

Department
Of
Personnel and Training

“Instructions and Guidelines on Seniority”

SENIORITY OF DIRECT RECRUITS AND PROMOTEEES

(MHA O.M. NO.9/11/55-RPS Dated 22.12.59, O.M. No. 35014/2/80-Estt.(D) Dated 7.2.1986, O.M. No. 22011/7/86-Estt.(D) Dated 03.07.1986, O.M. No. 20011/5/90-Estt (D) Dated 4.11.1992 and O.M. No. 20011/1/2006-Estt.(D) Dated 03.03.2008.

1. These principles shall apply to the determination of seniority in Central Civil Services and Civil Posts except such Services and Posts for which separate principles have already been issued or may be issued by the Government.

2.1. SENIORITY OF DIRECT RECRUITS

The relative seniority of all direct recruits is determined by the order of merit in which they are selected for such appointment on the recommendations of the U.P.S.C. or other selecting authority, persons appointed as a result of an earlier selection being senior to those appointed as a result of subsequent selection. The relative seniority that used to be determined earlier according to the date of confirmation and not the original order of merit, (in case where confirmation was in an order different from the order of merit indicated at the time of their appointment), in accordance with the general principles of seniority, has been discontinued w.e.f. 4.11.1992 **(O.M. No. 20011/5/90-Estt (D) Dated 4.11.1992)**. The general principles of seniority therefore stands modified to that extent.

2.1.1 Clarification : Appointment from the Reserve panel at a later date:

The interse seniority of candidates nominated from reserve panel will be fixed as per consolidated merit given by UPSC/SSC/Recruiting agency. However instructions circulated vide this Department's **O.M. No. 41019/18/97-Estt.(B) Dated 13th June 2000** should be strictly followed in operating or requesting for nominations from the reserve panel.

2.1.2 Clarification In case if more than one-selection panels received from UPSC/SSC through letter of the same date.

It has been encountered on a number of occasions that UPSC etc. in response to two separate requisitions from the Department on different point of time, sends two panels of direct recruits on the same date. Since the general principles on seniority envisages that the candidates appointed through an earlier selection stand senior to those appointed through a subsequent selection, it becomes difficult to fix the inter-se seniority of the candidates in such cases drawn from two different panels of the same date. Accordingly, it has been decided that, effort would be made by the UPSC and other selecting authorities to avoid recommending the panels on the same date and strive to send the panel for earlier requisition first. However, in case of such an eventuality (i.e. different panels on the same date)

following procedures may be followed for fixation of the inter se seniority of the candidates from the two panels:

- i. Chronology of recommendation letter;
- ii. Where the date of recommendation letter is same, chronology of interview board reports and
- iii. Where both (i) and (ii) are also same, then the chronology of requisition made by the respective Ministries/Departments.

It is also mentioned here than in case of recruitment through examination, the date of publication/announcement of the results shall remain the criteria as has been envisaged in the guidelines of seniority issued by **DoP&T vide O.M. No. 22011/5/76-Estt.(D) Dated 24.06.1978.**

2.2. **SENIORITY OF PROMOTEEES**

Where promotions are made on the basis of recommendations of a DPC, either by 'selection' or 'non-selection' method as per due procedure, the seniority of an officer assessed as 'fit', in the promoted grade shall be same as in the feeder grade from which they are promoted. Where, however, a person is considered as unfit for promotion and is superseded by a junior, such persons shall not, if he/she is subsequently found suitable and promoted, take seniority in the higher grade over the junior persons who had superseded him/her. Persons appointed as a result of an earlier selection shall be senior to those appointed as a result of subsequent selection. The relative seniority of promotees which earlier used to be determined according to the date of confirmation in the promotion grade and not the original order of merit, (in case where confirmation was in an order different from the order of merit indicated at the time of their appointment), has been discontinued w.e.f. 4.11.1992. **(O.M. No. 20011/5/90-Estt (D) Dated 4.11.1992)**

2.2.1 Where promotions to a grade are made from more than one grade and quotas have been laid down for each feeder grade, the eligible persons shall be arranged in separate lists in the order of their relative seniority in their respective grades. The officers in each grade, assessed as fit by the Departmental Promotion Committee shall be interpolated in the ratio prescribed for each grade in the recruitment rules for the post.

When eligibility list is to be resorted to?

2.2.2. Where promotions to a grade/post are made from more than one grade and no quota has been fixed for various feeder grades owing to a small number of posts in the promotion grade the aforesaid principle would not be viable. In such cases it would be required to prepare a combine eligibility list of the candidates from various feeder grades with due regard to the inter-se seniority of the candidates of

various feeder grades. Separate instructions have been issued in this connection with regard to framing of recruitment rules in such a situation. Whereas specific criteria need to be issued/incorporated in the Recruitment Rules by the cadre controlling authorities for preparation of combined eligibility list of the candidates from various feeder grades/ broad parameters as under may be kept in view while preparing such list.

- i. Date of completion of the qualifying service prescribed in the relevant recruitment rules, in the feeder grade for promotion.
- ii. If the aforesaid date is same than date of completion of the qualifying service in the feeder-to-feeder grade.
- iii. Inter se seniority of the officers from each feeder grade will be maintained.

2.3 Seniority of SC/ST Government servants on their promotion by virtue of rule of reservation roster

O.M. No.20011/1/2001-Estt. (D) Dated 21st January 2002

SC/ST Government servants on their promotion by virtue of rule of reservation roster will be entitled to consequential seniority also. In other words, the candidates belonging to general/OBC category promoted through a later DPC will be placed junior to the SC/ST Government servants promoted through earlier DPC, even though by virtue of the rule of reservation.

Clarification on reservation roster vis-a-vis seniority:

In case of promotion, vacancies meant and reserved for SC/ST are determined through the roster points in the reservation roster. It is clarified that the said reservation roster/points are meant only for identifying the vacancy that goes to a particular category of officer and in no way acts as a determinant for fixation of seniority of the officer in a panel recommended by the DPC. According to this Department's **O.M. No. 35014/7/97-Estt.(D) Dated 8th February 2002**, the DPC is to grade an officer as 'fit' or 'unfit and the feeder grade seniority of the officers assessed as fit would be maintained in the promoted grade.

RELATIVE SENIORITY OF DIRECT RECRUITS AND PROMOTEES

O.M. No. 35014/2/90-Estt(D) Dated.07.02.1986

O.M. No. 22011/7/86-Estt.(D) Dated 03.07.1986,

2.4 The relative seniority of direct recruits and of promotees shall be determined according to the rotation of vacancies between available direct recruits and promotees which shall be based on the quota of vacancies reserved for direct recruitment and promotion respectively in the Recruitment Rules.

