedule C or Schedule D	40		40	
Age of superannuation 58 years				
CMD Schedule A or Schedule B Director Schedule A	45	2 years of residual service as on the date of vacancy w.r.t. the date of superannuation	45	3 years of residual service as on the date of vacancy w.r.t. the date of superannuation
Director Schedule B or Schedule C CMD Schedule C or Schedule D	40		40	

17. A candidate may apply any number of times in a calendar year, but he would be allowed to appear for a maximum of four times in selection meetings in a calendar year, including the occasions on which he/she is shortlisted but remains absent in the selection meeting.

{Auth: [PESB's OMs No.5/3/2017-PESB dated 08.02.2017 and dated 10.02.2017}](#)

18. The PESB conducts interview of the applicants and after considering the performance, qualifications, qualities of managerial capability, leadership, broad vision, experience, service record and the inputs provided by those assisting the Board, the PESB sends only one name to the Ministry for its consideration. A reserve name is kept in a sealed cover with the PESB and is disclosed only upon orders of the ACC.
- {Auth: [DoPT's OM No.28\(30\)EO/2010\(ACC\) dated 31.03.2011](#)}*
19. A candidate recommended at No. 1 in the panel for a Board level post is not considered for another Board level post for a period of six months from the date of selection interview or till the approval of the concerned panel, whichever is earlier.
- {Auth: Internal guidelines of PESB}*
20. The details of all the candidates interviewed and recommended by the PESB for each vacancy shall be placed on the website of the PESB, the same day the interviews are concluded.
- {Auth: [DoPT's OM No. 28\(30\)EO/2010\(ACC\) dated 31.03.2011](#)}*
21. The PESB shall send its recommendation to the Ministry/Department concerned and a copy to the CVC and to the Establishment Officer of DoPTas advance information.
- {Auth: (i) [DoPT's OM No.28\(30\)EO/2010\(ACC\) dated 31.03.2011](#);  
(ii) PESB's OMs No. 5/3/2017-PESB dated 08.02.2017 and 10.02.2017}*
22. The name recommended by PESB is considered by the administrative Ministry after obtaining vigilance clearance from the CVC. Thereafter, the administrative Ministry with the approval of the Minister-in-charge shall submit a proposal to the Office of the Establishment Officer for obtaining the approval of the ACC.
- {Auth: (i) [DoPT's OM No.27\(12\)EO/94\(ACC\) dated 30.07.1999](#);  
(ii) [DoPT's OM No.27\(4\)EO/2014\(ACC\) dated 22.10.2014](#)}*
23. Proposals requiring approval of the ACC are required to be submitted as per the ACC approved revised timelines issued vide DoPT's OM dated 22.10.2014. In case of anticipated vacancies, proposals should be submitted two months prior to the date of vacancy and in case of unanticipated vacancies, within 10 days of date of receipt of CVC clearance.
- {Auth: (i) [DoPT's OM No.28\(43\)EO/2013\(ACC\) dated 31.07.2014](#);  
(ii) [DoPT's OM No.27\(4\)EO/2014\(ACC\) dated 22.10.2014](#)}*
24. In case vigilance clearance is neither accorded nor denied by CVC within the prescribed two months period stipulated in DoPT's OM dated 22.10.2014, the Ministries shall submit an appropriate proposal for consideration of the ACC, without waiting any further in terms of instructions below:
- (a) The instructions contained in [DoPT's OM No.104/76/2011-AVD.I dated 18.10.2013](#) regarding handling of pseudonymous/anonymous complaints should be strictly adhered to at all levels. Further as per [CVC's instructions issued vide Office Order No.57/8/04 dated 31.08.2004](#), no cognizance should be taken of any complaint received within six months prior to the initiation of the

selection process. For this purpose, the date of interview held by the PESB would be the crucial date, six months prior to which no cognizance would be taken of complaints received against the selected candidates. Such complaints therefore should not have any bearing on the ACC process and would not prejudice the same. Such complaints should however be dealt separately and necessary action be taken in the event of any adverse conclusion even after the appointment is made.

- (b) (i) In case vigilance clearance is not denied by CVC within the two months period stipulated above (which would include consultation with CBI/CBI clearance, reference to the CVO of the Ministry for any report, clarification etc.), the Ministries shall proceed with the appointment process, without waiting any further.
- (ii) While submitting such proposals for the consideration of ACC, the Ministry shall provide the complete details of cases/complaints, if any, pending against the selected candidate and their specific views regarding the gravity of the allegations and the culpability of the concerned candidate. While the Ministry may not have much difficulty in processing the proposal when selected candidate is from an organisation under the control of the same Department, some advance action would be required when the candidate is coming from outside. For this purpose, the Ministry shall obtain the complete vigilance profile of the candidate from the concerned Ministry/Department to which the selected candidate belongs as soon as the PESB recommendation is received by them. The Ministry shall also obtain complete details of the cases/complaints, if any, which are pending for enquiry and the concerned Department's views thereon.

{Auth: [DoPT's OM No.27\(4\)EO/2014\(ACC\) dated 22.10.2014](#)}

25. The recommendations of the Public Enterprises Selection Board in respect of appointments to posts of Central Public Sector Enterprises specified in the Annexure to the First Schedule to the Government of India (Transaction of Business) Rules, 1961, will have to be necessarily referred to the Appointments Committee of the Cabinet by the Minister concerned after setting out his views thereon.

{Auth: [DoPT's DO No.27\(8\)-EO/87\(ACC\) dated 25.01.1988](#)}

26. While forwarding proposals, it shall be ensured that the proposals, complete in all respects, are duly signed/certified by an officer not below the rank of Joint Secretary of the administrative Ministry/Department. To facilitate submission of proposals for consideration of the ACC, a checklist indicating information/documents required to be furnished alongwith the said proposals has been circulated vide [DoPT's OM No.28\(43\)EO/2013\(ACC\) dated 31.07.2014](#). To avoid delay in filling up of the Board level posts, the said checklist should be scrupulously followed.

27. (i) The Ministry shall also ensure that the status of existing/anticipated vacancies is updated on ACC Vacancy Monitoring System (AVMS), a unique platform developed for monitoring Board level vacancies in CPSEs, on a real-time basis. A statement, duly signed by the designated nodal officer, indicating that 'the status of board level vacancies in all the CPSEs under their administrative control has been updated till the last date of the previous month', should also invariably be sent with the proposals requiring approval of the ACC.
- (ii) Each proposal requiring the approval of the ACC should be invariably accompanied by the following certificates/documents:
- (a) The updated AVMS statement pertaining to the post in question.
  - (b) A printout of the last monthly certificate as per para 27(i) above submitted by the Nodal Officers on AVMS.
  - (c) A certificate from the concerned Joint Secretary signing the proposal that the status of all posts being dealt by him has been updated on AVMS.
  - (d) Proposals not submitted to the EO's office at least two months in advance of the date of vacancy/ending of the additional charge arrangement/ending of the approved tenure, as the case may be would have to be accompanied by a "Delay Statement" duly signed by the Secretary of the Ministry/Department indicating the time taken at various stages of processing the proposal, the reasons for delay and the action taken to avoid such situations in future.

{Auth: (i) [DoPT's OM No.28\(43\)EO/2013\(ACC\) dated 22.04.2015](#);  
(ii) [DoPT's OM No.28\(43\)EO/2013\(ACC\)Pt. dated 10.12.2015](#);  
(iii) [DoPT's OM No.28\(43\)EO/2013\(ACC\) dated 08.07.2016](#)}

28. The Board level appointments in Schedules 'A' & 'B' CPSEs are done with the approval of ACC.
29. In respect of Schedule 'C' and 'D' CPSEs, the power of appointment to the Board level posts has been delegated to the administrative Ministry subject to the condition that the Ministry does not deviate from the recommendations of PESB/DPE in any manner. In case of any deviation, the proposal would require approval of the ACC.

{Auth: (i) [DoPT's OM No. 27/12/97-EO \(ACC\) dated 15.10.1997](#);  
(ii) [DoPT's OM No.27\(12\)EO/97\(ACC\) dated 03.04.2001](#)}

## (C) Eligibility

### 1. Eligibility pay scales/Rank for candidates from CPSEs and Central Government for various Board level posts

(In Rupees)

Pay scale of the Board level post	CPSE executives	Eligibility for Government officers
Schedule A CMD		
27750-31500 (Pre 2007) 80000-125000	8250-9250(IDA) Pre 01.01.92 11500-13500(IDA) Post 01.01.92 23750-28550(IDA) Post 01.01.97 62000-80000(IDA) Post 01.01.07 22400-24500(CDA) Pre revised 67000-79000 (CDA)	Addl. Secretary or equivalent/ Lt. General in the Army or Vice Admiral in Navy or Air Marshal in the Air Force.
Schedule A Director / Schedule B CMD		
25750-30950 (Pre 2007) 75000-100000 75000-90000	7250-8250(IDA) Pre 01.01.92 9500-11500(IDA) Post 01.01.92 20500-26500(IDA) Post 01.01.97 51300-73000(IDA) Post 01.01.07 18400-22400(CDA) Pre revised 37400-67000+GP 10000 (CDA)	Joint Secretary or equivalent/ Major General in the Army or Rear Admiral in Navy or Air Vice Marshal in the Air Force.
Schedule B Director / Schedule C CMD		
22500-27300 (Pre 2007) 65000-75000	6250-7475(IDA) Pre 01.01.92 8520-10050(IDA) Post 01.01.92 18500-23900(IDA) Post 01.01.97 43200-66000(IDA) Post 01.01.07 14300-18300(CDA) Pre-revised 37400-67000+GP 8700 (CDA)	Director or equivalent/ Brigadier in the Army or Commodore in Navy or Air Commodore in the Air Force.
Schedule C Director / Schedule D CMD		
20500-25000 (Pre 2007) 51300-73000	5550-6870 (IDA) 7500-9900 (IDA) Post 01.01.92 17500-22300(IDA) Post 01.01.97 36600-62000(IDA) Post 01.01.07 12000-16500 (CDA) Pre revised 15600--39100+GP 7600 (CDA)	Deputy Secretary or equivalent/ Lt. Colonel in the Army or Captain in Navy or Group Captain in the Air Force.

### 2. Eligibility for candidates from SPSE/Private Sector

For the post of CMD/MD/Chairman in CPSEs, a candidate from the SPSE/Private Sector should be holding at least a Board level post in the respective SPSE/Private Sector. Similarly, for consideration to Director level posts, the candidate from the SPSE/Private Sector should be holding at least a post of the level immediately below the Board level, to be read with sub-para (vi) & (vii) of sub-para 8 of para (B) as applicable.

{Auth: PESB's guidelines communicated vide PESB's OM No. 5/3/2017-PESB dated 08.02.2017 and 10.02.2017}



### 3. Eligibility of the incumbent Directors when the Schedule of the CPSE is upgraded

- (i) Eligibility for appointment to Board-level posts when the Schedule of a CPSE is upgraded:
  - (a) Pre-upgradation Posts: Vacancies arising for first time after upgradation - If the date of first time vacancy is within 02 years of the date of upgradation (as notified by the Administrative Ministry), the eligibility criteria for internal candidates will be same as was applicable prior to upgradation.
  - (b) Posts created after upgradation - As per norms applicable to the Schedule to which the CPSE has been upgraded.
- (ii) Eligibility for appointment to Board-level Posts when a CPSE is categorized (i.e. its Schedule is determined) for the first time - Eligibility criteria will be as per the norms applicable for the relevant Schedule.

