



**HEADQUARTERS  
EMPLOYEES' STATE INSURANCE CORPORATION  
PANCHDEEP BHAVAN: C.I.G. ROAD:NEW DELHI-110002.  
<http://esic.nic.in>**

**No.A-33/11/1/2009-E.I**

**Dated:22.05.2009**

To

- 1. All the Regional Directors**
- 2. AC (NTA), Rohini.**
- 3. All the Directors/Jt. Directors I/c of the SRO/JD-V Hqrs. Office**
- 4. D(M) Delhi/D(M) Noida**
- 5. All the Medical Superintendents of the ESIC Hospitals and ESIC Model Hospitals**

Subject:- Maintenance and preparation of Annual Performance Appraisal Reports – communication of all entries for fairness and transparency in public administration.

Sir,

As per the existing instructions only adverse remarks in Annual Confidential Report are being communicated to the officer reported upon for representation, if any. In view of the decision of Hon'ble Apex Court as well as the recommendation of Administrative Reforms Commission, Govt. of India, Ministry of Personnel, Public Grievances and Pensions (DOPT) vide their Office Memorandum No.21011/1/2005-Estt(A)(Pt.II) dated 14.5.2009 (copy enclosed) has issued the comprehensive guidelines for making the performance appraisal system more consultative and transparent. Accordingly, the following instructions are being issued to smoothen the timely completion of the processing of the Annual Performance Assessment Reports (APAR) :-

1. The Annual Confidential Report has been rechristened as Annual Performance Assessment Report.
2. The Officer reported upon shall be communicated the full APAR alongwith the overall grading and assessment of integrity after the review by the Appropriate Authority. For the personal staff etc. where only one supervisory officer above the officer reported upon exists and no review of the report is required, the APAR may be communicated after the assessment has been completed by the Reporting Officer.
3. The officer reported upon shall submit the representation, if any, against the entries and final grading within the period of fifteen days from the date of receipt of the entries in the APAR. The communication of the entries shall be with the clear stipulation that if no representation is received within the aforesaid period it will be presumed that the officer reported upon has nothing to submit against the assessment in his APAR. If no

representation is received within fifteen days from the date of receipt of the communication by the officer reported upon, the APAR shall be treated as final.

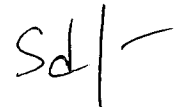
4. The Competent Authority for considering the adverse remarks under the existing instruction may consider the representation, if necessary, in consultation with the reporting and / or reviewing officer and shall decide the matter in the objective manner relying on the material placed before him. The representation submitted by the officer reported upon against the entries in the APAR shall be decided within the period of thirty days from the date of receipt of the said representation.
5. The Competent Authority after objectively considering the representation may reject the same or may accept and modify the APAR accordingly. The section dealing with the APAR shall communicate the decision of the Competent Authority within fifteen days on receipt of the decision of the Competent Authority.
6. To smoothen the timely completion of the process, it has been decided that;
  - (i) Where the custodian of the Annual Performance Appraisal Reports (APAR) is Hqrs. Office and the Reporting and Reviewing Officers are within the same filed unit, the action of communication of the entries and final grading has to be done by the concerned filed unit. In all such cases, the Annual Performance Appraisal Reports alongwith the copy of communication to the officer reported upon and the representation, if any, received from the officer concerned may be forwarded to the custodian of APAR (viz. Jt. Director-E.I/ Jt. Director-E.II/ Jt. Director (Medical), as the case may be) for further action and communication of the decision of competent authority to the officer reported upon.
  - (ii) In cases where the Reviewing Officer is working in the field unit other than the unit where the officer reported upon is working, the Reviewing Officer concerned shall forward the APAR to the custodian at Hqrs. Office (viz. Jt. Director-E.I/ Jt. Director-E.II/ Jt. Director (Medical), as the case may be). In such cases the communication of entries and final grading to the officer reported upon shall be done by the respective custodian of APAR at Hqrs. Office.
  - (iii) In cases where the Reporting Officer at the time of reporting of APAR is working in field unit other than the unit where the officer reported upon is working, the Reporting Officer concerned shall forward the APAR to the Reviewing Officer concerned. In such cases;
    - (a) If the Reviewing Officer concerned is in the field unit where the officer reported upon is working, the processing of the APAR shall be done as per guidelines given at (i) above;

- (b) If the Reviewing Officer concerned is in the field unit other than the field unit where the officer reported upon is working, the processing of the APAR shall be done as per guidelines given at (ii) above;
- (iv) In all other cases where the custodian of APAR in respect of staff working under them are the field units, the Competent Authority in the field unit concerned shall follow the similar procedure scrupulously.
7. The new system of communicating the entries in the APAR shall be made applicable w.e.f. the reporting period 2008-09 which is to be initiated after 01.04.2009.