2.4.1 If adequate number of direct recruits does not become available in any particular year, rotation of quotas for the purpose of determining seniority would take place only to the extent of the available direct recruits and the promotees. In other words, to the extent direct recruits are not available the promotees will be bunched together at the bottom of the seniority list below the last position upto which it is possible to determine seniority, on the basis of rotation of quotas with reference to the actual number of direct recruits who become available. The unfilled direct recruitment quota vacancies would, however, be carried forward and added to the corresponding direct recruitment vacancies of the next year (and to subsequent years where necessary) for taking action for direct recruitment for the total number of vacancies for direct recruits and promotees as determined according to the quota for that year. The additional, direct recruits selected against the carried forward vacancies of the previous year would be placed en-bloc below the last promotee (or direct recruit as the case may be), in the seniority list based on the rotation of vacancies for that year. The principle holds good for determining seniority in the event of carry forward, if any, of direct recruitment or promotion quota vacancies (as the case may be) in the subsequent year.

Clarification of the term “availability”

O.M. No.20011/1/2006-Estt.(D) Dated 03.03.2008

2.4.2. Some references have been received seeking clarifications regarding the term **‘available’** used the O.M. dated 7.2.86 and 3.7.1986. It is clarified that while the inter-se seniority of direct recruits and promotees is to be fixed on the basis of the rotation of quotas of vacancies, the **year of availability**, both in the case of direct recruits as well as the promotees, for the purpose of rotation and fixation of seniority, shall be the **actual year of appointment** after declaration of results/selection and completion of pre-appointment formalities as prescribed. It is further clarified that when appointments against unfilled vacancies are made in subsequent year or years either by direct recruitment or promotion, the persons so appointed shall not get seniority of any earlier year (viz. year of vacancy/panel or year in which recruitment process is initiated) but get the seniority of the year in which they are appointed on substantive basis. The year of availability will be the vacancy year in which a candidate of the particular batch of selected direct recruits or an officer of the particular batch of promotees joins the post/service.

Cases of seniority already decided (prior to issue of this O.M. dated 3.3.2008), with reference to any other interpretation of the term 'available' as contained in O.M. dated 3.7.1986 need not be reopened.

Note The seniority of direct recruits and promotees is delinked from the vacancy/year of vacancy. The seniority / inter se seniority of direct recruits and promotees in a particular year is fixed with reference to the availability of the candidates /officers after completion of all pre-appointment formalities and rotation of quota is applicable only among the available direct recruits and promotees. **(O.M. No. 22011/7/86-Esst.D Dated 03.07.1986)** If no direct recruit is available in a particular year, all the promotees are bunched together in accordance with their position in the DPC recommendation. Similarly if no promotee is available in a particular year, available direct recruits are bunched together. In other words, complete rotation of quota is feasible **only** in an ideal situation where adequate/proportionate number of direct recruits and promotees become available in a year for rotation as per the quota prescribed in the recruitment rules.

2.4.3 Starting point in the recruitment roster for the purpose of interse seniority of officers through Direct Recruitment, Promotion, Absorption etc.

DOP&T's OM No. 28011/6/76-Esst, Dated 24th June, 1978

The starting point in the roster should be that mode of recruitment prescribed in the Recruitment Rules for which the selection process had been completed first. For this purpose, the date of the completion of the selection process will be determined as follows: -

<u>Direct Recruitment</u>	<u>Date of completion of selection process</u>
(a) Through examination conducted by UPSC or any other authorities.	Date of publication/ announcement of results.
(b) Through interviews conducted by UPSC or any other authorities	Date of Commission's letters containing their recommendation.
<u>Promotion</u>	
(a) Where UPSC is associated	Date of UPSC's letter containing their recommendations ratifying the promotion
(b) Where UPSC is not associated or its concurrence is not required.	Last date of DPC meeting
(c) Limited Departmental Examination.	Date of announcement of results.

2.4.4. A new roster will have to be started in the following cases:

- (i) From the date the recruitment rules are notified in the gazette.
- (ii) When there is an amendment to the Recruitment Rules which changes the percentage allotted for the various modes of recruitment.

3. SENIORITY OF ABSORBEES

MHA O.M.No.9/11/55-RPS Dated 22.12.1959

O.M. No. 20020/7/80-Estt(D) Dated 29.05.1986

O.M. No. 20011/1/2000-Estt(D) Dated 27.03.2001

NOTE: The method of recruitment 'Transfer' has been re-named as 'Absorption' and Transfer on Deputation' as 'Deputation' vide DOP&T's O.M.No.AB.14017/2/97-Estt. (RR) Dated 25.5.1998.

3.1 The relative seniority of persons appointed by absorption to a Central service from the Subordinate Offices of the Central Government or other departments of the Central or a State Government shall be determined in accordance with the order of their selection for such absorption.

3.2. Where such absorptions are effected against specific quotas prescribed in the Recruitment Rules, the relative seniority of such absorbees vis-à-vis direct recruits or promotees, subject of the provision of para 3.4 below, shall be determined by rotation of vacancies amongst the available direct recruits, promotees and absorbees which shall be based on the quotas reserved for direct recruitment, promotion and absorption respectively in the Recruitment Rules. Where the vacancies in any quota or quotas are carried forward, the principles stated in Para 2.4.1 will apply, mutatis mutandis in determining inter-se seniority of the appointees.

3.3_The principle laid down in para 3.1 above will not present any difficulty where recruitment by absorption is made singly and at intervals but it will be found wanting in cases where two or more persons are selected from different sources on the same occasion and the selection is spread over a number of days. It will, therefore, be necessary for the authorities responsible for approving appointments by absorption to indicate the interse order of merit of the selected persons in such cases.

3.4 - Seniority of persons absorbed after being on deputation

O.M. No. 20020/7/80-Estt.(D) Dated 29.5.1986

O.M. No. 20011/1/2000-Estt.(D) Dated 27th March, 2001

3.4.1 In the case of a person who is initially taken on deputation and absorbed later (i.e. where the relevant recruitment rules provide for “Deputation/Absorption), his seniority in the grade in which he/she is absorbed will normally be counted from the date of absorption. If he/she has, however, been holding already (on the date of absorption) the same or equivalent grade on regular basis in his/her parent department, such regular service in the grade shall also be taken into account in fixing his seniority, subject to the condition that he/she will be given seniority from

- the date he/she has been holding the post on deputation,
- (or)
- the date from which he/she has been appointed on a regular basis to the same or equivalent grade in his parent department.,

Whichever is earlier.

These instructions **(No. 20011/1/2000-Estt. (D) Dated 27th March, 2001)** shall take effect from the December 14, 1999.

3.4.2 The fixation of seniority of an absorbee in accordance with the above principle will not, however, affect any regular promotions to the next higher grade made prior to the date of such absorption. In other words, it will be operative only in filling up of vacancies in higher grade taking place after such absorption.

3.4.3 In the original O.M. (1959) there is a provision that, in cases, in which transfers(now absorption) are not strictly in public interest, the transferred(now absorbed) officers will be placed below all officers appointed regularly to the grade on the date of absorption. This provision has been reviewed and now stands deleted since no such situation where absorption is not in public interest, could be envisaged.

