

Frequently Ask Questions (FAQ) **[General Management(G.M.) Division]**

Question1: What action is taken by DPE if CPSEs do not follow the guidelines?

Answer: Being a nodal Department for CPSEs, DPE is to issue guidelines pertaining to common issues concerning CPSEs in respect of non-financial matters. However, the implementation of DPE Guidelines is monitored by the administrative Ministry/ Department concerned with CPSEs.

Question2: Is DPE guidelines applicable uniformly to all CPSEs?

Answer: The guidelines issued by GM Division of DPE are common to all the Central Public Sector Enterprises (CPSEs) subject to conditions laid down in a guideline, if any. CPSEs evolve rules and regulation in respect of their day-to-day working under the broad guidelines issued by Government time to time. However, those CPSEs which are in banking, insurances and financing sectors, DPE's guidelines are not applicable to those. The CPSEs functioning in banking, insurances and financing sectors come under the jurisdiction of Department of Financial Services(DFS), Ministry of Finance, Gol.

Question3: Is all DoPT instructions / guidelines applicable to CPSEs?

Answer: All the rules and guidelines formulated by DoPT, Ministry of Personnel, Public Grievances and Pensions are not applicable to the Central Public Sector Enterprises (CPSEs) except the statutory Acts of Government of India as promulgate and procedure laid down in this regard like reservations etc. DPE extends only those guidelines of DoPT / Government to CPSEs, which are specifically meant for CPSEs.

Question4: Under what rules CPSEs employees are governed?

Answer: The employees of a Central Public Sector Enterprises (CPSEs) are governed by its own Conduct, Discipline and Appeal (CDA) rules and also as per their Human Resource (H. R.) policy. These CDA rules and HR policy is framed by the management of CPSEs with the approval of their Board and in consultation with their respective administrative Ministry / Department as and when required. DPE has only issued a Model CDA Rules for CPSEs vide it's BPE OM No. 2(121)/73-BPE (GM-I) dated 26th April, 1974 amended time to time.

Question5: How complaints against any employee(s) of CPSE or its management can be lodge?

Answer: (i) Complaints against employees / executives in the Central Public Sector Enterprises (CPSEs) or its management functioning are handled as per the provisions contained in the Conduct, Discipline and Appeal (CDA) Rules framed by the CPSE. Further, CPSEs are under the administrative jurisdiction of their respective administrative Ministry / Department as such complaints against employees / executives of CPSEs or its management may also be lodged with their respective administrative Ministry / Department.

(ii) Complaint against Chief Executives/CMD/MD/Directors of the Central Public Sector Enterprises and CMDs of the Public Sector Banks and Financial Institutions are to be handled in accordance with DPE's OM dated 11-03-2010 read with amendment dated 12-04-2010 and 11-05-2011.

Question6: What is the recruitment / promotion policy in CPSEs?

Answer: There are four category of CPSEs i.e. Schedule-A, B, C & D. The Employees in these Central Public Sector Enterprises (CPSEs) are categories as Managerial/ Executives, Supervisors, Workers (Skilled and Unskilled), as such CPSEs are having their own policy for recruitment, promotion, wage, medical etc. under broad guidelines issued by Government time to time. These policies are framed by the management of CPSE in consultation with its administrative Ministry/Department, if any. However, while formulating such policies, statutory provision regarding reservation matters etc. are to be kept in mind.

Question7: What are the qualifications, experience etc. criterion required / accepted by CPSEs.

Answer: Recruitments to posts below Board level are done by the Management of respective Central Public Sector Enterprises (CPSEs) as per their Recruitment/ Human Resource Policy. The necessary qualification and eligibility criterion for posts below Board level is decided by the respective Central Public Sector Enterprise (CPSE) as per their H.R. Policy. The Department of Public Enterprises has not issued any guidelines in this regard.

Question8: Is DoPT's Recruitment Rules are applicable to CPSEs?

Answer: The rules and guidelines formulated by DoPT, Ministry of Personnel, Public Grievances and Pensions regarding recruitment is not applicable to the Central Public Sector Enterprises (CPSEs). As the recruitment to all posts below the Board level in CPSEs fall within the purview of management of respective CPSEs. Recruitment rules for specific posts are framed by CPSE themselves keeping in view the specific requirement of the post(s).

Question9: What are the various leave rules followed in CPSEs ?

Answer: Leave Rules including paternity leave in Central Public Sector Enterprises (CPSEs) are framed by the management of CPSEs in consultation with their administrative Ministry / Department, if any. DPE has not issued any guidelines in this regard. However, 26th January, 15th August and 2nd October have to observed as national holidays.