All field units are requested to bring the contents of the above instruction to the notice of all officers/staff under them for strict compliance.

**Encls:- As above.**

Yours faithfully,



**(DEEPAK JOSHI)**  
**JT. DIRECTOR E.I.**  
**FOR DIRECTOR GENERAL**

**Copy to:-**

- 1. PPS/PS to DG/All Divisional Heads**
- 2. All Officers in ESIC Hqrs.**

**No. 21011/1/2005-Estt (A) (Pt-II)**  
**Government of India**  
**Ministry of Personnel, Public Grievances and Pensions**  
**(Department of Personnel and Training)**

North Block, New Delhi, 14<sup>th</sup> May, 2009

**OFFICE MEMORANDUM**


**Subject:- Maintenance and preparation of Annual Performance Appraisal Reports- communication of all entries for fairness and transparency in public administration.**

The undersigned is directed to invite the attention of the Ministries/Departments to the existing provisions in regard to preparation and maintenance of Annual Confidential Reports which inter-alia provide that only adverse remarks should be communicated to the officer reported upon for representation, if any. The Supreme Court has held in their judgement dated 12.5.2008 in the case of Dev Dutt vs Union of India (Civil Appeal No.7631 of 2002) that the object of writing the confidential report and making entries is to give an opportunity to the public servant to improve the performance. The 2<sup>nd</sup> Administrative Reforms Commission in their 10<sup>th</sup> Report has also recommended that the performance appraisal system for all services be made more consultative and transparent on the lines of the PAR of the All India Services.

2. Keeping in view the above position, the matter regarding communication of entries in the ACRs in the case of civil services under the Government of India has been further reviewed and the undersigned is directed to convey the following decisions of the Government:-

- (i) The existing nomenclature of the Annual Confidential Report will be modified as Annual Performance Assessment Report (APAR).
- (ii) The full APAR including the overall grade and assessment of integrity shall be communicated to the concerned officer after the Report is complete with the remarks of the Reviewing Officer and the Accepting Authority wherever such system is in vogue. Where Government servant has only one supervisory level above him as in the case of personal staff attached to officers, such communication shall be made after the reporting officer has completed the performance assessment.
- (iii) The Section entrusted with the maintenance of APARs after its receipt shall disclose the same to the officer reported upon.
- (iv) The concerned officer shall be given the opportunity to make any representation against the entries and the final grading given in the Report within a period of fifteen days from the date of receipt of the entries in the APAR. The representation shall be restricted to the specific factual observations contained in the report leading to assessment of the officer in terms of attributes, work output etc. While communicating the entries, it shall be made clear that in case no representation is received within the fifteen days, it shall be deemed that he/she has no representation to make. If the concerned APAR Section does not receive any information from the concerned officer on or before fifteen days from the date of disclosure, the APAR will be treated as final.

- (v) The new system of communicating the entries in the APAR shall be made applicable prospectively only with effect from the reporting period 2008-09 which is to be initiated after 1<sup>st</sup> April 2009.
  - (vi) The competent authority for considering adverse remarks under the existing instructions may consider the representation, if necessary, in consultation with the reporting and/or reviewing officer and shall decide the matter objectively based on the material placed before him within a period of thirty days from the date of receipt of the representation.
  - (vii) The competent authority after due consideration may reject the representation or may accept and modify the APAR accordingly. The decision of the competent authority and the final grading shall be communicated to the officer reported upon within fifteen days of receipt of the decision of the competent authority by the concerned APAR Section.
3. All Ministries/Departments are requested to bring to the notice of all the offices under them for strict implementation of the above instructions.

  
(C.A. Subramanian)  
Director

To

**All Ministries/Departments of Government of India**

Copy to:-

1. Chief Secretaries of All State Governments/U.T.s
2. The President's Secretariat, New Delhi.
3. The Prime Minister's Office, New Delhi.
4. The Cabinet Secretariat, New Delhi.
5. The Rajya Sabha Secretariat.
6. The Lok Sabha Secretariat.
7. The Comptroller and Auditor General of India, New Delhi.
8. The Union Public Service Commission, New Delhi.

Copy also to:-

- (a) All Attached offices under the Ministry of Personnel, Public Grievances and Pensions.
- (b) Establishment Officer and Secretary, ACC (10 copies).
- (c) All officers and Sections in the Department of Personnel and Training.
- (d) Secretary, Staff Side, National Council (JCM), 13-C, Ferozeshah Road, New Delhi.
- (e) All Staff Members of Departmental Council (JCM).
- (f) All Staff members of the Departmental Council (JCM), Ministry of Personnel, Public Grievances and Pensions.
- (g) NIC (DoP&T) for placing the Office Memorandum on the web-site of DoP&T.
- (h) Hindi Section for Hindi version of the O.M.