

### 8.34 Annual confidential Reports - written by the Reporting Officers after demitting office in the middle of the year - Clarification

Personnel and Administrative Reforms (K) Department

G.O. (Ms) No. 86

Dated : 04.04.2007

Read :

1. G.O. (Ms) No.11, Personnel and Administrative Reforms (R) Department , dated 05.01.84.
2. G.O. (Ms) No.85, Personnel and Administrative Reforms (R) Department, dated 08.02.96.

#### ORDER

Government have issued instructions from time to time that Personal Files should be written promptly by the Reporting Officer. However, if it is not possible due to extra-ordinary reasons, he should have left behind for the information of his successor, a full note on the subordinate officers for incorporation in the report. To ensure prompt and upto date maintenance of Confidential Reports in the case of officers who relinquish charge on transfer or for other reasons, the handing over charge report (CTC) should accompany a report to the effect that they have written the Confidential Reports on all their subordinates furnishing a list of the officers in respect of whom they have to submit report.

2. While reviewing the above instructions in February 1996, it was observed then that there is very little time, after receipt of transfer order and before actual handing over of charge and it is not possible to write confidential reports while handing over charge.

3. The Government therefore examined the above issue and issued orders in Government order second read above that whenever a reporting officer demits office either on transfer or for other reasons in the middle of the year, he should make upto date the personal files of officers under their control and the personal files should be written by the reporting officer not later than 90 days after demitting office.

4. It has now been brought to the notice of the Government that allowing even 90 days, after demitting office, causes much delay in writing the Annual Confidential Reports. Such delay in the case of State Service Officers results in delay in getting their promotion to All India Services due to Non-Finalisation of Select lists of 2005 and 2006 by the Union Public Service Commission. The Hon'ble High Court of Chennai has upheld the views of Central Administrative Tribunal, Madras Branch in a particular case. The High Court has ruled that

"In the event of non-writing of one or more Annual Confidential Reports (ACRs) for any reason during the relevant period the DPC should consider the ACRs for the year preceding the period in question and in any case, even if these are not available DPC should take care about the Confidential Reports (CRs) of the lower grade into account to complete the number of CRs required to be considered. If this is also not possible all the available CRs should be taken into account. In para No.9.2.1 of the counter the above provision has been extracted. As rightly pointed out, it means that the instructions as published in the above said book ought to be followed in letter and spirit. Admittedly, no statutory rules govern the writing of ACRs and therefore the Government of India and the Government of Tamil Nadu are competent to issue administrative instructions on a matter upon which statutory rules do not exist"

5. The Government have examined the above issue afresh and in supercession of all the existing instructions, the following fresh instructions are issued in respect of writing of confidential reports by the Reporting Officers whenever they are demitting office either on transfer or for other reasons in the middle of the year. The following instructions are to be followed scrupulously.

"Whenever the Reporting Officers are to relinquish charge on transfer or for other reasons they should write the confidential reports in respect of all his subordinate officers and the handing over charge report should accompany a certificate to his higher officer that he had completely

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written the confidential reports on all his subordinate officers. However, if it is not possible to adhere to the above procedure, due to administrative reasons, he may take a reasonable time to write confidential reports but this time limit should not ordinarily exceed 90 days from the date of his demitting office."

(By order of the Governor)

**T.S.SRIDHAR**  
SPECIAL COMMISSIONER AND  
SECRETARY TO GOVERNMENT