{Auth: PESB's guidelines *communicated vide PESB's OMs No.5/3/2017-PESB dated 08.02.2017 and 10.02.2017*}

- (i) Upgradation of posts on personal basis for grant of higher schedule of pay to the individual concerned is allowed in rare and exceptional cases only. The overall performance of the CPSE during the tenure of the executive concerned, development of technology through R&D, diversification of activities and stagnation at the maximum of the existing scale for a long period are the criteria to be used for this purpose. The overall performance is assessed with reference to the parameters, which are used for upgradation of the CPSE.

{Auth: [DPE's OM No.9\(15\)/99-GM-GL-29 dated 09.10.2000](#)}

- (ii) Proposals regarding grant of higher scales of pay to incumbents of Board level positions, even on personal basis in public sector enterprises, fall within the purview of the Appointments Committee of the Cabinet.

{Auth: [DoPT's O.M.No.27\(14\)EO/89\(ACC\) dated 06.12.1989](#)}

#### (D) Time Schedule

- {Auth: (i) [DoPT's DO No.27\(12\)EO/90\(ACC\) dated 25.07.1990](#);  
(ii) [DoPT's OM No.28\(30\)EO/2010\(ACC\) dated 31.03.2011](#);  
(iii) [DoPT's OM No.28\(30\)EO/2010\(ACC\) dated 08.08.2011](#);  
(iv) [DoPT's OM No.28\(43\)EO/2013\(ACC\) dated 31.07.2014](#);  
(v) [DoPT's OM No.27\(4\)EO/2014\(ACC\) dated 22.10.2014](#);  
(vi) Internal guidelines of PESB}

The following time-frame may be adhered to for processing of proposals relating to appointments of Chief Executives/Functional Directors in Public Sector Enterprises, requiring consideration of the Appointments Committee of the Cabinet:

### (1) Time schedule upto PESB's recommendation

Stage	Time Schedule
(i) For anticipated vacancies	
Finalisation/modification of job description/qualification/eligibility conditions	01 year 03 months before the date of occurrence of the vacancy
Issue of advt. for a vacancy by PESB	01 year before the expiry of tenure of the incumbent, i.e. date of vacancy
Time for receipt of applications by the PESB	60 days
Time by which PESB recommendation should be available with Administrative Ministry	06 months before the date of vacancy
(ii) For unanticipated vacancies	
Reporting of Unanticipated vacancy to PESB	Immediately on accrual
Time for receipt of applications by the PESB	45 days
Time by which PESB recommendation should be available with the administrative Ministry	Within 04 months of the date of vacancy

### (2) Time schedule after PESB's recommendation

Action	Time Schedule
Ministry concerned will forward the PESB recommendation with vigilance profile of the selected individual to CVC within 10 days from the receipt of PESB recommendation.	10 days
CVC will complete the Vigilance clearance process within two months from the date of receipt of the vigilance profile of the selected candidate from the Ministry and send it to the Ministry. This period of two months will include consultation with CBI/CBI clearance, reference to the CVO of the Ministry for any report, clarifications, etc.	60 days
The Ministry concerned will, with the approval of the Minister, forward the proposal to ACC Secretariat (EO) within the next 10 days.	10 days

### (E) Appointment through other than PESB procedure

In special circumstances, the appointment to a particular post or posts in a Public Sector Enterprise may be made other than through the PESB with the prior and specific approval of the Appointments Committee of the Cabinet. The Appointments Committee of the Cabinet while granting such an approval, will also specify the body such as, Search Committee, Selection Committee, or the Civil Services Board, as the case may be, that shall make the selection for that particular posts or posts, as well as the selection procedure to be followed for filling the particular post or posts.

{Auth: [DoPT's Resolution No.27\(18\)EO/99\(ACC\) dated 19.04.2000](#)}

### Procedure to be followed

- (a) Concurrence of PESB is required for exemption from PESB procedure as per present practice.

- (b) While submitting proposals for obtaining approval of the ACC, the administrative Ministry/Department will also propose the alternative method of recruitment, such as Search-cum-Selection Committee (SCSC), Civil Services Board (CSB), etc., through which the relevant post is proposed to be filled.
- (c) In case the post is proposed to be filled through Search-cum-Selection Committee method, the following guidelines for composition of Search-cum-Selection Committee shall be followed by all Ministries/Departments:
- (i) The Search-cum-Selection Committee shall be chaired by the Chairman, PESB. The Committee should normally consist of not more than 05 members including the Chairman and at least one outside expert of eminence. The Secretary of the concerned administrative Ministry/Department would invariably be a Member of such Search-cum-Selection Committee, if the selection is for the post of Chairman-cum-Managing Director (CMD). However, if the selection is for a Board level post other than that of CMD, in place of the concerned Secretary, an officer not below the rank of Additional Secretary of the administrative Ministry/Department may be included in the Committee.
  - (ii) In case of selection of Functional Directors, the concerned regular Chairman/CMD of the concerned PSE should invariably be included in the Search-cum-Selection Committee. However in the case of subsidiaries, the regular Chairman/CMD of the holding company shall be included in the Committee for selection of both Functional Directors and CMD of the subsidiary.
  - (iii) The composition of the Search-cum-Selection Committee shall be proposed by the concerned administrative Ministry/Department within 10 days of receipt of approval of the Competent Authority for filling up the post through the Search-cum-Selection Committee method. The proposal shall be examined and processed by the Office of the Establishment Officer and the constitution of the SCSC will be approved by the Cabinet Secretary.
  - (iv) The job description of the post including the eligibility conditions shall be finalized by the administrative Ministry/Department in consultation with the PESB for Scheduled CPSEs. In case of uncategorised CPSEs, the job description, including the eligibility conditions etc., will be finalized by the Search-cum-Selection Committee itself.
  - (v) The vacancy shall be advertised by the concerned administrative Ministry/Department and be given wide publicity through open advertisement/circulation among various Ministries/Departments/State Governments/Autonomous bodies/Research Institutes etc., and will also be uploaded on the website of the administrative Ministry/Department. On receipt of the applications,

further processing including scrutiny of applications, for putting up before the SCSC would also be done by the concerned administrative Ministry/Department.

- (vi) A period of not less than 4 weeks may be allowed for receipt of applications after issue of advertisement by the concerned administrative Ministry/Department, on the same lines as the provision in this regard contained in [DoPT's OM No.AB-14077/11/2004-Estt.\(RR\) dated 30.07.2007](#).
- (vii) The Search-cum-Selection Committee will furnish only one name to the administrative Ministry/Department. A reserve name in a sealed envelope shall be kept in the personal custody of the Chairman, PESB and will be opened only on orders of the ACC.
- (viii) The panel recommended by the Committee shall be valid for one year. If no selection is made from the panel within a period of one year, a fresh Committee shall be constituted to prepare a fresh panel. Such a Committee may also consider the names of persons recommended in the earlier panel.
- (ix) On receipt of the recommendation of the Search-cum-Selection Committee, the timeline and the instructions regarding vigilance clearance prescribed in [DoPT's OM No.27\(4\)/2014\(ACC\) dated 22.10.2014](#) would be followed for further processing of the proposals for consideration of the ACC.

{Auth: [DoPT's OM No.27\(8\)EO/2014\(ACC\) dated 12.02.2015](#)}

#### **(F) Exemption of a post from the Rule of Immediate Absorption**

As per existing instructions, the deputation of Government officers to posts in CPSEs is not permitted. They can join posts in CPSEs only on immediate absorption basis. Deputation could be permitted only if the post has been exempted from the '*rule of immediate absorption*'. Some conditions, which govern grant of such exemptions, are:

1. The criteria should be non-availability of suitable persons for particular posts.
2. All attempts should be made to fill up the post on a regular basis.
3. The option for filling up of a post on deputation should be used as an exception when all other avenues have been exhausted.
4. The number of posts to be exempted will be decided in each PSE on a case-to-case basis with the concurrence of DPE.
5. Exemption has to be obtained from the DPE, on a case to case basis, by the administrative Ministry/Department concerned as provided in [DoPPW's OM No.4/10/2005-P&PW\(D\) dated 25.04.2005](#) and [DPE's OM No.18\(6\)/2001-GM-GL-77 dated the 28.12.2005](#) and approval of the ACC is to be obtained.

6. Whenever any exemption from the rule of immediate absorption is allowed, such exemption is limited to that proposal only and if the Department intends to fill the subsequent vacancy in the post again by following the rule of immediate absorption, fresh approval of the ACC is required to be obtained.

{Auth: [DoPT's OM No.29\(9\)EO/2013\(ACC\) dated 31.10.2013](#)}

#### **(G) Guidelines for debarment of selected candidates failing to join**

{Auth: [DPE's OM No.18\(21\)/98-GM dated 24.01.2011](#)}

- (i) The PESB while inviting the application for filling up of the post should clearly mention in the vacancy circular that a candidate should submit his/her willingness for the post, if selected, as a part of the application itself. If any candidate does not initially give his/her willingness, he/she may not be shortlisted.
- (ii) If any candidate who appears for the interview and is selected by the PESB, gives his/her unwillingness after the interview is held but before the appointment is processed, he/she would be debarred for a period of two years from the date of interview from being considered for a Board level post in any Public Sector Enterprises other than the one to which the candidate belongs.
- (iii) If any candidate gives his/her unwillingness after the issue of offer of appointment, he/she would be debarred for a period of two years from the date of offer of appointment from being considered for a Board level post in any Public Sector Enterprises other than the one to which the candidate belongs.
- (iv) In the above cases, no request for relaxation or otherwise would be entertained.
- (v) The list of such debarred candidates would be maintained by the concerned administrative Ministry/Department and the PESB.

#### **(H) General instructions relating to Panel given by the PESB**

1. The PESB will send only one name to the Ministry for its consideration. A reserve panel will be kept in 'sealed cover' with the PESB to be disclosed only upon the order of the ACC.

{Auth: [DoPT's OM No.28\(30\)EO/2010 \(ACC\) dated 31.03.2011](#)}

2. A panel recommended by the PESB is valid only for 1 year. Any panel which is more than one year old, has to be revalidated by the PESB before it is submitted to the ACC Secretariat.

{Auth: [DoPT's OM No.27\(7\)EO/92\(ACC\) dated 31.07.2003](#)}

3. In case of fresh appointments, where CVC specifically denies vigilance clearance to the recommended candidate in the PESB panel, the Ministry/Department concerned may seek the name in the reserve panel from the PESB, with the approval of the Minister, without referring the matter to the ACC.

{Auth: [DoPT's OM No.12\(18\)EO/2012\(ACC\) dated 28.09.2012](#)}

### **(I) Scrapping of Panel proposed by PESB**

1. Powers to scrap a panel approved/recommended by the PESB vests in the ACC.
2. As a general and prevailing practice, such proposal should be forwarded to the ACC alongwith the PESB recommendation/ particulars of the candidates in the proposed panel, reasons for scrapping alongwith the approval of the Minister-in-charge.
3. A fresh panel for filling up the vacancies can only be sought once the ACC has approved the scrapping of previous panel.

