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No. F.8(4)-E.G.I./81
Government of India
Ministry of Finance
Department of Expenditure

New Delhi, the 15th March, 1961.

OFFICE MEMORANDUM

SUBJECT: - Creation of Supernumerary posts.

Instructions have been issued by this Ministry from time to time regarding the creation of supernumerary posts to accommodate the following categories of officials:-

- (i) Displaced permanent Central Government servants, who on their migration to India after partition, could not be absorbed in regular permanent duty posts (Ministry of Finance O.M.No.F.24(10)-Est.IV/49 dated 24-3-1949).
- (ii) Permanent employees of the erstwhile Indian States, who were taken over for service under the Central Government consequent upon the Federal Financial Integration of States and who could not be absorbed in permanent posts (Ministry of Finance O.M.No.F.5(31)-Est.II/51, dated 27-4-1953).
- (iii) Permanent Government servants who are substantively reduced to a lower post on account of inefficiency or misbehaviour and for whom permanent posts in the lower service/grade/time-scale etc., are not available (Ministry of Finance O.M.No.9(3)-E.IV/A/60, dated 29-8-1960)
- (iv) Permanent Government servants who vacate their posts as a result of dismissal, removal or compulsory retirement but are later reinstated after the expiry of a period of more than one year/Government of India Administrative Instruction below R.R.54 as substituted by this Ministry's Order No.F.5/15-E.IV(A)/60(II), dated 4-1-1961.

2. From the proposals received in this Ministry for the creation of supernumerary posts, it appears that there are still doubts as to the circumstances in which supernumerary posts may be created and the principles governing the creation of such post. While it is obviously not possible to give an exhaustive list of the circumstances in which supernumerary posts may be created, the following broad principles governing the creation of such posts may be indicated:

(i) A supernumerary post is normally created to accommodate the lien of an officer, who, in the opinion of the authority competent to create such a post, is entitled to hold a lien against a regular permanent post but who, due to non-availability of a regular permanent post, cannot have his lien against such a post.

(ii) It is a shadow post, i.e., no duties are attached to such a post. The officer, whose lien is maintained against such a post, generally performs duties in some other vacant temporary or permanent post.

(iii) It can be created only if another vacant permanent or temporary post is available to provide work for the person whose lien is retained by the creation of the supernumerary post. In other words, it should not be created in circumstances which, at the time of the creation of the post or thereafter, would lead to an excess of the working strength.

(iv) It is always a permanent post. Since, however, it is a post created for accommodating a permanent officer till he is absorbed in a regular permanent post, it should not be created for an indefinite period as other permanent posts are, but should normally be created for a definite and fixed period sufficient for the purpose in view.

(v) It is personal to the officer for whom it is created and no other officer can be appointed against such a post. It stands abolished as soon as the officer for whom it was created vacates it on account of retirement or confirmation in another regular permanent post or for any other reason. In other words, no officiating arrangements can be made against such a post. Since a supernumerary post is not a working post, the number of working posts in a cadre will continue to be regulated in a manner that if a permanent incumbent of one of the regular posts returns to the cadre and all the posts are manned, one of the officers of the cadre will have to make room for him. He should not be shown against a supernumerary post.

(vi) No extra financial commitment is involved in the creation of such posts in the shape of increased pay and allowance, pensionary benefits, etc.

3. The President is hereby pleased to decide that, subject to the observance of the principles set out in the preceding paragraph, supernumerary posts may be created by the administrative authorities under their own powers to the same extent they are competent to create regular permanent posts. Cases where deviations from the general criteria mentioned above are involved may be dealt with in consultation with the Ministry of Finance.

4. Administrative authorities should maintain a record of the supernumerary posts, the particulars of the individuals who hold liens against them and the progressive abolition of such posts as and when the holder of the posts retire or are absorbed in regular permanent posts, for the purpose of verification of service for pension.

5. In so far as Indian Audit and Accounts Department is concerned, these orders issue after consultation with the Comptroller and Auditor General of India.

Sd/-

(C.R. KRISHNAMURTHY)

DEPUTY SECRETARY TO THE GOVERNMENT OF INDIA.

To

All Ministries of the Government of India, etc., etc.