
KARNATAKA CIVIL SERVICES (PERFORMANCE REPORTS) RULES, 2000

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KARNATAKA CIVIL SERVICES (PERFORMANCE REPORTS) RULES, 2000

Whereas, the draft of the Karnataka Civil Services (Performance Reports) Rules, 1998 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 06 ACR 97, dated 18th January, 1999 in Part-IV, Section 2-C(i) of the Karnataka Gazette, Extraordinary, dated 25th March, 1999 inviting objections and suggestions from all persons likely to be affected thereby within thirty days from the date of its publication in Official Gazette. Whereas, the said Gazette was made available to the public on 25th March, 1999. And whereas, the objections and suggestions received have been considered. 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 make the following rules, namely.-

1. Title, commencement and application :-

(1) These rules may be called the Karnataka Civil Services (Performance Reports) Rules, 2000.

(2) They shall come into force from the First day of April, 2000.

(3) These rules shall apply to all Government Servants in the State Civil Services except.-

(a) members of the All India Services;

(b) members of the 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) "Form" means the form as may be specified by the Government from time to time;

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

(e) "Performance Report" means a report written in accordance with the provisions of these rules covering the various aspects set out in the respective forms;

(f) "Reporting Authority" means the authority, not below the rank of a Gazetted Officer, who during the period for which Performance Report is written, was immediately superior to the Government servant concerned;

(g) "Reviewing Authority" means the authority who during the period for which the Performance Report is written was immediately superior to the Reporting Authority;

(h) "Self Assessment" means the assessment by the Government servant himself of his work during the year under report bringing out his special achievements and constraints, if any;

(i) "Year" means the financial year beginning on the First day of April of a calendar year and ending on Thirty-first day of March of the next calendar year.

(2) Other words and expressions used but not defined in these rules shall have the same meaning as in the Karnataka Civil Services (General Recruitment) Rules, 1977 or any other corresponding rules for the time being in force.

3. Maintenance and custody of Performance Report file :-

(1) A Performance Report file shall be maintained in. respect of every Government servant.

(2) The Performance Report file shall contain the following documents, namely.-

(a) Confidential Reports and Performance Reports of the Government servant written prior to the commencement of these rules and the Performance Reports of the Government Servant written under these rules;

(b) Records of letter of appreciation, award, reward or medals, if any, awarded to the Government servant;

Explanation.-For the purpose of this clause "Letter of Appreciation, Award, Reward or Medal" means that which is issued.-

(i) by the Government or by a Secretary to Government or a Head of Department, as the case may be, to a Government servant;

(ii) by a Board or a Corporation or a Company or a Committee or a Local authority or any Non-Governmental Organisation and which in the opinion of the Appointing Authority, deserves to be placed in the Performance Report file;

(c) Records of any recommendation or order expressing displeasure against the Government servant;

(d) Copy of the order passed under Rule 10;

(e) Copy of orders imposing any of the penalties in a disciplinary proceedings under the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957 on the Government servant;

(f) Record of any books, articles and other publications brought out by the Government servant or for the publication of which he may be responsible, which has relevance to the civil services, administration or public service.

(3) The Appointing Authority or such other authority as may be specified by the Appointing Authority in this behalf shall be the custodian of the Performance Report file.

4. Initiation and recording of Performance Report :-

(1) The Performance Report shall be written in the form specified by the Government from time to time.

(2) The Performance Report shall be initiated by every Government servant to whom these rules apply by furnishing the personal data and self assessment, ordinarily within one month of the end of the year.

(3) The fact of having furnished the personal data and self assessment in time may be intimated to the Appointing Authority under due acknowledgement.

(4) The report, review and acceptance shall be recorded by the concerned authorities in accordance with Rules 5, 6 and 7.

5. Recording of the Performance Report :-

(1) The Reporting Authority shall record its report in the appropriate part of the relevant form of the Performance Report and forward it to the Reviewing Authority ordinarily within three months of the end of the year:

Provided that, if the Government servant concerned has not furnished the personal data and self assessment in the form specified, within the period specified in sub-rule (2) of Rule 4, then the Reporting Authority can itself initiate the Performance Report duly recording the available personal data of the Government servant concerned along with a record of the fact that the Government servant concerned has not furnished the personal data and self assessment.

(2)

(a) Where the Reporting Authority has not seen the performance of the Government servant for at least three months during the year under report, it shall not record its report.

(b) Where the Reporting Authority has not seen and Reviewing Authority has seen the performance of the Government Servant for at least three months during the year under the Reviewing Authority shall record the report.

(c) Where the Reviewing Authority has also not seen and the Accepting Authority has seen the performance of the Government Servant for at least three months during the year under report, the report shall be recorded by the Accepting Authority.

(d) Where the Reporting, the Reviewing or Accepting Authority has not seen the performance of the Government servant for at least three months during the year under report, an entry to that effect shall be made in the report by the Authority concerned.

(3)

(a) 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 (2) shall, mutatis mutandis, apply and the entries shall be made accordingly.

(b) Where the Accepting Authority has not been able to accept the Performance Report for any reason whatsoever, the report as recorded by the Reporting Authority and reviewed by the Reviewing Authority shall be deemed to be a complete report.