### **(J) Authority to relax**

*{Auth: [DoPT's OM No.26\(3\)EO/2004\(ACC\) dated 17.08.2005](#)}*

The authority to relax any norms related to age, educational qualifications, eligibility criteria, etc. rests with the ACC.

### **(K) Designation of a Nodal Officer**

*{Auth: [DoPT's OM No.28\(30\)EO/2010\(ACC\) dated 31.03.2011](#)}*

- (i) While the overall responsibility for keeping track of the vacancies and filling them would be with the Secretary concerned, the Ministry/Department shall assign specific tasks to the Joint Secretaries concerned and also include this as a part of the key deliverables of the officer.
- (ii) CPSEs, State Governments, State PSEs, etc. are also required to nominate an officer/executive of the appropriate level as the Nodal Officer.
- (iii) The roles and responsibilities of the Nodal Officers shall be as specified by the PESB from time to time.

### **(L) ACC Vacancy Monitoring System (AVMS)**

To facilitate easy monitoring and updation of information regarding Board level vacancies in CPSEs, a unique platform, ACC Vacancy Monitoring System (AVMS) has been developed. Nodal Officers for AVMS are required to be nominated in each Ministry / Department and it is the responsibility of the said Nodal Officers to ensure that information relating to vacancies for which ACC's approval is required is updated on AVMS on a real-time basis. While DoPT acts as overall administrator for the software, the Nodal Officer in each Ministry/Department has also been allowed access to data relevant to his Ministry/Department.

2. To ensure regular updation of the data in AVMS and timely submission of ACC proposals, each Nodal Officer will submit a monthly certificate on AVMS within the 7<sup>th</sup> of every month certifying that the position of posts pertaining to his Ministry/Department has been fully updated in all respects as on the last day of the previous month.

*{Auth: [DoPT's OM No. 28\(43\)EO/2013\(ACC\) dated 22.04.2015](#)}*

## (M) Other Instructions

1. A Member of Parliament/Legislative Assemblies cannot be appointed on the Board of Directors of Central Public Sector Enterprises, Corporations, Government Companies or any other body in which Government is empowered to appoint Directors in terms of the guidelines/instructions issued by the [Bureau of Public Enterprises vide OM No.2\(9\)/80-BPS\(CM\) dated 20.04.1982](#).

{Auth: [DoPT's OM No.27\(3\)EO/2002\(ACC\) dated 13.06.2002](#)}

2. Where two CPSEs from two different Ministries/Departments are involved, the Ministry/Department submitting the proposal for a Board level appointment for consideration of the ACC, should seek the consent of the Ministry/Department concerned from where the officer is to be relieved, immediately on receipt of the PESB recommendation and CVC clearance and after they decide to recommend the PESB recommended candidate with the approval of the Minister-in-charge, for consideration of the ACC. This would ensure that the lending Ministry/Department is put on alert to initiate advance action for selection of a suitable replacement. This would also cut down delays in filling up Board level vacancies.

{Auth: [DoPT's OM No.27\(1\)EO/05\(ACC\) dated 09.05.2005](#)}

3. The concerned Public Sector Enterprise in which an officer, who is selected for another Public Enterprise, is serving should not raise any objection to the release of the officer after selection and approval by the Appointments Committee of the Cabinet, and should implement the orders of the Appointments Committee of the Cabinet without any demur. If the selected officer fails to join, this fact should always be reported to the Public Enterprises Selection Board, who would take this fact into account while considering him for any other appointment under the public sector.

{Auth: [DoPT's OM No.27\(9\)EO/84\(ACC\) dated 04.07.1984](#)}

4. The selection against the posts already advertised by the PESB prior to 10.06.2016 shall be completed as per process undertaken before issuance of the [Resolution No.44011/2\(S\)/2013-Estt.B dated 10.06.2016](#).

{Auth: [DoPT's OM No.27/4/2016-EO\(ACC\) dated 22.09.2016](#)}

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## Chapter 3

### Confirmation Procedure

{Auth: (i) [DoPT's OM No.28\(30\)EO/2010\(ACC\) dated 31.03.2011](#);  
(ii) [PESB's OM No.5/6/2010-PESB dated 28.06.2011](#)}

1. Cases of Board level functionary for confirmation/ non-confirmation are considered to enable him to continue for the balance period of his tenure or otherwise.
2. The PESB has circulated formats for Special Performance Report (SPR) and guidelines. The assessment in the SPR is required to be recorded by the Secretary of the administrative Ministry in respect of the Chief Executive and by the Chief Executive duly countersigned by the Secretary of the administrative Department in respect of the Functional Directors
3. The minimum acceptable score in the SPR is 37.5 out of 50 with no single attribute having a score less than 3.
4. The Ministries are required to send proposals to PESB only in cases of non-confirmation on performance grounds where the score on SPR is less than 37.5.
5. A CMD/MD/Functional Director would be deemed to be confirmed unless the Ministry/Department sends a proposal to the PESB, to the contrary, within 30 days after the expiry of one year.
6. Within this stipulated period of one year and thirty days, the officer would be deemed to have been confirmed and the Ministry shall issue necessary order for confirmation, if the Ministry fails to send a proposal to the contrary, to the PESB.
7. Executives who score less than 37.5 marks on the SPR are called for a joint appraisal meeting with the Board in the presence of the Secretary of the Administrative Ministry to consider confirmation or otherwise of the functionary.
8. The PESB shall hold a Joint Appraisal on receipt of the proposal, within one month, after which the proposal shall be sent to the Ministry of placing before the ACC for orders.
9. If the Ministry/Departments is not inclined to confirm the appointee for reasons other than performance such as vigilance issues etc., such proposal shall be submitted to the ACC directly at least 30 days in advance of the expiry of the scheduled tenure of the incumbent.
10. In case the recommendation of non-confirmation is approved by the Competent Authority, the executive vacates the post.



11. Since grant of second term is a fresh contract, confirmation is again required to be considered after the expiry of the first year of the second term, provided the duration of the second term is more than three years.
12. Para 5 of the guidelines dated 31.03.2011 specify that in case of Schedule 'C' and 'D' CPSEs, the Minister-in-charge would be the Competent Authority for taking a final decision regarding confirmation of tenure.

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## Chapter 4

### Tenure of Board Level Appointments in CPSEs and Extension in Tenure

#### (A) Tenure Guidelines

##### (i) Chief Executives/Functional Directors

1. 05 years on contractual basis, with a provision that the Government will have option to terminate the services with three months' notice.
2. Subject to the condition that the officer meets the benchmark prescribed by the PESB and is clear from vigilance angle, the tenure may be extended for another term of 5 years, or up to the date of superannuation, whichever is earlier, with the approval of the ACC.

{Auth : (i) [DoPT's OM No.27\(11\)EO/86\(ACC\) dated 21.05.1986](#);  
(ii) [PESB's DO No.5/6/2010-PESB dated 28.06.2011](#)}

##### (ii) Non-Official Director

Maximum two tenures of 3 years each in a CPSE.

{Auth: [DoPT's OM No.13\(15\)EO/2007\(ACC\) dated 01.09.2010](#)}

##### (iii) Nominee part-time Director

03 years, or till the date of superannuation, or until further orders, whichever is the earliest.

{Auth: [DoPT's communication No.13/34/2015-EO\(ACC\) dated 18.02.2016](#)}

#### (B) Extension in Tenure

{Auth : (i) [DoPT's OM No.28\(30\)EO/2010\(ACC\) dated 31.03.2011](#);  
(ii) [PESB's DONo.5/6/2010-PESB dated 28.06.2011](#)}

The following guidelines are in effect :

1. The power to approve extension of tenure of Board level appointees in Schedule 'A' and 'B' CPSEs vests with the ACC.

{Auth : [DoPT's OM No.27/12/97-EO \(ACC\) dated 15.10.1997](#)}

2. For extension of tenure of Board level appointees in Schedule 'C' and 'D' CPSEs, after consultation with the PESB, proposals need to be submitted to DOPT for obtaining the approval of the ACC only if the recommendation of the PESB with respect to the Joint Appraisal is not proposed to be accepted in its entirety.

{Auth: [DoPT's OM No. 27\(12\)/EO/97\(ACC\) dated 03.04.2001](#)}

3. The PESB, in consultation with the DPE, has evolved a benchmarking system to be applicable while considering proposals for extension. For CMD /MD and Functional Director, an overall performance score of 80 out of the maximum of 100 and 40 out of the maximum of 50 respectively, with no individual score of less than 3 in Annexure 'A' & 'C' and/or an average MoU rating of 3 or more in Annexure 'B' in the Special Performance Report, is the benchmark fixed by PESB for extension without reference to PESB. A score

of below 80 (in case of CMD/MD)/40 (in case of FD)and/or any individual score of less than 3 in Annexure A and C, and/or an average MOU rating less than 3 in Annexure B needs to be sent to PESB for holding a Joint Appraisal Meeting.

4. All proposals in which the incumbents meet the benchmark and the Ministry/Department decides to recommend extension shall be referred to the ACC for approval, not later than two months before the scheduled expiry of the tenure of the incumbent. No reference would be needed to PESB for a fresh joint appraisal.
5. All proposals, wherein the incumbents meet the benchmark, but have some other issue such as vigilance, etc., for which the Ministry/Department is not inclined to recommend extension, shall be referred to the ACC for consideration six months before the scheduled expiry of tenure of the incumbent
6. All proposals wherein the incumbents do not meet the benchmark shall be referred to PESB by the Department/Ministry concerned. This reference has to be six months before the scheduled expiry of tenure of the incumbent. The recommendation of the PESB shall be referred to the ACC for orders.
7. All proposals wherein the Ministry suggest termination/non-extension of the incumbent shall be accompanied by the proposal for giving additional charge.
8. The Administrative Ministry will furnish the following documents to PESB/ACC (as the case may be) alongwith proposals for extension/non-extension of tenure:-
  - (i) Performance Appraisal Report in the prescribed format (A), (B), (C) & (D). In the column relating to performance in the Enterprise since the date of appointment of the incumbent figures upto the last five years should be indicated.
  - (ii) Special Performance Report in a narrative form duly signed by the Secretary of the Administrative Ministry in respect of the Chief Executive and in respect of the Functional Directors should be recorded by the Chief Executive and countersigned by the Secretary of the Administrative Ministry; and
  - (iii) Photocopies of the Annual Performance Appraisal Report for the last 05 years alongwith a certificate in terms of DPE guidelines dated 25.04.1985.
9. Proposals for extension in tenure submitted for consideration of the ACC must be accompanied with the CVC clearance with respect to the incumbent. In case the CVC clearance is neither accorded nor denied, but is awaited, the following procedure shall be followed :
  - (i) As in the case of fresh appointments, in line with [CVC's instructions dated 31.08.2004](#), no cognizance should be taken of any complaint which is received within 06 months prior to the terminal date of the approved tenure of Board-level appointees. This is imperative as it has been

frequently observed that there is a spate of allegations and complaints against Board-level officials whose cases become due for extension of tenure.

