

F. No. 16(2)/2010-GM
Government of India
Ministry of Heavy Industries and Public Enterprises
Department of Public Enterprises

Block No.14, CGO Complex,
Lodi Road, New Delhi-110003
Dated the 19th November, 2015

OFFICE MEMORANDUM

Subject: Dealing with representations for review of ACRs of top management incumbents of Central Public Sector Enterprises (CPSEs)

The undersigned is directed to state that this Department had laid down the guidelines and procedure for writing of Annual Performance Appraisal Reports (APARs) of top management incumbents of CPSEs vide DO letter dated 5th April, 2010.

2. This Department has examined the issue of disposal of representations for review of ACR in respect of cases where Accepting Authority is same as Reviewing and/or Reporting Authority, in the light of (a) provisions of earlier DPE guidelines dated 18.10.2005, which inter-alia provided that "all representations against adverse remarks need to be examined by an authority superior to the reviewing officer, in consultation, if necessary, with the reporting and the reviewing officers" (para 6-iii of OM dated 18.10.2005) and (b) relevant provisions of The All India Services (Performance Appraisal Report) Rules, 2007. It has now been decided to set up a system of Referral Board to provide for a more robust, independent and transparent process of dealing with representations against ACR grading in exceptional cases where Accepting Authority is same as Reporting or/and Reviewing authority and in the above reporting structure, the officer reported upon is not satisfied with review undertaken by Accepting Authority in terms of para 7.2 of the said DPE guidelines dated 5.4.2010.

3. The modalities of the proposed Referral Board would be as under:

(i) Composition :- The composition of the proposed Referral Board would be as under:

For below Board level executives (E-8 and E-9 level) of CPSEs :- Secretary of the concerned administrative Ministry to constitute a Committee of 2-3 officers from the Board of Directors of the concerned CPSE and decide on the representation on the basis of recommendations of this Committee.

For Board level executives of CPSEs :- Minister-in-charge of the concerned administrative Ministry to constitute a Committee of 3 officers comprising of (a) senior officer of the concerned administrative Ministry (not below the rank of Joint Secretary), (b) senior officer from DPE (not below the rank of Joint Secretary) and (c) non-official/Government Director from the concerned CPSE, and decide on the representation on the basis of recommendations of this Committee.

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(ii) The Referral Board will complete the exercise of deciding on the representation within one month of the receipt of such representation and give its decision.

(iii) The concerned officer will have to approach the Referral Board within one month of receipt of the review by Accepting Authority, provided that such representation shall be confined to error of facts.

(iv) The decision of Referral Board would be final with no further review.

4. All administrative Ministries/Departments are requested to take note of the above decision for their information and further necessary action.


(M. Subbarayan)
Joint Secretary
Tel : 2436-6247

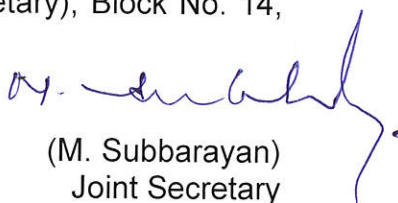
To Secretaries of all administrative Ministries/Departments (by name)



Copy to:-

- (i) Department of Personnel & Training, (Shri Sanjay Kothari, Secretary), North Block, New Delhi.
- (ii) Public Enterprises Selection Board (Shri Rajiv Rai, Secretary), Block No. 14, CGO Complex, Lodi Road, New Delhi.




(M. Subbarayan)
Joint Secretary