(c) Where the Reviewing Authority and the Accepting Authority have not been able to review and accept the report, respectively, for any reason whatsoever, the report as recorded by the Reporting Authority shall be deemed to be a complete report.

(4) The Performance Report shall also be written at the time when either the Reporting Authority or the Government servant concerned, relinquishes the charge of the post. The Performance Report shall be forwarded to the Reviewing Authority.

(5) Where the Performance Report for any portion or portions of the year could not be written due to the period being less than three months, the report, if any, available for the remaining period of the year shall be deemed to be the Performance Report for the entire year.

Explanation 1.-In cases covered by sub-rule (2) or (3), the record made by any of the authorities or the entries made in accordance

with those sub-rules shall be deemed to be a complete report.

Explanation 2.-In a case, where the Reviewing Authority or the Accepting Authority, as the case may be, had no occasion to actually see the performance of a Government servant, even though such a Government servant has worked under such an authority for more than three months, it shall make an entry to that effect in the Performance Report.

6. Review of the Performance Report :-

The Performance Report shall be reviewed by the Reviewing Authority and forwarded to the Accepting Authority ordinarily within three months from the date of its receipt from the Reporting Authority:

Provided that, where the Reviewing Authority differs with the report of the Reporting Authority, it may record its own views along with the reasons for differing with the report of the Reporting Authority:

Provided further that, where the Reviewing Authority has not seen the performance of the Government servant for at least three months during the year under report, it shall not review the Performance Report but shall make an entry to that effect.

7. Acceptance of Performance Report :-

The Performance Report shall be accepted with such modifications as may be considered necessary by the Accepting Authority ordinarily within three months of its receipt from the Reviewing Authority:

Provided that, where the Accepting Authority differs with the report of the Reporting Authority or Reviewing Authority or both, it may record the reasons for the same:

Provided further that, where the Accepting Authority has not seen the performance of the Government servant for at least three months during the year under report, it shall not accept the Performance Report but shall make an entry to that effect.

Explanation.-

(1) Where a Government servant is on any kind of leave, continuously for a period of not less than three months, the Performance Report for the period of his leave need not be written.

(2) Where Government servant is under suspension, the Performance Report for such period of his suspension need not be written.

8. Recording by an Authority who demits the office or retires from service :-

(1) Where the authority concerned is a Minister or any person other than a Government servant he shall not record his report after he demits the office.

(2) Where an officer who is a Reporting Authority or a Reviewing Authority or an Accepting Authority retires at the time when the Performance Report becomes due, he may be permitted to record his report but he shall not record his report after three months from the date of his retirement.

Explanation.-For the purpose of sub-rule (1), a Minister shall not be treated as having demitted the office if he continues to be a Minister with a different portfolio or a Minister with the same or different portfolio in the Council of Ministers reconstituted immediately after the previous Council of Ministers of which he was a member.

9. Communication of Remarks :-

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

Provided that, where the Reporting Authority or the Reviewing Authority or Accepting Authority fails to so indicate, the question whether a remark recorded is adverse or advisory in nature shall be determined by the Government in respect of the Government servants holding posts in Group 'A' and by the Head of the Department in respect of the Government servants holding posts in Group 'B' and Group 'C'.

(2) All adverse remarks in the report shall be communicated by the Accepting Authority or any other authority empowered by Government in this behalf to the Government Servant concerned together with the substance of good points in the report, ordinarily within three months of the completion of report. Similarly, all advisory remarks in the report shall also be communicated to the

concerned Government servant for his guidance.

10. Representation against Adverse Remarks :-

(1) A Government servant 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 the adverse remarks to the authority immediately superior to the Accepting Authority or to any other superior authority empowered by the Government in this behalf (hereinafter referred to as empowered authority) through the authority which communicated such remarks under sub-rule (2) of Rule 9:

Provided that a representation made after the expiry of the period specified above may be considered if such superior or empowered authority is satisfied that the Government servant had sufficient cause for not submitting the representation in time.

(2) The superior or empowered authority shall consider the representation, if necessary, in consultation with the Reporting or the Reviewing or the Accepting Authority and pass suitable orders thereon. The order so passed shall be communicated to the Government servant concerned expeditiously. The order of the said authority shall be final.

11. Removal of difficulties :-

If any difficulty arises in identifying the Reporting or Reviewing or Accepting Authority in respect of a Government servant or for any other reasons, to be recorded in writing, if it is so considered necessary, the Appointing Authority may by order, specify the respective authorities.

12. General :-

(1) The Government may issue such instructions, not inconsistent with the provisions of these rules as it may consider necessary, with regard to the writing and the maintenance of the reports, and the effect of the Performance Reports on the conditions of service of a Government servant.

(2) If any question arises in relation to the interpretation of these rules it shall be referred to the Government, whose decision thereon shall be final.

13. Repeal and savings :-

(1) The Karnataka Civil Services (Performance Reports) Rules, 1994 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 rules repealed by sub-rule (1) shall be construed as reference to the corresponding rule in these rules.

(3) Government Orders, Official Memoranda and Circulars issued and which were in force for the purpose of repealed rules, insofar as they are not inconsistent with the provisions of these rules, shall be construed as issued for the purpose of those rules until they are modified or rescinded.