- (ii) The Department should take a conscious decision on whether to extend the term of a Board-level appointee at least one year in advance of the completion of his initial term so that adequate time is available for the Department to obtain CVC clearance.
- (iii) Taking into account the vigilance status as on the date six months before the terminal date of initial appointment, the CVC may give its clearance within two months of receiving the reference in this regard from the Administrative Ministry. This limit of two months will include time taken for back references, CBI references/inquiries, etc.
- (iv) Even though complaints received after the cut-off date shall have no bearing upon the process of extension of tenure and would not prejudice the same, such complaints shall be dealt with as per the normal procedure. Disregarding such complaints received after the cut-off date at the time of deciding upon extension of tenure may not be of any serious consequence as the appointment can always be terminated at a later date if the charges are substantiated on the basis of an inquiry.
- (v) (a) In respect of the cases where CVC clearance has been delayed beyond the prescribed timelines, merely on account of procedural reasons, and where there is no denial of vigilance clearance, the case of extension could be processed without waiting any further.  
(b) In respect of the cases where CVC clearance is awaited, and there are cases/complaints pending against the officer, the Ministry shall submit to ACC, a proposal for extension of tenure, at least two months prior to the officer's approved tenure with:
  - (i) all available information in respect of the complaint;
  - (ii) material received from/sent to CVC, including enquiry report, if any, of the CVO of the Ministry;
  - (iii) the comments of the Ministry thereon.

**(C) No Extension in tenure without the approval of the ACC**

{Auth : (i) [DoPT's DO No.17\(6\)EO/97\(ACC\)dated:10.02.1998](#) read with  
(ii) [DoPT's OM No.28\(30\)EO/2010\(ACC\) dated 31.03.2011](#)}

- (i) No orders for extension in tenure of appointment shall be issued by any Ministry/Department, without the explicit approval of the ACC with respect to Schedule 'A' and 'B' CPSEs; and with respect to Schedule 'C' and 'D' CPSEs in cases where the recommendation of the PESB after Joint Appraisal is proposed to be deviated from by the concerned administrative Ministry/Department.

- (ii) In cases where extension is done without ACC's approval, the responsibility would be that of the Secretary of the administrative Department/Ministry concerned to explain. The Secretary of the Ministry/Department concerned shall not take recourse to the argument that extension was granted on the instructions of the Minister.

#### **(D) Ad-Hoc Extension of Tenure**

{Auth: (i) [PESB's DOno.13/07/2010-PESB dated 13.05.2011](#);  
(ii) [DoPT's OM No. 26\(3\)EO/2004\(ACC\) dated 17.08.2005](#)}

All efforts are to be made to ensure that the cases of Executives, whose tenure are getting over but who still have not attained the age of superannuation, for grant of extension are processed expeditiously as per existing instructions. However, cases where the proposal could not be finalized on account of pending joint appraisal or vigilance clearance are to be considered for ad-hoc extension on case to case basis.

2. All proposals for ad-hoc extension in tenure of appointment of Board level appointees for CPSEs would require the approval of ACC subject to the following delegation of powers :

- a) Ad-hoc extension for Board level Directors of BIFR companies, up to six months requires approval of the Minister-in-charge and MOS(PP).
- b) Ad-hoc extension of tenure up to three months in respect of Board level appointments in CPSEs can be approved by the MOS(PP) subject to the following conditions :-
  - (i) The proposal for normal extension of tenure has been sent to the PESB as per the prescribed time schedule.
  - (ii) Action for selecting a substitute has been taken in time and the position is brought out in the proposal seeking extension.
  - (iii) The officer concerned is clear from vigilance angle.
  - (iv) All other cases would require the approval of the ACC.

#### **(E) Extension in service beyond the Age of Superannuation**

{Auth: [DoPT's OM No.20\(28\)EO/04\(ACC\) dated 26.10.2004](#)}

It has been observed that the Administrative Ministries/Departments often approach the Appointments Committee of the Cabinet (ACC) for extension in service of Board level Executives of Public Sector Enterprises, Public Sector Banks and Financial Institutions under their control, beyond the prescribed age of superannuation.

2. After careful consideration of the matter, the ACC has directed that no proposals for extension of service beyond the age of superannuation, in respect of Executives of Banks, PSUs and Financial Institutions shall be entertained from any Administrative Ministry/Department.

**(F) Important instructions in respect of sick CPSEs**

1. In the case of sick/loss making CPSE for which revival plan has been approved by the Government, the following relaxation could be provided:-

{Auth: [DPE's OM No.18\(11\)/2005-GM-GL-88 dated 24.07.2007](#)}

- (i) In case, any Board level incumbent of such CPSE has contributed exceedingly well in the turnaround of that sick CPSE, his tenure may be extended till he attains the age of 65 years. Since, the selection process to a board level post is being initiated by PESB one year prior to the due date of superannuation of the incumbent, the proposal for extension of tenure beyond the age of superannuation will have to be initiated at least one year prior to the date of superannuation of the incumbent. In case, the balance period of tenure of incumbent is less than one year at the time of approval of revival package by the Government, such proposal for extension of tenure may be initiated immediately after approval of revival package by the Government. The decision on the extension of tenure beyond the normal retirement age will be taken as per the extant procedure for extension of tenure of Board level executives, i.e. joint appraisal by PESB followed by the approval of the competent authority. Further, such extension would be subject to annual review of the performance of the incumbent to be conducted by Secretary of the concerned administrative Ministry.
- (ii) Where fresh appointment of the Chief Executive or any Functional Director is proposed and if the PESB procedure of circulation of vacancy does not ultimately lead to a panel for consideration by the competent authority, then relaxation of cut-off age for applying, to 62 years, with minimum tenure of 3 years, could be considered. In such cases, serving/retired CPSE executives, Government servants and private sector executives could be considered.
- (iii) The Chief Executives and Functional Directors of such CPSEs can be considered for a lump-sum incentive up to maximum of Rs.10 lakh out of the profits of the CPSE besides usual pay, allowances and perks attached to the post.
- (iv) The exemption of the post from the rule of Immediate absorption has to be obtained from the DPE, on a case to case basis, by the administrative Ministry/Department concerned as provided in [DoPPW's OM No.4/10/2005-P&PW\(D\) dated 25.04.2005](#) before submitting the proposal for approval of ACC. These instructions supersede earlier instructions wherein the Ministry/Department concerned, in consultation with the Public Enterprises Selection Board and with the approval of the Cabinet Secretary, could take a decision to fill up Board level post on deputation from any of the All India or Group 'A' Central Services without insisting on the rule of immediate absorption.

{Auth: [DPE's OM No. 18\(6\)/2001-GM-GL-77 dated the 28.12.2005](#)}

2. In respect of appointments of senior officers of loss making Central Public Sector Enterprises to the Board level posts, the Appointments Committee of the Cabinet has observed that senior officers of such CPSEs should come under stringent scrutiny while their cases are considered for such appointments. Neither should such officers be automatically denied Board level appointments nor should they be automatically given such appointments. At all times, the criterion should be to rigorously ascertain the extent to which the officer has been responsible for losses suffered by the PSEs. Thereafter, a conclusion regarding his suitability to a Board level appointment can be reached.

{Auth: [DoPT's OM No 27\(16\)-EO/94\(ACC\) dated 14.08.1995](#)}

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## Chapter 5

### Additional Charge Arrangements

#### (A) Guiding Principle

*{Auth: [DoPT's OM No.27/12/97-EO \(ACC\) dated 15.10.1997](#)}*

The guiding principle for determining whether any particular additional charge arrangement would require the approval of the ACC is whether a proposal for regular appointment to that post would have required the approval of the ACC. If yes, a proposal for additional charge arrangement for that post would need to be submitted to the ACC for approval.

#### (B) Delegation of powers w.r.t. Additional Charge Arrangements :

*{Auth: [DoPT's OM No.26\(3\)EO/2004\(ACC\) dated 17.08.2005](#)}*

##### I. Schedule 'A' and 'B' CPSEs

1. The power to approve additional charge arrangement in Central Public Sector Enterprises up to a period of three months (to be reckoned from the date of vacancy) has been delegated to the Minister-in-Charge subject to the following conditions:
  - (i) Additional charge of the post of CMD is assigned to the senior most functional Director in the CPSE
  - (ii) Additional charge of the post of Functional Director is assigned to the CMD of the CPSE.
  - (iii) The officer to whom the charge is being proposed to be assigned is clear from vigilance angle
  - (iv) Timely action has been taken to fill up the vacancy
2. For additional charge arrangement in Central Public Sector Enterprises beyond the period of three months (to be reckoned from the date of vacancy) and upto Six months and subject to the conditions mentioned in para B(1) above, the power to approve has been delegated to the MOS(PP).

*{Auth: (i) [DoPT's OM dated 17.08.2005](#) read with  
(ii) [DoPT's OM No. 13\(34\) EO/2008\(ACC\) dated 26.02.2009](#)}.}*

3. For additional charge arrangements beyond six months (to be reckoned from the date of vacancy) and in case of any deviation from the conditions prescribed in para(1) above, the power lies with the ACC.
4. The delegation as mentioned in para (1) above, shall not apply to companies referred to BIFR. The proposals in this regard for entrusting additional charge may continue to be sent to the Establishment Officer for obtaining approval of the MoS(PP)

*{Auth: (i) [DoPT's OM dated 17.08.2005](#) read with  
(ii) [PMO I.D. No. No.688/Dir\(R\)/ACC/2004 dated 26.07.2004](#)}.}*



5. The following clarifications related to additional and current charge arrangements in CPSEs have been further issued vide [DoPT's OM No.20/6/2015-EO\(ACC\) dated 30.09.2016](#) :
- (i) As per the instructions issued vide [DoPT's OM No.4/2/89-Estt.\(Pay-II\) dated 11.08.1989](#) regarding powers to be exercised in case of additional and current charge arrangement as laid down in FR-49, when an officer is assigned additional charge of another post, he is required to discharge all duties including statutory functions. However, when an officer is appointed to hold current duties of another post, the officer is required to attend to the usual routine day-to-day work of non-statutory nature attached to the post and an office order is to be issued clearly stating that the officer will be performing only the routine day-to-day duties of non-statutory nature and that he would not be entitled to any additional remuneration. The office order should specify in such cases as to what duties the officer would be discharging and what duties he would not be discharging.
  - (ii) In terms of instructions contained in [DoPT's OM No.26\(3\)EO/2004\(ACC\) dated 17.08.2005](#), it is provided that the current charge of a post of Functional Director in a PSU shall automatically vest with CMD and in case of the post of CMD, the current charge should be entrusted to the senior most Functional Director. Such current charge arrangements are only for performing usual routine day-to-day work of non-statutory nature attached to the post.
  - (iii) It is in this context that the instructions dated 17.08.2005 also provide that current charge arrangement(s) beyond a period of three months should be totally dispensed with and full additional charge of the post considered in such cases. The powers for additional charge arrangement have been delegated to the Minister-in-charge for the first three months of the post falling vacant and to the MoS(PP) for the next three months, subject to the condition that additional charge of the post of CMD is assigned only to the senior-most functional Director who is clear from the vigilance angle. Any deviation from the above, as well as entrustment of additional charge for a period beyond six months of the post falling vacant will invariably require the approval of ACC. It may be noted that there is no provision in the said instructions for automatic vesting of additional charge arrangement either to the CMD of the company or to its senior-most Functional Director.

