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**No.22034/5/2004-Estt (D)**  
**Government of India**  
**Ministry of Personnel, Public Grievances and Pensions**  
**(Department of Personnel & Training)**

December 15 , 2004

**OFFICE MEMORANDUM**

**Subject:- Promotion of persons undergoing a penalty – clarification regarding.**

The undersigned is directed to refer to DoPT OM No. 21/5/70-Estt (A) dated 15th May, 1971(reiterated vide O.M. No. 22011/2/78-Estt(A) dated 16.2.1979) and to say that in terms of the provisions of these Office Memoranda, a Government servant, on whom a minor penalty of withholding of increment etc. has been imposed should be considered for promotion by the Departmental Promotion Committee which meets after the imposition of the said penalty and after due consideration of full facts leading to imposition of the penalty, if he is still considered fit for promotion, the promotion may be given effect **after** the expiry of the currency of the penalty. It has, however, been separately clarified vide Office Memorandum No. 22011/2/92-Estt (D) dated 30<sup>th</sup> November, 1995 that in such cases, the seniority would be fixed according to the position of the officer in the panel on the basis of which he is promoted on expiry of the period of currency of the penalty.

2. **D**oubts have been expressed regarding the pay fixation and date of commencement of the eligibility service in such cases. It is clarified that since the promotion is to take effect only from a date subsequent to the expiry of the currency of the penalty, the officer would be entitled to pay fixation in the promotional grade with effect from the date of actual promotion only. Even if a person junior to him in the panel is promoted earlier, it will have no bearing on the pay to be allowed on promotion to the officer on whom a penalty was imposed, and there shall be no stepping up of his pay.

3. **S**imilarly, as the officer undergoing penalty is not to be promoted during the currency of the penalty, the eligibility service in the promotional grade for further promotion shall commence only from the date of actual promotion and in no case, it may be related, even notionally, to the date of promotion of the junior in the panel.

**(Alok Saxena)**  
**Director**

To  
**All Ministries/Departments of the Government of India.**