

KARNATAKA CIVIL SERVICES (PERFORMANCE REPORTS) RULES, 1994

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KARNATAKA CIVIL SERVICES (PERFORMANCE REPORTS) RULES, 1994

Whereas, the draft of the Karnataka Civil Services (Performance Reports) Rules, 1993 was published as required by clause (a) of sub-section (2) of Section 3 read with Section 8 of the Karnataka State Civil Services Act, 1978 (Karnataka Act 14 of 1990) in Notification No. DPAR 2 ACR 93, dated 12th May, 1993 in Part IV, Section 2-C(i) of the Karnataka Gazette, dated 10th June, 1993 inviting objections and suggestions from persons likely to be affected thereby, within thirty days from the date of its publication in the Official Gazette. Whereas, the said Gazette was made available to the public on 10th June, 1993. And whereas, the objections or suggestions received in this behalf have been considered by the State Government. Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 3, read with Section 8 of the Karnataka State Civil Services Act, 1978 (Karnataka Act 14 of 1990), the Government of Karnataka hereby makes the following rules, namely

1. Title, commencement and application :-

(1) These rules may be called the Karnataka Civil Services (Performance Reports) Rules, 1994.

(2) They shall come into force from the date of their publication in the Official Gazette.

(3) They shall apply to all officers:

Provided that nothing in these rules shall apply to.-

(a) Officers governed by All India Services (Confidential Rolls) Rules, 1970;

(b) Officers of Karnataka Judicial Services; and

(c) persons holding.-

(i) posts of Senior Drivers, Drivers; and

(ii) any of the Group D posts.

2. Definitions :-

(1) In these rules, unless the context otherwise requires.-

(a) "Accepting Authority" means the authority who during the period for which performance report is written, was immediately superior to the Reviewing Authority;

(b) "Appointing Authority" means the Appointing Authority as defined in the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957;

(c) "Forms" means forms appended to these rules;

(d) "Officer" means the Government Servants as defined in the Karnataka Civil Services (General Recruitment) Rules, 1977;

(e) "Performance Journal" means a Journal maintained by an Officer in the manner specified in sub-rule (4) of Rule 3;

(f) "Performance Report" means the performance report written in accordance with the provisions of Rules 5 to 7 of these rules;

(g) "Reporting Authority" means the authority who, during the period for which the performance report is written, was immediately superior to the Officer concerned;

(h) "Reviewing Authority" means the authority who during the period for which the performance report is written, was immediately

superior to the Reporting Authority; (i) "Year" means the financial year beginning on the 1st day of April of a year and ending on 31st day of March of the next year.

(2) Other words and expressions used but not defined in these rules shall have the same meaning as in the Kamataka Civil Services (General Recruitment) Rules, 1977.

3. Maintenance of performance report file and performance journal :-

(1) A performance report file shall be maintained in respect of every officer by the Appointing Authority.

(2) The performance report file shall contain the following documents, namely.-

(a) Confidential Reports or performance reports of the Officer;

(b) Records of letter of appreciation, award or reward or medal awarded, if any, to the Officer;

(c) Copy of order in respect of any disciplinary proceedings against the concerned Officer;

(d) details of books, articles and any other publication brought out by the Officer relating to Civil Services, administration and other subjects having relevances to public services.

(3) The Appointing Authority or such other authority as may be specified by the Appointing Authority in the behalf, shall be the custodian of the performance report file.

(4) The Appointing Authority or the Head of the Department concerned, wherever it is necessary to do so shall specify the form in which the performance journal is required to be maintained by an officer holding a class or cadre of post. The performance journal shall also contain the details regarding the physical and financial targets to be achieved by an officer holding, any class of cadre of post fixed by the Appointing Authority, in consultation with the officer concerned, on each item of work, depending on the nature, area and other features of work, for each year.

4. Performance report :-

(1) The Reporting Authority shall write a performance report in respect of.-

(i) Group 'A' and 'B' Officers, in Form I

(ii) Group 'C' Officers in ministerial posts or service, in Form II and

(iii) Group 'C' Officers in Non-ministerial posts or service, in Form III.

(2) every officer holding a class or cadre of post in respect of which a performance journal is required to be maintained under sub-rule (4) of Rule 3 shall maintain it in such manner as may be specified therein.