3.4.4 It is also clarified that for the purpose of determining the equivalent grade in the parent department mentioned in the Office Memorandum dated May 29, 1986, the criteria contained in this Department Office Memorandum **No.14017/27/75-Estt.(D) Dated March 7, 1984**, which lays down the criteria for determining analogous posts, may be followed.

3.5 Seniority of persons who are transferred and absorbed directly without being on deputation.

Some cases has been received in this department seeking clarification whether the **(DOP&T) O.M.No.20020/7/80-Estt. (D) Dated 29.5.1986 and No.20011/1/2000-Estt.(D) Dated 27th March, 2001]** in the case of a person who is initially taken on deputation and absorbed later, would be applicable also for persons who are transferred and absorbed directly without being on deputation i.e. where the recruitment rules provide for recruitment through absorption. The matter has been considered and it has been decided that, in such cases also the provision as contained in the afore-said O.Ms would be applicable i.e. the date he has been holding the post on deputation or the date from which he has been appointed on the regular basis to the same or equivalent grade in his parent department, whichever is earlier.

4. SENIORITY IN SPECIAL TYPES OF CASES

O.M. No. 22011/7/86-Estt.(D) Dated 03.07.1986

4.1. In the case of such ex-T.B. or ex-Pleurisy ex-Leprosy patients, as have been declared non-infective and medically fit for Government service, on re-employment in the same posts from which they were discharged the actual previous service rendered by them should be counted for seniority. The seniority of such persons re-employed in other posts will be fixed in consultation with the Department of Pers. & Trg.

4.2.1 Seniority of an officer under suspension and of officers against whom enquiries are pending.

O.M. No. 22011/4/91-Estt. (A) Dated 14.09.1992

An officer under suspension who on conclusion of the departmental proceeding against him/her, is completely exonerated, the suspension being held to be wholly unjustified, should be promoted in the first vacancy that could be made available for the purpose and his/her seniority in the next higher grade fixed as if he/she had been promoted in accordance with his/her position in the select list. In such a case, the period during which any officer junior to the suspended officer concerned was promoted to the higher grade should be reckoned towards the minimum period of service prescribed for purpose of eligibility for promotion to the higher grade.

4.2.2 Seniority of officers who have been recommended for promotion by a DPC during the currency of a penalty.

O.M. No. 20011/2/92-Estt.(D) Dated 03.11.1995

An officer who has been recommended for promotion by a DPC despite imposition of a minor penalty on him/her, will be promoted on the basis of the recommendation of the said DPC, only after expiry of the penalty and his/her seniority would be fixed according to his/her position in that panel.

4.2.3 Fixation of seniority of a Government servant reverted to a lower post/grade/service as a measure of penalty and subsequently promoted to a higher post. (O.M. No.22011/7/86-Estt.(D) Dated 03.07.1986)

4.2.4 An order imposing the penalty of reduction to a lower service, grade or post or to a lower time-scale should invariably specify:-

- (i) the period of reduction, unless the clear intention is that the reduction should be permanent or for an indefinite period;
- (ii) whether on such re-promotion, the Govt. servant will regain his original seniority in the higher service, grade or post or higher time-scale which had been assigned to him prior to the imposition of the penalty.

4.2.5 In cases where the reduction is for a specified period and is not to operate to postpone future increments, the seniority of the Govt. servant may, unless the terms of the order of punishment provide otherwise, be fixed in the higher service, grade or post or the higher time scale at what it would have been but for his/her reduction.

4.2.6 Where the reduction is for a specified period and is to operate postpone future increments, the seniority of the Govt. servant on re-promotion may, unless the terms of the order of punishment provide otherwise, be fixed by giving credit for the period of service rendered by him/her in the higher service, grade or post or higher time-scale.

4.3.1 Fixation of inter se seniority of the staff rendered surplus and redeployed on different occasions but in the same office.

O.M.No.9/22/68-Estt.(D) Dated 6.2.69.

The surplus employees are not entitled for benefit of the past service rendered in the previous organisation for the purpose of their seniority in the new organisation. Such employees are to be treated as fresh entrants in the matter of their seniority, promotions etc.

4.3.2 When two or more surplus employees of a particular grade in an office are selected on different dates for absorption in a grade in another office, their inter-se seniority in the latter office will be same as in their previous office provided that –

- (i) no direct recruit has been selected for appointment to that grade in between these dates; and
- (ii) if there are no fixed quotas for direct recruitment and promotion to the grade in question in the new office no promotee has been approved for appointment to that grade in between these dates.

4.3.3 When two or more surplus employees of a particular grade in an office are simultaneously selected for re-deployment in another office in a grade, their inter-se seniority in the particular grade, on redeployment in the latter office, would be the same as it was in their previous office.

4.3.4 The above orders would not be applicable in respect of personnel who are appointed on the recommendations of the UPSC to posts/services recruitment to which is made through the Commission. Seniority of surplus officers appointed on the recommendations of the Commission will be decided on merits in consultation with the Commission.

4.4 Seniority in cases of delay in reporting for duty after selection

O.M. No. 9/23/71-Estt.(D) Dated 6.6.1978

O.M. No. 35015/2/93-Estt.(D) Dated 9.8.1995.

- (i) An offer of appointment issued by different Ministries/Departments should clearly specify the period (which shall not normally exceed one or two months) after which the offer would lapse automatically if the candidate did not join within the specified period.
- (ii) If, however, within the specified period, a request is received from the candidate for extension of time, it may be considered by the Ministries/Departments but extension beyond three months should not be granted and it may be granted only as an exception where facts and circumstances so warrant and in any case only up to a maximum of six months from the date of issue of the original offer of appointment. An offer on appointment would lapse automatically after the expiry of six months from the date of issue of the original offer of appointment. The candidates who join within the above period of six months will have their seniority fixed under the seniority rules applicable to the service/post concerned to which they are appointed, without any depression of seniority.
- (iii) If, even after the extension(s), if any, granted by the Ministries/Departments, a candidates does not within the stipulated time

(which shall not exceed a period of six month), the offer of appointment should lapse.

- (iv) An order of appointment which has lapsed, should not ordinarily be revived later, except in exceptional circumstances and on grounds of public interest. The Commission (UPSC) should in all cases be consulted before such offers are revived.
- (v) In a case where after the lapsing of the offer, the offer is revived in consultation with the commission as mentioned in sub-para. (iv) above, the seniority of the candidates concerned would be fixed below those who have already joined the posts concerned within the prescribed period of six months; and if the candidates joins before the candidates of the next selection examination join, he/she should be placed below all others of his batch. If however, the candidates join after some or all the candidates of the next selection examination have joined he/she should be—
 - (a) In case of selection through interview, placed at the bottom of all the candidates of the next batch;
 - (b) In the case of examination, allotted to the next year's batch and placed at the bottom.