As per the Maternity Benefit Act 1961, every woman employee of CPSE has to be given Maternity leave according to her eligibility. Duration of Maternity leave and procedure to avail it, is to be governed as per the above Act. DPE has issued a guidelines to bring uniformity on Paternity leave / Maternity leave /Child Care leave vide OM No. 6(1)/2014-DPE(GM) dated 18-06-2014 which are available at DPE's web-site and self-explanatory.

Question10: What is the policy on campus recruitment by CPSEs?

Answer: Policy on inductions of campus recruits, to the posts below Board level is framed by the concerned CPSE in consultation with their administrative Ministry/ Department.

Question11: Kindly provide details of vacant posts in CPSEs.

Answer: No centralized information in respect of vacant posts of below Board level in CPSEs is maintained by DPE as recruitment against such posts is done by the Board of concerned CPSE.

Question12: What is the procedure of transfer of Bond given by an employee from one CPSE to another CPSE in case of selection of employee in another CPSE.

Answer: In this regard DPE guideline issued vide its OM no. 15(2) / 2003-DPE(GM) / GL-57 dated 29-07-2004 for Enforcement / transfer of bond in respect of employees of Central Public Sector Enterprises (CPSEs) who leave the services of one CPSE to join another CPSE / Government organization may be seen the content which is self-explanatory.

Question13: Give details of category wise posts in CPSEs viz-viz Central Government Posts.

Answer: There is no categorization of posts as Class-I / II/ III/IV or Group-A/B/C/D in the Central Public Sector Enterprises as in the case of Government set up. CPSEs are absolutely on a different footing in terms of pay structure, having different schedule (A,B,C & D) & status (Navratna, Maharatna, Miniratna) and hence, as such no equivalence can be drawn between the two. Apart from these, the role & responsibility of Class-I (Group-A) Central Government Officer is totally different than that of CPSEs executives.

Question14: What is the policy of reservation in recruitment / promotion in CPSEs?

Answer: DPE vide its OM No. 20(10)/99-DPE-GM-Part-2014-FTS-1517 dated 25th February, 2015 has clarified that instructions as issued by Government in respect of reservations to SC/ ST/ OBC/ Disability & Ex-servicemen are to be taken as *mutatis mutandis* extended to all the CPSEs concerned unless specifically specified otherwise by DPE.

Question15: What is the quantum of reservation in CPSEs ?

Answer: The present quota of reservation for employees belonging to SC, ST and OBCs where recruitment is on All-India basis through open competition as well as other categories of employees entitled to reservation is indicated below:–

	Group 'A' & 'B'	Group 'C'	Group 'D'
Scheduled Castes	15%	15%	15%
Scheduled Tribes	7.5%	7.5%	7.5%
Other Backward Classes (Including sub quota of 4.5% for Minorities)	27%	27%	27%
Physically Handicapped Persons	3%	3%	3%

All the statutory provisions pertaining to reservations including reservation in promotion as laid down by Government / DoPT from time to time are also applicable to CPSEs.

Question16: What is the criterion for determining the “creamy layer” for OBCs in the CPSEs?

Answer: The pay pattern, perks and allowances of posts in Central Public Sector Enterprises(CPSEs) are completely different from the posts in Government and therefore determination of exact equivalence of CPSEs posts with Group A, B, C & D level posts in Government is not feasible. A general principle for determination of creamy layer for the purpose of reservation in the posts under various CPSEs for the OBCs however has been laid down by DPE vide their OM No. DPE-GM/0020/2014-GM-FTS-1740 dated 25th October, 2017(available in the website dpe.gov.in). As per the OM all

the Executive level posts in CPSEs i.e Board level Executives and below Board level Executives which are managerial level posts will be considered as 'creamy layer' subject to the proviso that those Executives whose annual income as per criteria given in DOPT OM dated 8.9.1993 is less than Rs. 8 lakhs (as amended vide DoPT Om No.36033/1/2013-Estt(Res) dated 13-09-2017) will not fall under creamy layer criteria. All non-executive level posts in CPSEs will fall under non-creamy layer irrespective of the income. The specific order in accordance with the above principle for determination of Creamy Layer criteria in respect of the posts in the CPSEs is required to be issued by the concerned CPSE and could be obtained directly from the concerned CPSE. A sample copy of the order issued by a REC is as under for information.



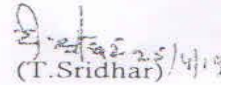
CIRCULAR

Ref. No.: 01/2018/HR/CO/ 20 -dated 25 April 2019 / 854.