(3) Every Officer shall furnish particular in Part I and a Self Assessment Report in Part II of Form I, or Form II or one month of the close of the year and where financial or physical targets are specified such Self Assessment shall be based on the target achieved and recorded in the Performance Journal. ¹ [The fact of having furnished particulars and self assessment in Parts I and II shall be intimated to the Appointing Authority under due acknowledgement.]

1. The words "ordinarily within one month of its receipt from the officer concerned and in any case not later than two months of the close of the year" omitted by Notification No. DPAR 5ACR 98, dated 1-6-1999 and shall be deemed always to have been omitted.

5. Writing of performance report :-

(1) Performance Report, assessing performance of the officer, shall be written by the Reporting Authority in Form I, Form II or Form III, as the case may be and forwarded to the Reviewing Authority ¹[x x x x xj: ²[Provided that if the officer concerned does not furnish the particulars and self assessment in Parts I and II within the specified time, the Reporting Authority shall himself initiate the performance report duly recording the name and other available particulars of concerned officer, along with the fact that the officer concerned has not furnished particulars and self assessment:]

Provided ³[further] that if more than one performance report is written in a year, each of such report shall specify the period for which it is written.

(2) The performance report shall also be written when either the Reporting Authority or the officer relinquished charge of the post, and in such case it shall be written at the time of relinquishment of the post or immediately thereafter and forwarded to the Reviewing

Authority.

(3) Where the Reporting Authority has not seen and the Reviewing Authority has been the performance of an officer for at least three months during the period for which performance report is to be written, the performance report of any such officer for any such period shall be written by the Reviewing Authority and forwarded to the Accepting Authority and where both the Reporting Authority and the Reviewing Authority have not seen and the Accepting Authority has seen the performance as aforesaid of any such officer during any such period, the performance report shall be written by the Accepting Authority.

(4) Where the Reporting Authority, the Reviewing Authority and the Accepting Authority have not seen the performance of an officer for at least three months during the period for which a report is to be written, an entry to that effect shall be made in the performance report for any such period by the Accepting Authority.

⁴ [(5) where the Reporting Authority, the Reviewing Authority or the Accepting Authority has not been able to write, review or accept the report, as the case may be due to retirement or any other reason the procedure prescribed in sub-rule (3) and (4) shall mutatis mutandis apply and entries shall be made accordingly.]

1. The words "ordinarily within one month of its receipt from the officer concerned and in any case not later than two months of the close of the year" omitted by Notification No. DPAR 5 ACR 98, dated 1-6-1999 and shall be deemed always to have been omitted.

2. Proviso inserted by Notification No. DPAR 01 ACR 96, dated 28-10-1996, w.e.f. 12-12-1996

3. Inserted by Notification No. DPAR 01 ACR 96, dated 28-10-1996, w.e.f. 12-12-1996

4. Sub-rule (5) inserted by Notification No. DPAR 01 ACR 96, dated 28-10-1996, w.e.f. 12-12-1996

6. Review of report :-

The report shall be reviewed by the Reviewing Authority and forwarded to the Accepting Authority ¹[x x x x x]: ² [Provided that where the Reviewing Authority has not seen the performance of an officer for at least three months he shall not review the report but shall be an entry to that effect.]

1. The words "ordinarily within one month of its receipt from the Reporting Authority" omitted by Notification No. DPAR 5 ACR 98, dated 1-6-1999 and shall be deemed always to have been omitted.

2. Proviso inserted by Notification No. DPAR 01 ACR 96, dated 28-

10-1996, w.e.f. 12-12-1996

7. Acceptance of report :-

The report, after review, shall be accepted with such modification as may be considered necessary by the Accepting Authority ¹[x x x x x]:

² [Provided that where the Accepting Authority has not seen the performance of an officer for at least three months he shall not accept the report but shall make an entry to that effect.]

1. The words "ordinarily within one month of its receipt from the Reviewing Authority" omitted by Notification No. DPAR 5 ACR 98, dated 1-6-1999 and shall be deemed always to have been omitted.