4.5 Determination of seniority of re-employed officers for promotion/confirmation

MHA O.M No. 20011/3/80-Estt.(D) Dated 16.6.1980

1. The question of determination of seniority of re-employed officers should arise only in cases where the officers are re-employed before they attain the age of normal superannuation.
2. (1) Officers re-employed after they had retired/discharged, whether from Defence or Civil employment prior to the attainment of the age of superannuation under the civil rules, will, if appointed to civil posts under the provisions of the Recruitments applicable to direct recruits, be treated as direct recruits and their seniority in the grade fixed accordingly.
 - (2) However, where such officers are appointed to civil posts and the Recruitment Rules applicable thereto prescribed re-employment as a distinct mode of recruitment, their seniority will be determined as under—
 - (a) The inter se-seniority of persons so re-employed shall be determined in accordance with the order of their selection.
 - (b) The relative seniority of persons so re-employed in relation to direct recruits and promotes shall be determined—

- (i) Where the Recruitments Rules prescribed specific quotas for each of the categories, on the basis of rotation of vacancies based on the said quota;
 - (ii) In other cases, on the basis of the chronology of selection.
3. In the case of officers referred to in previous para., their confirmation and promotion to Higher posts would take place with reference to the seniority so fixed.
 4. These instructions would apply subject to any special provisions that may be applicable to particular services/posts in terms of the Recruitment Rules applicable to those services/posts.

4.6 Fixation of seniority of a person who has been transferred to a lower post under FR-15A

When the Government employee is transferred to a lower post on his own request under FR 15(a)(2), it neither, identifies itself as a case of penal action on the employee nor as a case of transfer to a lower post in public interest. As the person already stood promoted to the next higher grade, in case of his/her reoccupying the lower post at the top of the seniority (original position), would affect adversely not only the existing officers in the grade, but would apparently nullify the very purpose of his /her transfer to the lower post. As such an officer seeking transfer to a lower post under FR-15, at his own request, would be placed below all officers appointed regularly to the lower grade on the date of transfer.

4.7 Seniority of meritorious sportsmen appointed in relaxation of recruitment rules

O.M. No. 14015/1/76-Est. (D) Dated 4.8.1980.

Where sportsmen are recruited through the Employment Exchange or by direct advertisement and are considered along with other general category candidates, they may be assigned seniority in the order in which they are placed in the panel for selection. Where recruitment to a post is through a selection made by the Staff Selection Commission, whether by a competitive examination or otherwise, the sportsmen recruited by the department themselves should be placed en bloc junior to those who have already been recommended by the Staff Selection Commission. The inter se-seniority of sportsmen will be in the order of selection.

4.8 Seniority of persons appointed on compassionate ground

DOP&T's **O.M. No.14014/6/94-Estt.(D) dated the 9th October, 1998** provides for the Scheme for Compassionate Appointment in Central Government. Para 15 of the said Scheme provide that:

- (a) The inter-se seniority of persons appointed on compassionate grounds may be fixed with reference to their date of appointment. Their interpolation with the direct recruits/promotees may also be made with reference to their date of appointment without disturbing the inter-se seniority of direct recruits/promotees.
- (b) Date of joining by a person appointed on compassionate grounds shall be treated as the date of his/her regular appointment.

A number of references were received in this Department seeking clarification as to the fixation of seniority of a person appointed on compassionate ground vis-à-vis direct recruits and promotees in a particular cadre. It is observed that while the afore-said principle has been working fine, there has been difficulty in fixation of seniority when two or more candidates come from direct recruitment/promotion joined the service on different dates. The matter has been reviewed and it has now been decided that the person appointed on compassionate ground in a particular year may be placed at the bottom of all the candidates recruited/appointed through direct recruitment, promotion etc. in that year, irrespective of the date of joining of the candidate on compassionate ground.

4.9 Determination of seniority of persons selected for appointment to different posts in the same grade requiring different qualifications.

O.M. No.22011/7/86-Estt.(D) Dated 03.07.1986

According to the Annexure to M.H.A., O.M. No. 9/11/55- RPS, dated the 22nd December, 1959 [Item-I], the relative seniority of all direct recruits shall be determined by the order of merit in which they are selected for such appointment on the recommendation of the UPSC or other selecting authority; persons appointed as a result of an earlier selecting being senior to those, appointed as a result of a subsequent selection.

In cases where persons are selected either by the UPSC for appointment to different posts in the same grade with different qualification (e.g., posts of Assistant Lecturer in History, Economics, Physics & Chemistry, etc.), the UPSC should be requested to recommend candidates for such posts in a consolidated order of merit. Similarly, other selecting authorities should also be requested to indicate such an order of merit while making selections for recruitment such posts.

The seniority of persons appointed to posts indicated above will be determined in the order in which their names appear in the consolidated list.

4.10 Fixation of seniority of Civil Government servants who are permitted to take up military service during emergency and of Civil Government servants who are members of Defence Reserves/Territorial Army/Auxiliary Air Force and are called up for military service during emergency.

O.M. No.22011/7/86-Estt.(D) Dated 03.07.1986

In the case of all such Civil Government servants, the period spent in military service/training will be counted towards seniority in their Civil posts. If such a Government servants is promoted to a higher post in his parent Department/office during his absence on military service, his military service, from the date of such promotion will count for seniority in the higher post.

4.11 Fixation of seniority of Released Emergency Commissioned officer and Short-Service Commissioned officers of the Armed forces of the Union appointed against vacancies reserved for them in Central Civil Services and posts, Group 'A' and Group 'B' (other than Engineering and Medical Services and posts).

O.M. No.22011/7/86-Estt.(D) Dated 03.07.1986

Seniority of such officers shall be determined on the assumption that they entered the Service or the post, as the case may be, as the first opportunity they had after joining the training prior to their Commission where there was only post Commission training that is-

- (a) In the case of services or posts recruitments to which is made on the results of a competitive examination conducted by the Commission, the released Emergency Commissioned Officer or Short Services Commissioned Officers who complete successfully at the first or second available opportunity would be deemed to have passed the examination at the first or second occasion he could have appeared at the relevant examination had he not joined military service and shall be assigned the year of allotment correspondingly; and
- (b) In the case of services or posts recruitment to which is made otherwise than through a competitive examination conducted by the Commission, seniority shall be fixed on the assumption that the Emergency Commissioned Officers would have been appointed on the date arrived at after giving credit for the approved military services as Emergency Commissioned Officers or Short Service Commissioned Officers, as the case may be, including the period of training, if any and shall be deemed

to have been allotted the corresponding year for the purpose of fixation of seniority.

2. Seniority inter-se of candidates who are appointed against the vacancies reserved under sub-rule (1) of Rule 4 of the Released Emergency Commissioned Officers or Short Service Commissioned Officers (Reservation of vacancies) Rules, 1971, and allotted to a particular year shall be determined according to the merit list prepared by the Commission on the basis of the results of their performance at the examination or test or interview.