Sub: - Establishing equivalence of posts in Central Public Sector Enterprise (CPSEs) with posts in Government for establishing Creamy layer criteria

In pursuance to DPE OM no. DPE-GM-/0020/2014-GM-PTS-1740 dated 25th October 2017 for establishing equivalence of posts in Central Public Sector Enterprise (CPSEs) with posts in Government for establishing creamy layer criteria amongst Other Backward Classes (OBCs), it is notified that all the Executive level posts in REC i.e. Board and below board level Executive will be considered as "creamy layer" subject to the proviso that those Executives whose annual income as per criteria given in DoPT OM dated 08-09-1993, is less than Rs. 8 Lakhs (as amended vide DoPT OM no. 36033/1/2013- Estt. (Res) dated 13.09.2017), will not fall under creamy layer criteria.

This is issued as per guidelines of DPE.


(T.Sridhar)/4/19

Dy. General Manager (HR)

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Question17: Is the other policies of Government in respect of payment of Transport Allowance at double the normal rate to handicapped employees and posting / transfer of disable employees are applicable in CPSEs?

Answer: Ministry of Social Justice & Empowerment / Department of Personnel & Training (DoPT) are the nodal Department to formulate policy for persons with disabilities in services in Govt. Departments. All the policies / guidelines issued by Government, which are specifically meant for compliance in the Central Public Sector Enterprise (CPSE), are extended by Department of Public Enterprises (DPE) through the administrative Ministries/ Departments for compliance in CPSEs under their administrative control. DPE vide OM No. 6/7/2002-DPE(SC/ST Cell) dated the 15th November, 2011 has issued necessary guidelines for payment of Transport Allowance at double the normal rate to orthopedically handicapped employees suffering from disability in the lower extremities, who are on CDA /IDA Scales of Pay.

DPE vide its communication No. 6(9) / 2006-DPE(SC/ST Cell)-Part dated 7th April, 2014 has also forwarded DoPT OM No. 36035/3/2013-Estt. (Res) dated 31st March, 2014 pertaining to providing certain facilities in respect of persons with disabilities (PWD) who are already employed in Government for efficient performance of their duties.

Question18: The concession and relaxation for promotions with in Group-A for SC/ST officers of CPSU which is prevailing as on today after 6th pay commission.

Answer: There is no parity in the scale of pay and the position / level of Government officers and that of officers / executive in the Central Public Sector Enterprises (CPSEs). There is no category as Class-A in the Central Public Sector Enterprises as in the case of Government set up. However, the Grade Pay(G.P.) of Rs. 8700/- has been fixed by DoPT and DPE accordingly has identified grade E-5 in Central Public Sector Enterprises (CPSEs) equivalent to this grade pay (GP Rs. 8700/-) for the concession to SC/ST in posts filled by promotion by selection. In this regard, DPE OM No. 6/11/2004 - DPE (SC / ST Cell) dated 31-01-2014 may be referred .

Question19: What is vigilance setup of CPSEs?

Answer: Under the vigilance setup of CPSEs, Chief Vigilance Officers (CVOs) are appointed to tackle corruption by improving vigilance administration. CVOs also play a preventive and punitive role to deal with the cases of corruption / malpractices in CPSEs. Appointment of CVOs in CPSEs is done in consultation with DoPT.

CVO of the concerned CPSEs report individual cases of criminal and financial irregularities and frauds to CVC / CBI / administrative Ministry / Department of concerned CPSEs. Prosecution is launched by CBI in criminal cases and disciplinary action is taken for official misconduct by the management of respective CPSEs and concerned administrative Ministries / Departments in individual cases.

Question20: List the details of Financial Irregularities and Fraud in CPSEs.

Answer: The detail in regard to Financial Irregularities and Fraud in CPSEs is not maintained

centrally by Department of Public Enterprises (DPE). Comptroller and Auditor General of India (C&AG) conduct the audit of CPSEs. The significant audit findings are reported to the Parliament through the audit reports of the C&AG. The administrative Ministries / Departments of CPSEs take necessary action including remedial action in regard to Financial Irregularities and Fraud in CPSEs under their administrative control.

Question21: What is the status of Vacancy / job requirement in CPSEs?

Answer: Department of Public Enterprises (DPE) is a nodal Department for Central Public Sector Enterprises (CPSEs) only. However, there is no CPSE/ autonomous body under the administrative control of DPE. Further, no centralized data is maintained by DPE on the job requirement of CPSEs. Further CPSEs are expected to widely publicize all recruitment drives, as such applicant may also see Employment News and other newspapers time to time. A web link has also been created on DPE's website(www.dpe.nic.in) under title "Vacancy in CPSEs" wherein jobs available in various CPSEs can be seen.

Question22: The circumstances under which any CPSEs can deviate from the DPE guidelines.

Answer: In special circumstances, with the approval of administrative Ministry/Department, CPSEs can follow the Guidelines with modified instructions.