- (iv) It would be clear from the above that any current charge arrangement for Board level posts cannot continue beyond the initial three months of the post falling vacant and proposals for assignment of additional charge are required to be approved by the Minister-in-charge for the first 03 months of the post falling vacant, and by the MoS(PP) for the next 03 months subject to the provisos contained therein, and by ACC thereafter.

## II. Schedule 'C' and 'D' CPSEs

{Auth: [DoPT's OM No.11/1/2016-EO\(ACC\) dated 10.06.2016](#)}

The power to approve additional charge arrangements with respect to Board level posts in Schedule 'C' and 'D' CPSEs has been delegated to the Minister-in-charge of the concerned administrative Ministry/Department, irrespective of the period for which the additional charge is assigned, subject to the conditions specified in [Para III of the instructions dated 17.08.2005 circulated vide DoPT's OM No.26\(3\)EO/2004\(ACC\)](#). Any deviation from the same will require the approval of the ACC.

### (C) Posts located at considerable distance

{Auth: [DoPT's OM No.27\(1\)EO/2005\(ACC\) dated 04.04.2005](#)}

Assignment of additional charge of posts to officers whose regular post is located at such distance as to make the additional charge arrangement unworkable, or impracticable, should be avoided.

(D) Additional charge of posts in organizations, under the Ministries, should not, as a general rule, be given to officers holding the charge of Financial Adviser (FA) in the Ministry.

{Auth: [DoPT's OM No.27/3/2008-EO\(SM.II\) dated 07.05.2008](#)}

### (E) Subsidiary Companies

{Auth: [DoPT's OM No.13\(34\)EO/2008\(ACC\) dated 26.02.2009](#)}

1. In the case of subsidiary CPSEs, the additional charge of the post of MD/CMD is to be assigned to the senior most Functional Director of that subsidiary company having vigilance clearance.
2. In case no such Functional Director is in position in the subsidiary CPSE, the additional charge of the post of MD/CMD of the subsidiary company is to be assigned to the CMD/Functional Director of the holding company who is the nominee Director of the holding company on the Board of subsidiary company. However, this arrangement should not result in contravention of relevant provisions of the Companies Act, 2013.

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## Chapter 6

### Appointment of Non-Official Directors

{Auth: [DoPT's OM No.13\(15\)EO/2007\(ACC\) dated 01.09.2010](#)}

#### 1. Eligibility Criteria

##### (A) Criteria of Experience

- (i) Retired Government official with a minimum of 10 years' experience at Joint Secretary level or above.
- (ii) Persons who have retired as CMD/CEOs of CPSEs and Functional Directors of the Schedule 'A' CPSEs. The ex-Chief Executives and ex-Functional Directors of the CPSEs will not be considered for appointment as non-official Director on the Board of the CPSE from which they retire.
- (iii) Serving Chief Executives/Directors of CPSEs will not be eligible to be considered for appointment as non-official Directors on the Boards of any CPSEs. This guideline has overruled the earlier issued vide [DoPT's OM No.27\(3\)EO/87\(ACC\) dated 20.03.1987](#).
- (iv) Academicians/Directors of Institutes/Heads of the Department and Professors having more than 10 years teaching or research experience in the relevant domain e.g. management, finance marketing, technology, human resources or law.
- (v) Professionals of repute having more than 15 years of relevant domain experience in fields relevant to the company's area of operation.
- (vi) Former CEOs of private companies if the company is (a) listed on the Stock Exchanges or (b) unlisted but profit making and having an annual turnover of at least Rs.250 crore.
- (vii) Persons of eminence with proven track record from Industry, Business or Agriculture or Management.
- (viii) Serving CEOs and Directors of private companies listed on the Stock Exchanges may also be considered for appointment as part-time non-official Directors (NoDs) on the Boards of CPSEs in exceptional circumstances.

{Auth: [DoPT's OM No.13\(15\)EO/2007\(ACC\) dated 02.11.2012](#)}

##### (B) Criteria of Educational Qualification

Minimum graduate degree from a recognized university.

##### (C) Criteria of Age

The age band should be between 45-65 years (minimum/maximum limit). This could, however, be relaxed for eminent professionals, for reasons to be recorded, being limited to 70 years

#### **(D) Re-appointment**

The non-official Directors will not be re-appointed in the same CPSE after completing a maximum of two tenures, each tenure being for a period of three years.

#### **(E) Appointment in number of CPSEs at the same time**

- (i) One person will not be appointed as Non-Official Director on the Board of more than three CPSEs at the same time.
- (ii) A person being considered for appointment as Non Official Director in the Board of a CPSE should not hold directorship in more than 10 private companies.

*{Auth: [DoPT's communication No.13\(15\)EO/2007\(ACC\) dated 22.07.2013](#)}*

### **2. Initiation of proposals for appointment of Non-Official Directors**

The administrative Ministries/Departments should furnish details of vacancies of non-official Directors along with proposal complete in all respect to DPE at least six months prior to the occurrence of the vacancy of non-official Director. The proposal should clearly indicate the number of vacancies of non-official Directors to be filled, contain names of eligible persons three times the number of vacancies sought to be filled, complete bio-data and declaration from the recommended candidates in suggested format, along with a checklist of proposal. The concerned Administrative Ministry/Department should also certify that there is no conflict of interest between the proposed candidate(s) and the CPSE for which appointment of non-official Director is to be made. Once complete proposals are received, DPE will within one month, place the proposals before the Search Committee. In case of name(s) recommended by the Administrative Ministry/Department is/are ineligible and/or there is shortfall in the number of persons recommended in proportion to the number of vacancies sought to be filled DPE may supplement the panel with the names available with its date bank taking into account functional requirements and expertise of the candidates without making any back reference to the concerned Administrative Ministry/Department.

### **3. Proposal not received prior to four months of the occurrence of vacancy**

If the proposal complete in all respect is not received in DPE from concerned Administrative Ministry/Department prior to four months of occurrence of vacancy(s), the DPE will suggest a suitable panel of names, from the data bank being maintained by it for the consideration of the Search Committee under intimation to the concerned Administrative Ministry/Department. The meeting of the Search Committee will thereafter be convened where the Secretary of the Ministry/Department concerned will be invited to participate in the process of selection of non-official Directors.

#### 4. One Search Committee for all CPSEs

There will be only one Search Committee chaired by Chairman, PESB and consisting of Secretary, DPE, Secretary of the administrative Ministry and two non-official Members – one of whom would be a Professor from a well-known recognized management institute. In addition, for Maharatnas / Navratnas, one domain expert may be invited by the Chairman. Since the selection of non-official members would be a one-time affair, the DPE may put up a panel of names (6 persons) from which the ACC could select two. The tenure of two non-official Members of the Search Committee shall be kept at 3 years and it shall also be stipulated that not more than two terms will be provided to one individual as non-official member of the Search Committee.

{Auth: [DoPT's OM No.13\(15\)EO/2007\(ACC\) dated 02.08.2012](#)}

At present, the composition of the Search-cum-Selection Committee, duly approved by the ACC, is as under :

- |       |  |   |          |
|-------|--|---|----------|
| (i)   | Secretary, DoPT  | - | Chairman |
| (ii)  | Secretary, DPE   | - | Member   |
| (iii) | Secretary of the Administrative Ministry/Department concerned  | - | Member   |
| (iv)  | Mrs. Pratima Dayal, IAS (Retd.)<br>Former Principal Economist<br>India Residence Mission, ADB            | - | Member   |
| (v)   | Prof. Ravichandran Narasimhan<br>Former Director, IIM, Indore and<br>presently Professor, IIM, Ahmedabad | - | Member   |

{Auth: [DoPT's OM No.13\(18\)EO/2014\(ACC\) dated 12.12.2014](#)}

#### 5. Competent Authority for appointment of NoDs

- (i) Approval of ACC will be required only for appointment of non-official Directors to CPSEs falling in Schedule 'A' & 'B' (as in the case of Functional Directors). Administrative Ministries/Departments may appoint non-official Directors in Schedule 'C' & 'D' CPSEs, in consultation with the Department of Personnel & Training and obtain the concurrence of MoS(PP). MoS(PP) can seek the orders of the PM in case he considers it necessary in any particular case.
- (ii) The delegation to the concerned administrative Ministry/Department for appointment of non-official part-time Directors in respect of Schedule 'C' and 'D' CPSEs shall be prescribed for **un-categorized CPSEs** also.

{Auth: [DoPT's OM No.13\(15\)EO/2007\(ACC\) dated 02.08.2012](#)}

## **6. Time-Frame for appointment of Non-Official Directors**

The administrative Ministry/Department will be required to take a decision on the recommendations of the Search Committee within a period of one month. In case the administrative Ministry/Department does not place the recommendations before the ACC within one month of their receipt, the same recommendations would be placed directly by DPE before ACC for consideration.

## **7. Validity of Panel of names recommended by DPE**

The panel of names recommended by the Search Committee will be valid for one year. Proposals for reconsideration of the recommendations already made by the Search Committee will be taken up by the Search Committee only after the decision of ACC on their earlier recommendations is made available.

## **8. Monitoring of vacant positions of Non-Official Directors**

Each administrative Ministry/Department will intimate the position regarding appointment of Non-Official Directors on the Board of CPSEs under their administrative control of DoPT and DPE on a quarterly basis.

## **9. Proforma**

All the proposals for appointment of NoD(s) should be submitted in the prescribed proforma, alongwith the declarations as prescribed by the DPE O.M.No.18/3/97-DPE (GM) dated 10.10.1997. Such proposals should also invariably contain the details of directorships held by the proposed candidates in CPSEs /private companies.

## **10. Nomination of Independent Director of the Holding Company to the Board of the Subsidiary Company**

The ACC has noted that the power to appoint Independent Directors on the Board of CPSEs vests with the Central Government and cannot be delegated to the Board of the holding company.

2. In case an Independent Director of the holding company is to be nominated on the Board of the subsidiary company, to avoid duplication of process, at the time of his/her appointment as Independent Director on the Board of the holding company, his/ her nomination on the Board of the subsidiary company would require to be submitted for consideration of the ACC.

{Auth: DoPT's OM No.20(13)EO/2014(ACC) dated 17.11.2016}

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## Chapter 7

### Premature Termination / Non-Extension of Tenure

{Auth: (i) [DoPT's DO No.27\(18\)EO/86\(ACC\) dated 10.12.1986](#);  
(ii) [DoPT's DO No. 27\(25\)EO/91\(ACC\) dated 18.11.1991](#);  
(iii) [DoPT's OM No.4/14/2008-EO\(SM-II\) dated 01.10.2014](#);  
(iv) [DoPT's OM No.2/33/2014-EO\(ACC\) dated 17.02.2017](#)}

All cases of premature termination of board level appointments in CPSEs made with the approval of the ACC (including non-extension of tenure in case the executive has not attained the age of superannuation) would require approval of the ACC.

2. As resignation from a post would also result in premature termination of tenure, ACC's approval would be required for accepting resignation of ACC appointees as well.

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## Chapter 8

### Vigilance Clearance

#### (A) Fresh appointments

1. It is the primary responsibility of the Ministry/Department to satisfy itself with the antecedents of the person, particularly from the private sector whose appointment is proposed by them for a particular post before sending the requisite proposal therefore for the consideration of the Appointments Committee of the Cabinet.