3. All candidates who have been appointed against the vacancies reserved under sub-rule (1) of Rule 4 of the rules referred to at 2 above shall rank below the candidates who were appointed against unreserved vacancies in the services or posts through the competitive examination or test or interview conducted by the Commission corresponding to the year to which the former candidates are allotted.

4.12 Seniority of released Emergency Commissioned and Short Service Commissioned Officers of the Armed Forces of the Union who are appointed against reserved vacancies in the Engineering and Medical Services and posts of the Government of India Group 'A' and Group 'B'.

O.M. No.22011/7/86-Estt.(D) Dated 03.07.1986

Seniority of these Officers shall be fixed on the assumption that he would have been appointed to the service or post, as the case may be, on the date arrived at after giving credit for his approved military service as Emergency Commissioned Officers or Short Service Commissioned Officer, as the case may be, including the period of training, if any:

Provided that in the case of an officer who competes for the reserved vacancies under proviso to sub-clause (1) of Clause (a) of sub-rule (2) of Rule 5 of the released Emergency Commissioned Officers or Short Service Commissioned Officers (Engineering and Medical Services) Reservation of Vacancies (No. II) Rules, 1971, seniority would be fixed as if he has been directly recruit to the service or post through open completion corresponding to the date and year in which he actually joined.

2. Seniority inter-se of released Emergency Commissioned Officers or Short Service Commissioned Officers who are appointed against technical vacancies reserved for them allotted to a particular year shall be determined according to the merit list prepared by the Commission on the basis of the results of their performance at the viva voce test or interview.

3. All candidates who are appointed against the reserved vacancies will rank below the successful candidates from open competition of the year to which they are allotted.

4. In case where the released Emergency Commissioned Officers or Short Service Commissioned Officers recruited initially on a temporary basis and given the same year of allotment are confirmed subsequently in an order different from the order of merit indicated at the time of their appointment, seniority shall follow the order of confirmation and not the original order of merit.

ANNEXURE**TYPED COPIES OF O.M.s ON SENIORITY ISSUED EARLIER**

(Original O.M.s are available at DoP&T's website www.persmin.nic.in)

No.9/11/55- RPS
Government of India
Ministry of Home Affairs

New Delhi, dated the 22nd December, 1959

OFFICE MEMORANDUM

Subject: General Principles for determining seniority of various categories of persons employed in Central Services.

As the Ministries of the Government are aware, instructions have been issued from time to time regarding the principles to be observed in and the method of determining seniority vide Office Memorandum cited below:-

- i. Office Memorandum No. 30/44/48 - Appts, dated the 22nd June, 1949.
- ii. Office Memorandum No. 65/28/49 - DGS.(Appts.) dated the 3rd February, 1950 and other subsequent Office Memorandum regarding fixation of seniority of ex-employees of the Government of Burma.
- iii. Office Memorandum No. 31/223/50 - DGS, dated the 27th April, 1951 and other subsequent Office Memorandum regarding fixation of seniority of displaced Government Servants.
- iv. Office Memorandum No. 9/59/56 - RPS dated 4th August, 1956.

The instructions contained in this Ministry's Office Memorandum No. 30/44/43 – Appts., dated the 22nd June, 1949, were issued in order to safeguard the interests of displaced Government servants appointed to the Central Services after partition. As it was not possible to regulate the seniority of only displaced Government servants by giving them credit for previous service, the instructions were made applicable to all categories of persons appointed to Central Services. The principles contained in the 22nd June, 1949 orders were extended to:

- (i) Ex-Government servants of Burma appointed to Central Services, and
- (ii) The employees of former part 'B' States taken over to the Centre as a result of Federal Financial Integration.

The instructions contained in this Ministry's Office Memorandum No. 32/10/49 – CS, dated the 31st March, 1950 and No. 32/49/CS(C) dated the 20th September 1952 similarly regulate Central Service.

2. The question has been raised whether it is necessary to continue to apply the instructions contained in the Office Memorandum cited above. Displaced Government servants have by and large been absorbed in the various Central Services and their seniority has been fixed with reference to the previous service rendered by them. Similarly, the seniority of ex-employees of the Government of Burma and Part 'B' States as well as of candidates with war service has already been determined in accordance with the instructions cited above. As the specific object underlying the instructions cited have been achieved, there is no longer any reason to apply these instructions in preference to the normal principles for determination of seniority. It has, therefore, been decided in consultation with the UPSC, that hereafter the seniority of all persons appointed to the various Central Services after the date of these instructions should be determined in accordance with the General Principles annexed here to.

3. The instructions contained in the various Office Memorandum cited in para 1 above are hereby cancelled, except in regard to determination of seniority of persons appointed to the various Central Services prior to the date of this Office Memorandum. The revised General Principles embodied in the Annexure will not apply with retrospective effect, but will come into force with effect from the date of issue of these orders; unless a different date in respect of any particular service/grade from which these revised principles are to be adopted for purposes of determining seniority has already been or is hereafter agreed to by this Ministry.

Sd/-
(V.VISHWANATHAN)
Special Secretary to the Government of India.

To,

All Ministries of the Government of India etc.

Annexure

GENERAL PRINCIPLES FOR DETERMINATION OF SENIORITY IN THE CENTRAL SERVICES.

1. (I) These principle shall apply to the determination of seniority in Central Services and Civil posts except such services and posts for which separate principles have already been issued for may be issued hereafter by Government.

Ministries or Departments which have made separate rules or issued instructions on the basis of instructions contained in the Ministry of Home Affairs, OM No.30/44/48 – Appts. Dated the 22nd June, 1949, are requested to consider modification of those rules or instructions on the basis of those general principles. However, whenever it is considered necessary to follow principles different from those laid down in t his Memorandum, a specific reference should be made to the Ministry of Home Affairs will consult the UPSC. As regards individual cases, the Ministry of Home Affairs. Will decide the cases on which the advice of the Commission should be obtained.

- (II) Not withstanding anything contained in these General Principles, the seniority of persons belonging to the following categories will, on their appointment to a Control Civil Services, or a Civil posts, continue to be determined by the instructions noted against each such category:-

- | | | |
|-----|---|---|
| (a) | Ex- Government servants penalized for their patriotic activities. | MHA OM No. 6/4/52- S&NG dated 29.5.57. |
| (b) | Central Government employees discharged on account of affliction with T.B., Pleurisy of Leprosy. servants | OM No.37/1/52-DGS, dated 10.7.54 (subsequently extended to ex-Pleurisy/ Leprosy patients vide OM No. 13/4/56—RPS dated 29.9.56 and 13.4.57-RPS dated 14.7.58. |
| (c) | Permanent displaced Government servants nominated by the Transfer Bureau to purely temporary Organizations, who consequent on their retrenchment, were absorbed in other offices. | OM No. 30/44/48- Appts. Dated 22.6.49. |

2. Subject to the provision of para 3 below, persons appointed in a substantive or officiating capacity to a grade prior to the issue of these general principles shall retain the relative seniority already assigned to them or such seniority as may hereafter be assigned to them under the existing orders applicable to their cases and shall an-bloc be senior to all others in that grade.