2. Proviso inserted by Notification No. DPAR01 ACR 96, dated 28-10-1996, w.e.f. 12-12-1996

8. Time limit for writing report :-

Notwithstanding anything contained in Rules 5, 6 and 7, the Reporting or the Reviewing or the Accepting Authority or any other authority shall not write, review or accept or record his views in the reports.-

¹ [(a) x x x x x];

(b) where the concerned authority.-

(i) has retired from service; or

(ii) has demitted office.

1. Clause (a) omitted by Notification No. DPAR5 ACR 98, dated 1-6-1999

9. Communication of adverse remarks :-

(1) Where the Reporting Authority or the Reviewing Authority or the Accepting Authority makes any remark in the report, such authority shall make a note indicating whether such remark is adverse or advisory in nature:

Provided where the Reporting Authority or Reviewing Authority fails to so indicate, the Accepting Authority shall specifically indicate whether any such remark is adverse or advisory in nature.

(2) All adverse remarks in the report shall be communicated by the Accepting Authority to the concerned officer in writing together with the substance of good points in the report ¹ [within such time as the Govern-

Provided where Ministers are Accepting Authorities, the Secretary to Government concerned shall communicate the adverse or the advisory remarks as the case may be.]

1. Substituted for the words "within thirty days from the completion of the period specified in clause (a) of Rule 8" by Notification No. DPAR 5 ACR 98, dated 1-6-1999 and shall be deemed always to have been substituted.

10. Representation against adverse remarks :-

(1) An officer to whom adverse remarks are communicated under sub-rule (2) of Rule 9, may within a period of forty-five days from the date of receipt of communication submit his representation, if any, against adverse remarks to the authority to which the Accepting Authority is immediately subordinate; or to any other Superior Authority authorised by Government by Notification in the behalf:

Provided that a representation made after the expiry of forty-five days specified above may be considered, if such authority is satisfied the officer had sufficient cause for not submitting the representation in time.

(2) The authority referred to in sub-rule (1), shall if necessary, in consultation with Reporting or Reviewing or Accepting Authority consider the representation made and pass suitable orders thereon and communicate the same to the Officer within three months from the date of receipt of his representation. The order of the said authority, shall be final.

10A. Letter of appreciation, award or reward or medal :-

¹ .-Record or letter of appreciation, award, reward or medal issued, if any, by Government to an officer shall be placed in the performance report file of the officer concerned. Record of letter of appreciation issued by the Secretary to Government or a Head of the Department, as the case may be to an officer shall also be placed in the performance report file. Record of letter of appreciation issued to an officer, if any, by a Board or a Corporation or a Company or a committee or a Local Authority or any non-Governmental organisation shall be placed in the performance report file, if in the opinion of the Accepting Authority under these rules, it deserves to be placed as such.]

1. Rule 10-A inserted by Notification No. DPAR01 ACR 96, dated

28-10-1996, w.e.f. 12-12-1996

11. Removal of difficulties :-

If any difficulty arises in identifying the Reporting or Reviewing or Accepting Authority, in respect of an officer whose performance report has to be written, reviewed or accepted the Appointing Authority may, by order specify the Reporting or Reviewing or Accepting Authority, as the case may be. The decision of the Appointing Authority in this behalf shall be final.

11A. Special report :-

1 Notwithstanding anything contrary contained in these rules where performance reports in respect of an officer are not available for one or more years, the Appointing Authority, if so desires, for reasons to be recorded in writing, may direct the officer concerned the Reporting Authority, the Reviewing Authority, the Reviewing Authority and the Accepting Authority to prepare and submit within a specified time a special report for the entire period or for each year for which the report is not written, by following the same procedure prescribed in Rules 4, 5, 6 and 7.]

1. Rule 10-A inserted by Notification No. DPAR01 ACR 96, dated 28-10-1996, w.e.f. 12-12-1996

12. Repeal :-

(1) The Karnataka Civil Services (Confidential Reports) Rules, 1985 are hereby repealed:

Provided that the said repeal shall not affect the previous operation of the said rules or anything duly done or suffered thereunder or affect any right, liability or obligation acquired, accrued or incurred under the said rules.

(2) Any reference in any rule or order to the rule repealed by sub-rule (4), shall be construed as a reference to these rules.

(3) All proceedings commenced under the rules repealed by sub-rule (1) and pending on the date of commencement of these rules shall be continued and disposed of in accordance with the provisions of these rules.