{Auth: [DoPT's DOno.27\(8\)-EO/87\(ACC\) dated 25.01.1988](#)}

2. Vigilance clearance should be obtained from the Central Vigilance Commission also, in respect of all candidates/officers recommended by the PESB for appointment to Board level posts in PSEs irrespective of their holding Board level or below Board level posts at that point in time

{Auth: [DoPT's OM No.27\(25\)EO/99\(ACC\) dated 01.12.1999](#)}

3. In cases where vigilance clearance is neither denied nor given but is awaited, in order to avoid delays on account of non-receipt of vigilance clearance, the following guidelines may be followed :-

- (a) The instructions contained in [DoPT's OM No.104/76/2011-AVD.I dated 18.10.2013](#) regarding handling of pseudonymous/ anonymous complaints should be strictly adhered to at all levels. Further as per [CVC's instructions issued vide Office Order No.57/8/04 dated 31.08.2004](#), no cognizance should be taken of any complaint received within six months prior to the initiation of the selection process. For this purpose, the date of interview held by the PESB would be the crucial date, six months prior to which no cognizance would be taken of complaints received against the selected candidates. Such complaints therefore should not have any bearing on the ACC process and would not prejudice the same. Such complaints should however be dealt separately and necessary action be taken in the event of any adverse conclusion even after the appointment is made.
- (b) (i) In case vigilance clearance is not denied by CVC within the two months period stipulated above (which would include consultation with CBI/CBI clearance, reference to the CVO of the Ministry for any report, clarification etc), the Ministries shall proceed with the appointment process, without waiting any further.  
  
(ii) While submitting such proposals for the consideration of ACC, the Ministry shall provide the complete details of cases/complaints, if any, pending against the selected candidate and their specific views regarding the gravity of the allegations and the culpability of the concerned candidate. While the Ministry may not have much difficulty



in processing the proposal when selected candidate is from an organisation under the control of the same Department, some advance action would be required when the candidate is coming from outside. For this purpose, the Ministry shall obtain the complete vigilance profile of the candidate from the concerned Ministry/Department to which the selected candidate belongs as soon as the PESB recommendation is received by them. The Ministry shall also obtain complete details of the cases/complaints, if any, which are pending for enquiry and the concerned Department's views thereon.

{Auth: [DoPT's OM No.27\(4\)EO/2014\(ACC\) dated 22.10.2014](#)}

## **(B) Additional charge**

{Auth: (i) [CVC's Order No.005-VGC-101 dated 15.02.2008](#);  
(ii) [DPE's OM No.18\(23\)/2005-GM dated 16.10.2008](#)}

1. CVC's clearance for additional charge arrangements would be required only in cases where the Functional Director of a CPSE or an officer from the Ministry is proposed to be given the additional charge of MD/CMD of the CPSEs.
2. As per practice, CVC's clearance is also being taken in cases where an officer from the Ministry is proposed to be assigned the additional charge of a functional Director in a CPSE.
3. In all other cases, CVC's clearance would not be required when the Department concerned has material in its possession on the basis of which it has reason to believe that vigilance status has changed since the incumbent was last cleared for Board level appointment.

## **(C) Validity of CVC's clearance**

The validity of vigilance clearance issued by CVC is one year.

{Auth: [CVC's letter No.Cord.II/MISC/07/56750 dated 17.05.2007](#)}

## **(D) Extension of tenure**

1. Prior vigilance clearance is mandatory while considering cases of extension of tenure of a board level appointee. The Administrative Ministry/Department should approach CVC well in time to obtain the vigilance status of the officer.

### **2. Guidelines for processing cases of extension where CVC clearance is awaited**

{Auth: [DoPT's OM No.17\(9\)EO/2014\(ACC\) dated 30.10.2014](#)}

- (i) As in the case of fresh appointments, in line with CVC's instructions dated 31.08.2004, no cognizance should be taken of any complaint which is received within 06 months prior to the terminal date of the approved tenure of Board-level appointees. This is imperative as it has been frequently observed that there is a spate of allegations and complaints against Board-level officials whose cases become due for extension of tenure.

- (ii) The Department should take a conscious decision on whether to extend the term of a Board-level appointee at least one year in advance of the completion of his initial term so that adequate time is available for the Department to obtain CVC clearance.
- (iii) Taking into account the vigilance status as on the date six months before the terminal date of initial appointment, the CVC may give its clearance within two months of receiving the reference in this regard from the Administrative Ministry. This limit of two months will include time taken for back references, CBI references/inquiries, etc.
- (iv) Even though complaints received after the cut-off date shall have no bearing upon the process of extension of tenure and would not prejudice the same, such complaints shall be dealt with as per the normal procedure. Disregarding such complaints received after the cut-off date at the time of deciding upon extension of tenure may not be of any serious consequence as the appointment can always be terminated at a later date if the charges are substantiated on the basis of an inquiry.
- (v)
  - (a) In respect of the cases where CVC clearance has been delayed beyond the prescribed timelines, merely on account of procedural reasons, and where there is no denial of vigilance clearance, the case of extension could be processed without waiting any further.
  - (b) In respect of the cases where CVC clearance is awaited, and there are cases/complaints pending against the officer, the Ministry shall submit to ACC, a proposal for extension of tenure, at least two months prior to the officer's approved tenure with:
    - all available information in respect of the complaint;
    - material received from/sent to CVC, including enquiry report, if any, of the CVO of the Ministry;
    - the comments of the Ministry thereon.

#### **(E) Up-gradation of pay scales consequent on re-categorization of CPSEs**

Vigilance clearance of CVC is not necessary since up-gradation of pay scales is not a selection but a consequence of re-categorization of a PSU.

{Auth: [CVC's letter No.009-VGC-117\(MISC\)-61429 dated 04.11.2009](#)}

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## Chapter 9

### Public Enterprises Selection Board (PESB)

*Published in the Gazette of India extra-ordinary Part-I Section 1 dated [03.03.1987](#) as amended on [06.09.1989](#), [02.09.1993](#), [19.04.2000](#), [04.04.2008](#), [11.11.2008](#) and [10.06.2016](#)*

#### Reconstitution of PESB and its Role and Responsibilities

1. Public Sector Enterprises (PSEs) under the control of the Central Government play a vital role in the development of the national economy. In order to evolve a sound managerial personnel policy for the Public Sector Enterprises and, in particular, to advise government on appointments to the top management posts, the Government of India constituted a Public Enterprises Selection Board (PESB) by a Resolution dated 30th August, 1974. Consequent upon the shift of the secretariat of the PESB from the Department of Public Enterprises to the Department of Personnel & Training from 9<sup>th</sup> July, 1986, a comprehensive review of the PESB has been made and it has been decided to revise the policy relating to the functions, membership, methodology for selection and infra-structure of the Board, as set out below.

2. **Objectives and Functions:** The PESB shall, henceforth, function as a professional body with a large measure of autonomy. Its functions shall be:

- (i) to be responsible for the selection and placement of personnel in the posts of Chairman, Managing Director or Chairman-cum-Managing Director (Level-I), and Functional Director (Level-II) in PSEs, as well as in posts at any other level as may be specified by the Government.
- (ii) to advise the Government on matters relating to appointment, confirmation or extension of tenure and termination of the services of personnel of the above mentioned levels;
- (iii) to advise the Government on the desired structure at the Board level, and for senior management personnel, for each PSE or group of PSEs;
- (iv) to advise the Government on a suitable performance appraisal system for both the PSEs and the managerial personnel in such enterprises;
- (v) to build a data bank containing data relating to the performance of PSEs and its officers;
- (vi) to advise the Government on formulation and enforcement of a Code of Conduct and Ethics for managerial personnel in PSEs;
- (vii) to advise the Government on evolving suitable training and development programmes for management personnel in PSEs.

3. **Constitution of the Board:** The PESB shall consist of one part-time or full-time Chairperson and three full-time Members. The Chair-person and Members shall be persons who have had a long and distinguished career in management of public or private corporations or public administration and have a proven record of achievements, preferably, in the field of personnel, finance, production or marketing. The three full time Members of the PESB shall:

(a) “A distinguished serving or former Chief Executive of a Public Sector or Private Sector or Joint Sector Enterprises.”

{Auth: [DoPT's Resolution No.27\(18\)EO/99\(ACC\) dated the 19.04.2000](#)}

(b) A distinguished person with experience in selection of top management personnel.

{Auth: [DoPT's Amendment No.27\(8\)EO/93\(ACC\) dated the 02.09.1993](#)}

(c) “A distinguished serving or former Civil Servant with experience in management of Public Sector Enterprises or in areas of finance, industry or Economic Affairs.”

{Auth: [DoPT's Resolution No.27\(18\)EO/99\(ACC\) dated the 19.04.2000](#)}

Proviso: Provided that the Chairperson or a Member, who on the date of his appointment to the Public Enterprises Selection Board was in the service of the Central or a State Government, shall be deemed to have retired from such service with effect from the date of his appointment as Chairperson or member, as the case may be, of the Public Enterprises Selection Board.

4.1 **Selection:** A committee comprising the following shall recommend a panel of names in order of preference for appointment to the posts of Chairperson and Members to Public Enterprises Selection Board, namely:-

(a) Cabinet Secretary

(b) Additional Principal Secretary to Prime Minister

{Auth: [DoPT's Resolution No.44011/2\(s\)/2013-Estt.\(B\) dated 10.06.2016](#)}

(c) Secretary (Personnel)

(d) Secretary (Finance)

(e) Secretary (Public Enterprises)

4.2 The recommendations of the Committee will be submitted to the Appointments Committee of the Cabinet (ACC).

5.1 **Tenure and Age Limit:** The Chairperson or Members shall hold office for a period of three years from the date of assumption of charge, or until attainment of the age of 65 years, or until further orders, whichever is the earliest.

{Auth: [DoPT's Resolution No.44011/2\(s\)/2013-Estt.\(B\) dated 10.06.2016](#)}

5.2 On ceasing to hold office, the Chairperson/Member PESB shall be ineligible for any further employment including an employment by contract in any Central Public Sector Enterprise.

5.3 The Chairperson/Member of the PESB may be removed from his office by order of the President on the ground of proved misbehaviour or incapacity after the Selection Committee as provided in [para 4.1 of the Resolution dated 03.03.1987](#), has on enquiry, reported that the Chairperson/Member, PESB ought, on such ground, be removed. The Prime Minister/Minister-in-charge of the Ministry of Personnel, Public Grievances and Pensions may suspend such Chairperson/Member of the PESB from office and if deemed necessary, prohibit him from attending the office, during the enquiry.

5.4 Notwithstanding anything contained above, the President may, by order, remove from office, if the Chairperson/Member of the PESB, as the case may be:

- (a) is adjudged an insolvent; or
- (b) has been convicted of an offence which involves moral turpitude; or
- (c) engages during his term of office in any paid employment outside the duties of his office; or
- (d) has acquired such financial or other interest as is likely to affect prejudicially his functions as the Chairperson/Member of the PESB.

6 **Pay and Allowance:** Terms and conditions of appointment:

- (i) The appointment shall be made by the Appointments Committee of the Cabinet.
- (ii) The pay of the Chairperson and the Members shall be the same and equal to that of Secretary to the Government of India in the revised pay scale.
- (iii) Dearness Allowance and other reliefs on account of increase in the cost of living shall also be admissible at the rates determined from time to time by the Government.
- (iv) The other conditions of service including allowances and benefits shall be as determined by the Government from time to time.