Explanation:- For the purpose of those principles (a) persons who are confirmed retrospectively w.e.f. date earlier than the issue of these general principles; substantively vacant in a grade prior to the issue of these general principles, shall be considered to be permanent officers of the grade.

3. Subject to the provisions of para 4 below, permanent officers of each grade shall be ranked senior to persons who are officiating in that grade.

4. Direct Recruit :

Notwithstanding the provisions of para 3 above, the relative seniority of all direct recruits shall be determined by the order of merit in which they are selected for such appointment on the recommendations of the U.P.S.C. or other selecting authority, persons appointed as a result of subsequent selection.

5. Provided that where persons recruited initially on a temporary basis are confirmed subsequently in an order different from the order of merit indicated at the time of their appointment, seniority shall follow the order of confirmation and not the original order of merit.

5. Promotees:-

(I) The relative seniority of persons promoted to the various grades shall be determined in the order of their selection for such promotion;

Provide that where persons promoted initially on a temporary basis are confirmed subsequently in an order different from the order of merit indicated at the time of their promotion, seniority shall follow the order of confirmation and not the original order of merit.

(II) Where promotions to a grade are made from more than one grade, the eligible persons shall be arranged in separate lists in the order of their relative seniority in their respective grades. Hereafter, the Departmental Promotion Committee shall select persons for promotion from each list upto the prescribed quota and arrange all the candidates selected from different lists in a consolidated order of merit which will determine the seniority of the persons on promotion to the higher grade.

NOTES:- Separate quotas for promotion have not already been prescribed in the relevant recruitment rules, the Ministries/ Departments may do so now, in consultation with the Commission wherever necessary.

6. Relative seniority of Direct Recruits and Promotees.

The relative seniority of direct recruits and of Promotees shall be determined according to the rotation of vacancies between direct recruits and Promotees which shall be based on the quotas of vacancies reserved for direct recruitment and promotion respectively in the Recruitment Rules.

7. Transferees:-

- (i) The relative seniority of persons appointed by transfer to a Central Service from the subordinate office of the Central Government of other Departments, of the Central of state Governments shall be determined in accordance with the order of their selection for such transfer.
- (ii) Where such transfers are effected against specific quotas prescribed in the recruitment ruled therefore, the reality seniority of such transferees vis-a-vis direct recruits and promotee shall be determined according to the rotation of vacancies which shall be based on the quotas reserved for transfer, direct recruitment and promotion respectively in the recruitment rules.
- (iii) Where a person is appointed by transfer in accordance with a provision in the recruitment rules providing for such transfer in the event of non-availability of a suitable candidate by direct recruitment or promotees, as the case may be, for the purpose of para 6 above. He shall be ranked below all direct recruits or promotees, as the case may be, selected on the same occasion.

8. Persons appointed on adhoc basis to a grade without consultation with the UPSC under Regulation 4 of the U.P.S.C (exemption from consultation) Regulation, 1958, are to be replaced by persons approved for regular appointment by direct recruitment, promotion or transfer, as the case may be. Until they are replaced, such persons will be shown in the order of their adhoc appointments and below all persons regularly appointed to the grade.

EXPLANATORY MEMORANDUM

General Principle 4: The Union Public Service Commission Invariably indicate the order of preference at the time of selection and it will not, therefore, be difficult to determine the relative seniority of persons recruited through the Commission. In order to obviate difficulties in determining the relative seniority of direct recruits recruited otherwise than through the U.P.S.C., the selecting authority should indicate the order of merit at the time of selection.

General Principle 5(i): Where promotions are made on the basis of selection by a D.P.C., the seniority of such promotees shall be in the order which they are recommended for such promotion by the Committee. Where promotions are made on the basis of seniority subject to the rejection of the unfit, the seniority of persons considered fit for promotion at the same time shall be the same as the relative seniority in the lower grade from which they are promoted. Where, however, a person is considered as unfit for promotion and is superseded by a junior, such persons shall not if he is subsequently found suitable and promoted, take seniority in the higher grade over the junior persons who had superseded him.

General Principle (ii): Illustration: Where 75% of the vacancies in the grade of Head Clerk are reserved for promotion from the grade of Upper Division Clerk and 25% from the grade of Store-keeper, the eligible Upper Division Clerks and Store-Keepers shall be arranged in separate lists with reference to their relative seniority in these grades. The D.P.C. will make selection of three candidates from the list of U.D.C. and from the list of store-Keepers. Thereafter the selected persons from each list shall be arranged in a single list in a consolidated order of merit assessed by the D.P.C. which will determine the seniority of the persons on promotion of the higher grade.

General Principle 6: A roster should be maintained based on the reservation for direct recruitment and promotion in the Recruitment Rules. Where the reservation for each method is 50% the roster will run as follows:-

(1) Promotion, (2) Direct recruitment, (3) Promotion, (4) Direct Recruitment and so on. Appointment should be made in accordance with this roster and seniority determined accordingly.

Illustration : Where 75% of the vacancies are reserved for promotion and 25% for direct recruitment, each direct recruit shall be ranked in seniority below 3 promotees. Where the quotas are 50% each, every direct recruit shall be ranked below a promotees. If for any reason, a Direct recruit or a promotee ceases to hold the appointment in the grade, the seniority list shall not re-arranged merely for the purpose of ensuring the promotion referred to above.

General Principle 7 (i): The Principle laid down in para 7(i) will not present any difficulty where recruitment by transfer is made singly and at intervals but it will be found wanting in cases where two or more persons are selected from different sources on the same occasion and the selection is spread over a number of days. It will, therefore, be necessary for the authorities responsible for approving appointments by transfer to indicate the inter se order of merit of the selected persons in such cases.

General Principle 8: While the seniority of persons appointed on an adhoc basis will be determined as indicated in para 8 of the Annexure, the seniority list should clearly show that such persons are not eligible for promotion or confirmation.

No.9/22/68-Estt.(D)
GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS

....

New Delhi-I, the 6th February, 1969
17, Magha, 1890

OFFICE MEMORANDUM

Subject: Preservation of inter-se seniority of the staff rendered surplus and re-deployed on different occasions but in the same office.

...