7.1 **Selection Policy:** The PESB shall not be a mere Interview Board. It shall also constitute itself into a Search Committee to look out for and identify suitable persons who can be appointed to Level-I and Level-II posts in Public Sector Enterprises.

7.2 The policy of the Government is to appoint through a fair and objective selection procedure outstanding professional managers to Level-I and Level-II posts and posts at any other level as may be decided by the Government from time to time. Government have also recognized the need to develop a cadre of professional managers within the public sector. Hence unless markedly better candidates are available from outside, internal candidates, employed in the public sector enterprises, will be preferred for appointment to Board level posts. If internal candidates are not available, preference will be given to candidates working in other public sector enterprises, either in the same area of business or in other areas. Mobility of managerial personnel among public sector enterprises within the same sector or group, failing which mobility within the public sector as a whole will be encouraged, subject to certain limitations. In special cases, recruitment may be made from the organized services under the Central Government. Such cases would be where, because of special circumstances, it is necessary to place a member of an organized service in a public sector enterprise or where because of the nature of the enterprises or its poor health, it would be difficult to attract good professional managers on a tenure basis. Candidates from State Public Sector Enterprises and the private sector subject to fulfilling the eligibility criteria, will also be considered as non-internal candidates alongwith the candidates of other Public Sector Enterprises, for a period of five years with effect from 10.06.2016.

{Auth: [DoPT's Resolution No. 44011/2\(s\)/2013-Estt.\(B\) dated 10.06.2016](#)}

7.3 In special circumstances, the appointment to a particular post or posts in a Public Sector Enterprises may be made other than through the PESB with the prior and specific approval of the Appointments Committee of the Cabinet. The Appointments Committee of the Cabinet while granting such an approval, will also specify the body such as, Search Committee, Selection Committee, or the Civil Services Board, as the case may be, that shall make the selection for that particular post or posts, as well as the selection procedure to be followed for filling the particular post or posts.

{Auth: [DoPT's Resolution No.27\(18\)EO/99\(ACC\) dated 19.04.2000](#)}

7.4 In respect of sick and potentially sick Public Sector Enterprises, the Administrative Secretary of the Ministry/ Department concerned, in consultation with the Public Enterprises Selection Board and with the approval of the Cabinet Secretary, could take a decision at any stage in the process of recruitment to the post of Chairman, Managing Director or Chairman-cum-Managing Director of the Public Sector Enterprises, to take a person on deputation from any of the All India or Group 'A' Central Services without insisting on the rule of immediate absorption.

{Auth: [DoPT's Resolution No.27\(18\)EO/99\(ACC\) dated 19.04.2000](#)}

8. This Resolution supersedes the Ministry of Finance (Bureau of Public Enterprises) Resolution No. 5(1)/74/BPE(PESB) dated 30.08.1974 and subsequent amendments thereto except things done or committed to be done before such supersession.

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## Chapter 10

### Handling of Court Cases relating to ACC

(In respect of appointments falling within the purview of the Appointment Committee of the Cabinet)

{Auth: (i) [DoPT's OM No. 27\(7\)-EO/86\(ACC\) dated 15.04.1986](#);  
(ii) [DoPT's OM No. 27\(7\)-EO/86\(ACC\) dated 01.05.1986](#);  
(iii) [DoLA's O.M. No.29\(6\)/2015-Judl. dated 08.05.2015](#);  
(iii) [Cabinet Secretariat's DO No.1/50/3/2016-Cab. Dated 16.06.2016](#)}

1. Applications could be filed before a Bench of the Central Administrative Tribunal seeking an order of the Tribunal against action taken by the Ministry/Department on the decision of the Appointment Committee of the Cabinet. In such circumstances, it would become necessary to contest the averments made in the application, drawing attention to the consideration that had been taken into account by the Appointments Committee of the Cabinet. It would also become necessary to claim privilege against a demand from the applicant for a copy of the proceedings of the Appointments Committee of the Cabinet.
2. For these reasons, in all cases where an application is directed against a decision of the Appointments Committee of the Cabinet, the Ministry/Department concerned may kindly consult the Establishment Officer, in the Department of Personnel and Training, who functions as the Secretary of the Appointments Committee of the Cabinet, before taking any action to file a rejoinder to the application before the Bench of the Tribunal. This request may kindly be acted upon, without exception, so that no embarrassment of any nature is caused to the Appointments Committee of the Cabinet.
3. In order to ensure that adequate time is available for examining matters arising out of applications filed before the Central Administrative Tribunal, and falling within the jurisdiction of the Appointments Committee of the Cabinet, it is requested that it should be ensured, in future, that the defence replies/affidavits proposed to be filed before the Central Administrative Tribunal are referred to the Establishment Officer for comments/ concurrence at least 14 days in advance of the filing of such defence replies/affidavits.
4. Instructions issued vide [Department of Legal Affairs' OM dated 08.05.2015](#) and [Cabinet Secretariat's DO dated 16.06.2016](#) regarding handling of court cases may also be strictly adhered to.

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# Chapter 11

## Miscellaneous Instructions

### (A) Date of Superannuation

The full-time Board-level appointees in the Central Public Enterprises whose appointments have been approved by the ACC till the actual date of their superannuation will now retire on the last day of the month in which they attain the age of superannuation.

{Auth: [DoPT's OM No.27\(9\)EO/91\(ACC\) dated 04.07.1991](#)}

### (B) Date of Effect

The date of effect of approval of the ACC in any proposal will be prospective unless otherwise specifically stated in the orders of the Committee communicated to the Ministries/Departments in any specific case.

{Auth: [DoPT's OM No.28\(15\)-EO/84\(ACC\) dated 12.12.1984](#)}

### (C) Submission of Abstracts of ACRs

1. Submission of abstracts of ACRs with proposals for Board level appointments in CPSEs including Nationalised Banks/FIs etc. for obtaining approval of the ACC
2. All proposals for Nationalised Banks/Financial Institutions etc. seeking approval of the ACC, should accompany the abstracts ACRs of the last five years in the enclosed proforma along with the ACR dossiers, in the absence of which, the proposal will be treated as incomplete and shall be returned forthwith. Detailed reasons may also be furnished in case any of the ACRs for the last five years is not available.

{Auth: [DoPT's OM 28\(7\)/EO/2008\(ACC\) dated 16.06.2008](#)}

### (D) Implementation of Orders of ACC

1. Orders/directions of the ACC are required to be implemented within a period of one month of the issue of the order/direction.
2. A copy of orders, implementing the decision of Appointments Committee of the Cabinet must, invariably, be endorsed to Establishment Officer's Secretariat, within one month of the date of receipt in the concerned administrative Ministry/Department.

{Auth: [DoPT's DO No. 28\(15\)-EO/84\(ACC\) dated 31.01.1986](#)}

3. The Secretary of the Department/Ministry will oversee implementation of ACC orders/directions. If the orders/directions are not implemented within one month, such case alongwith the explanation of the concerned official be reported on monthly basis to Establishment Officer for onward submission to the ACC. The report should reach the ACC Secretariat by the 5<sup>th</sup> of each month as per the enclosed annexure.

{Auth: [DoPT's DO No.28\(14\)EO/2005\(ACC\) dated 02.12.2005](#)}



## **(E) Responsibility of the Secretary of concerned Administrative Ministry/Department**

{Auth: (i) [DoPT's DO No.27\(3\)EO/2007\(ACC\) dated 05.10.2007](#);

(ii) [DoPT's DO No.28\(43\)EO/2013\(ACC\)Pt. dated 10.12.2015](#)}

The Secretaries of the Ministries/Department should be personally responsible for timely initiation and processing of the cases as per the schedules laid down in the instructions issued by the Department of Personnel and Training. In cases of delay, the Secretary of the Department would personally furnish a suitable clarification explaining the reason for the delay, for perusal of the ACC.

2. The Cabinet Secretary vide DO letter dated 10.12.2015 has also issued the following instructions:

- (i) Proposals not submitted to the EO's office at least two months in advance of the date of vacancy/ending of the additional charge arrangement/ending of the approved tenure, as the case may be, would have to be accompanied by a "Delay Statement" duly signed by the Secretary of the Ministry/Department indicating the time taken at various stages of processing the proposal, the reasons for delay and the action taken to avoid such situations in future.
- (ii) The position on AVMS should be updated within a period of 07 days and a certificate to the effect that the position with respect to all posts pertaining to the Ministry/Department has been updated till last date of the previous month must henceforth be attached with all ACC proposals.

## **(F) Reconsideration of Orders of ACC**

{Auth: [DoPT's OM No.27\(2\)/EO91\(ACC\) dated 14.02.1991](#)}

The Ministries/Departments should avoid sending of proposals for re-consideration of the decisions of the ACC, which have been taken after due consideration of their proposals. It will be the personal responsibility of the Secretary of the Ministry/Department concerned to have the orders of the ACC implemented immediately, on their receipt by the respective Ministry/Department.

## **(G) Rectification of Any Discrepancies in Instructions**

In case of any discrepancy with respect to the contents of any instruction, contained in this compilation, or their applicability, the same may be brought to the notice of this Department immediately for its rectification. Further, in case of any discrepancy between the contents of this Compendium and the original instructions, the text of the original instructions shall be taken as authentic.

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## Appendix – I

### Competent Authorities

S. No.	Category	Subject	Competent Authority
I.	Appointment	(i) All Board level appointments in respect of Schedule 'A' and 'B' CPSEs including CMDs/MDs, Functional Directors	ACC
		(ii) Appointment of CMDs/MDs and Functional Directors in Schedule 'C' and 'D' CPSEs, provided the appointment is in accordance with the recommendations of PESB	Minister-in-charge
		(iii) Appointment of CMDs and Functional Directors in Schedule 'C' and 'D' CPSEs, where the Administrative Ministry/Department disagrees with the recommendations of PESBs whether in regard to the order of preference in which the names of the persons are placed in the panel or salary or tenure etc.	ACC
		(iv) Appointment of Non-official Directors/Independent Directors on the Boards of Schedule 'A' and 'B' CPSEs	ACC
		(v) Appointment of Non-official Directors/Independent Directors on the Boards of Schedule 'C', 'D' and un-categorised CPSEs	Minister-in-charge in consultation with the MoS(PP), DoPT. MoS(PP) can seek orders of PM in case he considers it necessary in any particular case
		(vi) Exemption from the rule of immediate absorption	ACC
		(vii) Selection through a method other than the standard PESB procedure	ACC
		(viii) Board level appointments in CPSEs, which are exempted from PESB procedure and /or rule of immediate absorption irrespective of Schedule	ACC
		(ix) Extension of validity of panel recommended by PESB	PESB
II.	Additional charge	<b>Schedule 'A' and 'B' CPSEs</b>	
		(i) Entrustment of additional charge arrangement up to a period of three months from the date of vacancy subject to the additional charge being entrusted to the senior-most functional Director in the CPSE who is clear from the vigilance angle.	Minister-in-charge (any deviation from the prescribed condition, would require prior approval of ACC)
		(ii) Entrustment of additional charge arrangement beyond three months and up to a period of six months from the date of vacancy subject to the conditions prescribed at para (i) above	MoS(PP)
		(iii) Entrustment of additional charge arrangement beyond six months	ACC

S. No.	Category	Subject	Competent Authority
		<b>Schedule 'C' and 'D'</b>	
		(iv) Entrusting of additional charge arrangements irrespective of the period for which the additional charge is assigned, subject to the conditions specified in para III of the instructions dated 17.08.2005 circulated vide DoPT's OM No. 26(3)EO/2004(ACC)	Minister-in-charge
		<b>BIFR referred CPSEs</b>	
		(v) Entrusting additional charge in respect of all BIFR referred companies {BIFR has since been replaced by National Company Law Tribunal (NCLT)}.	MoS(PP)
III.	Current charge arrangement	(i) Current charge arrangement upto a period of 03 months	Minister-in-charge
		(ii) Current charge arrangement beyond period of 03 months	Not permissible
IV.	Extension	(i) Extension of tenure of Board level appointees in Schedule 'A' and 'B' PSUs	ACC
		(ii) Extension of Tenure of Board level appointees in Schedule 'C' and 'D' PSUs a) as per the recommendation of PESB b) if recommendation of PESB is not proposed to be accepted	Minister-in-Charge ACC
		(iii) Ad-hoc extension of Board Level incumbents of BIFR (since replaced by NCLT) referred companies up to six months	MoS(PP)
		(iv) Ad-hoc extension of tenure up to 03 months in respect of Board level appointments where vigilance clearance is available and proposal has been sent to PESB for joint appraisal but its recommendations are not available	MoS(PP)
		(v) Ad-hoc extension of tenure when vigilance clearance is not available	ACC
		(vi) Extension of period of deputation where the initial appointment on deputation basis was with approval of ACC	ACC
V.	Resignation / Repatriation	Acceptance of resignation / pre-mature repatriation of Board level appointees (including NoDs) appointed with ACC's approval	ACC
VI.	Termination/ Non-extension	Premature termination or non-extension of tenure of Board level appointees (including NoDs) appointed with ACC's approval	ACC
VII.	Transfer	(i) Internal Transfer of Functional Directors from one post to another within State-owned Public corporation, company or enterprise	ACC
		(ii) Intra-company transfer of Chairman Managing Director and Functional Directors of CPSEs between holding companies and subsidiaries and with the subsidiaries	ACC

<b>S. No.</b>	<b>Category</b>	<b>Subject</b>	<b>Competent Authority</b>
VIII.	Grant of higher pay scale	Grant of higher pay scale to incumbents of Board level posts, even on personal basis	ACC
VIII.	Creation/upgradation of Board level post	Creation/upgradation of Board level posts in CPSEs	DPE
IX.	Categorisation of CPSE	Categorisation of a CPSE in appropriate schedule, Board structure, wage structure, personnel strength and other related matters	DPE
X.	Relaxation	(i) Relaxation of norms relating to age, qualification, eligibility criteria (ii) Cases of disagreement between Ministry and PESB relating to finalization of job description, etc.	ACC

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## Appendix-II

### Procedural requirements for submission of cases to the ACC

<p><b>I. Prescribed Proforma and Documents required for obtaining ACC's approval</b></p> <p><b>A.</b> Proposals for consideration of the ACC are to be submitted in the following proforma :</p> <p>(i) <a href="#">Proforma-I</a> for appointment / extension in tenure of CMD / Functional Directors ;</p> <p>(ii) <a href="#">Proforma-II</a> for additional charge / extension of additional charge ;</p> <p>(iii) <a href="#">Proforma-III</a> for appointment of Non-official Directors.</p> <p><b>B. Checklist</b> - The following documents are required to be submitted alongwith proposals requiring approval of the ACC :</p> <p style="text-align: right;">{Auth : <a href="#">DoPT's OM No.28(43)2013(ACC) dated 31.07.2014</a>}</p> <p><b>1. Appointment</b></p> <p>(i) Proforma (alongwith checklist)</p> <p>(ii) Copy of Advertisement</p> <p>(iii) Copy of application</p> <p>(iv) Recommendation of PESB/ Search-cum-Selection Committee</p> <p>(v) Copy of CVC clearance/CVO clearance</p> <p>(vi) Chronology of dates</p> <p>(vii) APARs for the last five years</p> <p>(viii) Abstract of APARs</p> <p>(ix) In case the panel is 01 year old, approval of PESB for revalidation</p> <p><b>2. Extension/Ad-hoc Extension</b></p> <p>(i) Proforma (alongwith checklist)</p> <p>(ii) Copy of CVC clearance/CVO clearance</p> <p>(iii) In case CVC's clearance is pending, details of vigilance status alongwith specific views of the Ministry on the pending cases/complaints</p> <p>(iv) Chronology of dates</p> <p>(v) Special Performance Report / PESB Joint Appraisal recommendation</p> <p>(vi) DPE's approval for exempting the post from the rule of immediate absorption (wherever applicable)</p> <p>(vii) APARs for the last five years</p> <p>(viii) Abstract of APARs</p> <p><b>3. Non-Extension</b></p> <p>(i) Special Performance Report</p> <p>(ii) PESB's Joint Appraisal recommendation, if any</p> <p>(iii) Detailed justification for non-extension</p> <p>(iv) Vigilance Status and CVC's advice if non extension is proposed on account of pending cases.</p> <p>(v) APARs for last five years</p> <p>(vi) Abstract of APARs</p> <p>(vii) Proposal for entrusting the additional charge of the post</p> <p><b>4. Additional Charge</b></p> <p>(i) Proforma (alongwith checklist)</p> <p>(ii) CVC clearance, if required in terms of <a href="#">DPE's OM No. 18(23)/2005-GM dated 16.10.2008</a> (in case CVC clearance has been sought and is awaited, clearance from CVO with the details of complaints pending/contemplated against the proposed officer and the Ministry's comments thereon)</p> <p>(iii) Chronology of dates</p> <p>(iv) Status of filling up the post on regular basis / PESB's recommendation</p> <p>(v) APARs of the last five years</p> <p>(vi) Abstract of APARs</p>
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## **5. Scrapping of PESB/DPE panel**

- (i) PESB/DPE's recommendation
- (ii) Detailed justification for the same with the views of Minister-in-charge
- (iii) Bio-data of candidates recommended by PESB/DPE
- (iv) Vigilance status in case of Functional Directors/CMDs

## **6. Non-official Director**

- (i) Proforma (alongwith checklist)
- (ii) DPE's recommendation
- (iii) Chronology of dates
- (iv) Declarations in accordance with [DPE OM No.18/3/97-DPE \(GM\) dated 10.10.1997](#)
- (v) Bio-data of the candidates
- (vi) Certificate for no clash of interest
- (vii) Details of directorship held by the proposed candidate (s) in PSUs/private companies
- (viii) If any relaxation is required (like on age, etc.), reasons with recommendation of Minister-in-charge for the same
- (ix) In case the panel is more than one year old, approval of the DPE for revalidation

7. In addition, all the proposals requiring approval of the ACC shall also accompany the following documents :

- (a) The updated AVMS statement pertaining to the post in question.
- (b) A printout of the last monthly certificate as per para 3(i) above submitted by the Nodal Officers on AVMS.
- (c) A certificate from the concerned Joint Secretary signing the proposal that the status of all posts being dealt by him has been updated on AVMS.
- (d) Proposals not submitted to the EO's office at least two months in advance of the date of vacancy/ending of the additional charge arrangement/ending of the approved tenure, as the case may be would have to be accompanied by a "Delay Statement" duly signed by the Secretary of the Ministry/Department indicating the time taken at various stages of processing the proposal, the reasons for delay and the action taken to avoid such situations in future.

{Auth: (i) [DoPT's OM No. 28\(43\)EO/2013\(ACC\) dated 22.04.2015](#)  
(ii) [DoPT's OM No. 28\(43\)EO/2013\(ACC\)Pt. dated 10.12.2015 & 08.07.2016](#)}  
(iii) [DoPT's OM No. 24\(5\)EO/2011\(ACC\) dated 18.07.2016](#)}

8. In case a post has been lying vacant for more than a year, and has accordingly fallen in the deemed abolished category, concurrence of the Department of Expenditure for its revival is required to be enclosed alongwith any proposal pertaining to the post in question.

{Auth: [DoPT's OM No. 27\(7\)/EO/1992\(ACC\) dated 31.07.2003](#)}

## **9. Status of Disciplinary Proceedings**

In respect of disciplinary cases, charge memo, chronological details of the status of the disciplinary proceedings and inquiry report, if any, advice of the UPSC/CVC, etc., if any, is to be furnished.

## **10. Details of Court Cases**

Wherever court cases are involved, copies of the court orders of the action taken by the Department to file appeal/writ, etc. advice of the Department of Legal Affairs and DoPT, any other relevant information, are to be furnished.

## **11. Verification of Character Antecedents**

For appointment of persons (i.e. a person not in Government service) from the open market, antecedent reports/police verification, approval of the competent authorities and clearances are required to be submitted.

{Auth: [DoPT's OM No.27\(7\)/EO/97\(ACC\) dated 31.07.2003](#)}

	<p><b>12. Details of Additional Charge Arrangements</b></p> <p>Details of additional charge arrangements made for the post should be mentioned. If ACC's approval has not been obtained previously, proposals for their regularization should accompany.</p> <p><b>13. Abstracts of ACRs</b></p> <p>Abstracts of ACRs of the last five years in respect of the proposed officers should be attached. {Auth: <a href="#">DoPT's OM No.8/2/2006-EO (SM.II) dated 11.08.2006</a>}</p> <p><b>14. Copy of Circular/Advertisement</b></p> <p>Copy of circular/advertisement should be furnished, clearly indicating the date of issue (if minimum time for response was not allowed, reasons there for). {Auth: <a href="#">DoPT's OM No.AB.14017/11/2004-Estt.(RR) dated 30.07.2007</a>}</p> <p><b>15. Status of Implementation of ACC Directions</b></p> <p>Status of implementation of previous ACC directions relevant to the proposal should be should be specified alongwith the proposal. {Auth: <a href="#">DoPT's O.M No.22/41/2005-EO(SM.II) dated 26.03.2006</a>}</p>
<b>II.</b>	<p><b>Time Limit For Submission Of Proposal To EO's Office</b></p> <p>As per the extant instructions, all proposals requiring ACC's approval should reach in the Office of the Establishment Officer at least two months in advance from the date of occurrence of vacancy.</p> <p>{Auth: (i) <a href="#">Cabinet Secretary's DO letter No.9/10/2004-CS(A) dated 14.07.2004</a> ; (ii) <a href="#">DoPT's OM No.27(7)EO/92(ACC) dated 05.10.2004</a> ; (iii) <a href="#">DoPT's DO No. 29(4)EO/2006(ACC) dated 18.04.2006</a> ; (iv) <a href="#">DoPT's OM No.28(43)EO/2013(ACC) dated 31.07.2014</a> ; (v) <a href="#">DoPT's OM No.27(4)EO/2014(ACC) dated 22.10.2014</a> ; and (vi) <a href="#">DoPT's OM No.17(9)EO/2014(ACC) dated 30.10.2014</a>}</p>

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