The undersigned is directed to refer to the Scheme of redeployment of surplus staff forwarded with this Ministry's Office Memorandum No.3/27/65-CS(II), dated the 25th February, 1966 and to say that no benefit of past service is given at present to the surplus staff redeployed under the above scheme, for purpose of fixation of seniority in the grade in which they are redeployed in the recipient organisation. Their seniority in such organisations is determined in accordance with the general instructions contained in this Ministry's Office Memorandum No.9/11/55-RPS dated the 22nd December 1959, i.e. with reference to the date of their selection for redeployment in the recipient organisations. Therefore, the order of inter-se seniority of two or more persons as it existed in the office in which they were declared surplus, may not be maintained if they are selected for deployment in another office on different dates. The question as to whether the order of their inter-se seniority, as it stood in their former office, should be maintained in their new office has been under consideration in this Ministry for some time past. It has now been decided that when two or more such surplus persons of an office are selected on different dates for absorption in a grade in another office, their inter se seniority as it existed in the office in which they worked before being rendered surplus, should be maintained in the grade in which they are absorbed in the new organization provided that

- (i) no direct recruit has been selected for appointment to that grade in between these dates; and
- (ii) if there are no fixed quotas for direct recruitment and promotion to the grade in question in the new office and no promotee has been approved for appointment to that grade in between these dates.

It has also been decided that when two or more surplus employees of a particular grade in an office, are simultaneously selected for redeployment in another office in a grade, their inter se seniority in the particular grade, on redeployment in the latter office, should be the same as it was in their previous office.

2. These orders will not be applicable in respect of personnel who are appointed on the recommendation of the Union Public Service Commission to posts/services recruitment to which is made through the Commission. Seniority of surplus officers appointed on the recommendations of the Commission will be decided on an ad hoc basis in consultation with the Commission.

3. These orders will take effect from the 25th February, 1966, the date of the issue of the Scheme of redeployment of surplus staff. Promotions/confirmations, if any, already made will, not however, be affected.

Sd/-
Harish chandra
Under Secretary to the Government of India

To

All Ministries/Departments etc. of the Government of India (including all Attached and Sub-ordinate offices under the Ministry of Home Affairs.

Commissioner for Linguistic Minorities Affairs.

All Zonal Councils

All Union Territories Governments/Administrations, Directorate General Employment and Training (EEI Sections).

Copy (with 10 spare copies) forwarded to the Union Public Service Commission with reference to their letter No.F.2/37/68-CS.II dated the 26th December,1968.

Sd/-
Harish Chandra
Under Secretary to the Government of India

Copy to Admn.I, AIS.I, CS(I), CS(II), CS(III), HMT, Delhi, ANI, BS(L), GP, NEFA, Admn.II, Estt.(B), Police-I, Police-II, BS(II), Police III and Police IV Sections.

No.9/23/71-Estt.(D)
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

....

New Delhi, dated the 6th June, 1978

OFFICE MEMORANDUM

Subject: Candidates recommended by the UPSC for appointment to Central Civil Services and the post – delay in joining – revival of offers of appointment after their cancellation – determination of seniority.

....

The undersigned is directed to refer to the general principles of seniority contained in Ministry of Home Affairs' O.M.No.9/11/55-RPS dated 22nd December, 1959 and to say that relative seniority of direct recruits appointed on the recommendations of the UPSC or any other authority is determined by the order of merit in which they are selected for such appointment, the persons appointed as result of an earlier selection being placed above those appointed as result of the subsequent selection. It has come to the notice of the Government that in certain cases, the candidates recommended by them for appointment take long time to join and there have also been cases where offers of appointment were revived by Departments after they had been cancelled and in spite of the long delay in joining the candidates were allowed the benefit of seniority on the basis of their initial selection. The question whether in such cases it would not be desirable to depress the seniority of the candidates who are appointed on the result of the selections by interviews/examination was considered by the Government in consultation with the UPSC and it has been decided that the following procedure may be adopted now. This procedure will be applicable both in case of (a) selection through interview and (b) examinations.

- (i) In the offers of appointment issued by different Ministries/Departments, it should be clearly indicated that the offer would lapse if the candidates did not join within a specified period not exceeding two or three months.
- (ii) If, however, within the period stipulated, a request is received from the candidates for extension of time, it may be considered by the Ministries/Departments and if they are satisfied, an extension for a limited period may be granted but the total period granted including the extension during which the offer of appointment will be kept open, should not exceed a period of nine months. The candidates who join within the above period of nine months will have their seniority fixed under the seniority rules applicable to the service/post concerned to which they are appointed, without any depression of seniority.

- (iii) If, even after the extension(s) if any granted by the Ministry/Departments, a candidates does not join within the stipulated time (which shall not exceed a period of nine months), the order of appointment should lapse.
- (iv) An offer of appointment which has lapsed, should not ordinarily be revived later, except in exceptional circumstances and on grounds of public interest. The Commission should in all cases be consulted before such offers are revived.
- (v) In a case where after the lapsing of the offer, the offer is revived in consultation with the Union Public Service Commission as mentioned in sub-para (iv) above, the seniority of the candidates concerned would be fixed below those who have already joined the posts concerned within the prescribed period of nine months; and if the candidate joins before the candidates of the next selection/examination join, he should be placed below all others of his batch. If however, the candidates joins after some or all the candidates of the next selection/examination have joined, he should be:
- (a) In cases of selection through interview, placed at the bottom of all the candidates of the next batch.
 - (b) in the case of examination, allotted to the next years batch and placed at the bottom.

The Ministry of Finance are requested to bring the above instructions to the notice of all concerned.

Sd/-
(N. RANGARAJAN)
Deputy Secy. to the Govt. of India

Copy to:-

1. All Ministries/Departments of the Govt. of India including all attached & subordinate offices of Deptt. of Personnel.
2. Union Public Service Commission, with reference to their letter

No.F.2/26/70-S.II dated 27th April, 1978.

Sd/-
(N. RANGARAJAN)
Deputy Secy. to the Govt. of India

No.28011/6/76-Estt.(D)
Government of India
Ministry of Home Affairs
Department of Personnel & Adm. Reforms

.....
North Block, New Delhi, the 24th June, 1978

OFFICE MEMORANDUM

Subject: Starting point in the recruitment roster for the purpose of seniority –
procedure regarding.

.....

The undersigned is directed to say that from the reference received in the Department and the representations made by the affected individuals, it has been noticed that there is no uniform practice in regard to the starting point in the recruitment roster when recruitment is made by more than one method, namely, direct recruitment/promotion/transfer on deputation etc.

The following are the among the diverse methods being adopted by various departments in regard to the starting point of the roster:

- (a) the mode of recruitment for which action has been initiated first;
- (b) the mode of recruitment through which first appointment was made after the notification of the recruitment rules;
- (c) the mode of recruitment mentioned first in the recruitment rules for the post concerned.
- (d) the mode of recruitment which is the most predominant.

In some other cases, the roster has been maintained according to the illustration given in “General principle (6)” in the annexure to M.H.A.O.M.No.9/11/55-RPS dated 22.12.1959.

2. This question has been examined in detail by this Department in consultation with the UPSC and it has now been decided that the starting point in the roster should be that mode of recruitment prescribed in the Recruitment Rules for which the selection process had been completed first. For this purpose, the date of completion of the selection process will be determined as follows:

<u>Direct Recruitment</u>	<u>Date of completion of selection process</u>
(a) Through examination conducted by UPSC or any other authorities.	Date of publication/announcement of results.
(b) Through interviews conducted by UPSC or any other authorities.	Date of Commission's letter containing their recommendations.

Promotion

(a) Where UPSC is associated.	Date of UPSC's letter containing their recommendations ratifying the promotion.
(b) Where UPSC is not associated or its formal concurrence is not required.	Last date of DPC meeting.
(c) Limited Departmental Examination.	Date of announcement of results.

3. A new roster will have to be started in the following cases:

- (i) From the date the recruitment rules are notified in the gazette.
- (ii) When there is an amendment to the Recruitment Rules which changes the percentage allotted for the various modes of recruitment.

4. These instructions shall come into force with effect from the date of issue of this Office Memorandum and recruitment rosters already maintained/started need not be reviewed on the basis of the above instructions. However, where the persons concerned have been approved for appointment but the Recruitment roster has not been started this may be started in the light of the instructions.

Sd/-
(N. Rangarajan)
Deputy Secretary

To

All Ministries/Departments.

UPSC with 10 spare copies with referent to letter No.F.2/47/ S.II.

No.20011/3/80-Estt (D)
 Government of India/Bharat Sarkar
 Ministry of Home Affairs/Grih Mantralaya
 Department of Personnel and Administrative Reforms
 (Karmik Aur Prashasnik Sudhar Vibhag).

.....
 New Delhi-110001 dated 16 June 1980

OFFICE MEMORANDUM

Subject: - Prematurely Retired and re-employed Officers whether they should be eligible for promotion and confirmation after re-employment.

.....

Ministries/Departments are aware that persons who are in military service retire from service much earlier than persons employed in civil posts. Thus the persons who are employed in military posts render shorter span of service. Government have introduced various schemes for suitable re-employment of these officers. In civil posts two methods of re-employment are possible. The first category comprises of those who had retired after the date of normal superannuation under Civil Rules viz. 58 years-age. The other category comprises of persons who retire at an earlier age from the military service, or are discharged on compensation/invalid pension or otherwise retire from Civil service prior to the attainment of the age of superannuation under civil rules. On re-employment, the latter continue to work against the civil posts till the normal date of superannuation under civil rules viz 58years of age.

2. A question has been raised whether the officers who are re-employed can be promoted or confirmed after their re-employment. The answer to the above question would depend on whether the re-employed officers find a place in the seniority list, since the confirmation or promotion of any officer will depend on his position in the seniority list and his suitability. The manner in which the seniority of the re-employed officers has to be determined, has not been laid down in any of the instructions issued so far. The matter has however, been examined and it has now been decided that for the purpose of determination of seniority of reemployed officers the following procedure should be adopted: -

3. The question of determination of seniority of re-employed officers should arise only in cases where the officers are re-employed before they attain the age of normal superannuation i.e. 58 years of age. Officers who are re-employed after obtaining the age of 58 years would not form part of the cadre at all and would be treated like contractual appointees. Consequently, they can neither be confirmed in the civil post in which they are re-employed nor promoted to the higher post. They may, if the recruitment rules permit, and in exigencies of public service, be appointed to a higher post, again as a freshly re-employed officer.

4. (1) Officers re-employed after they has retired/discharged, whether from Defence of Civil employment prior to the attainment of the age of superannuation under the civil rules, will, if appointed to civil posts under the provisions of the recruitment rules applicable to direct recruits, be treated as direct recruits and their seniority in the grade fixed accordingly.

(2) However, where such officers are appointed to civil posts and the recruitment rules applicable thereto prescribe re-employment as a distinct mode of recruitment, their seniority will be determined as under.

(a) The inter-se seniority of persons so re-employed shall be determined in accordance with the order of their selection.

(b) The relative seniority of persons so re-employed in relation to direct recruits and promotees shall be determined:

(i) Where the recruitment rules prescribe specific quotas for each of the categories, on the basis of rotation of vacancies based on the said quotas.

(ii) In other cases, on the basis of the chronology of selection.

5-In the case of officers referred to in para 4 above, their confirmation and promotion to higher posts would take place with reference to the seniority so fixed.

6-These instructions would apply subject to any special provisions that may be applicable to particular services/posts in terms of the recruitment rules applicable to those services/posts.

7-Ministry of Finance etc. are requested to bring the above decision to the notice of all officers working under them for their information and necessary action.

Sd/-
(J.K. SARMA)
Director

To

All Ministries/Departments (as per standard list) /President/Vice President's Secretariat/Lok Sabha/Rajya Sabha Sectt./ P.M. Office.

No. 14015/1/76-Estt.D
 Government of India/Bharat Sarkar
 Ministry of Home Affairs/Grih Mantralaya
 Department of Personnel & Administrative Reforms
 (Karmik Aur Prashasanik Sudhar Vibhag)

New Delhi, the 4th August 1980

Office Memorandum

Sub: Appointment of meritorious sportsmen to Group 'C' and 'D' posts in relaxation of the procedure.

General Scheme:

Under this Department's O.M. No. 14/1/72-Estt.(D) dated 28.12.72 orders were issued that the Secretary of the Ministry/Department or the Head of Department under it may recruit a meritorious sportsmen to a Class III or Class IV service/post (now Group C&D) in the Ministry/Department/Establishment, as the case may be, direct recruitment to which is made otherwise than through a competitive examination held by the Union Public Service Commission, subject to the provisions contained in that O.M. with the coming into being on the Staff Selection Commission, recruitment to group 'C' posts have generally to be made through the Staff Selection Commission. The entire policy of recruitment of sportsmen in various Departments/Offices has since been examined and the following orders are issued for providing for relaxation of recruitment rules to the extent mentioned below:

1. **ELIGIBILITY:**

- a) Appointments under these orders can be made of a sportsmen considered meritorious with reference to the following criteria:
 - i) Sportsmen who have represented a State or the country in the National or International competition in any of the games/sports mentioned in the list at Annexure (A).
 - ii) Sportsmen who have represented their University in the Inter-University Tournaments conducted by the Inter-University Sports Boards in any of the sports/game showing the list at Annexure 'A'.
 - iii) Sportsmen who have represented the State Schools Teams in the National Sports/games for schools conducted by the All India School Games Federation in any of the games/sports shown in the list of Annexure 'A'.
 - iv) Sportsmen who have been awarded National Awards in Physical Efficiency under the National Physical Efficiency Drive.

- b) No such appointments can be made unless the candidate is, in all respects, eligible for appointment to the post applied for, and in particular in regard to age, educational or experience, qualification prescribed under the Recruitment Rules applicable to the post, except to the extent to which relaxations thereof have been permitted in respect of class/category of persons to which the applicant belongs.

2. POSTS TO WHICH APPLICABLE:

- a) Appointment of meritorious sportsmen can be made to any post in Group 'C' or Group 'D' which under the Recruitment Rules applicable thereto, is required or permitted to be filled by direct recruitment, otherwise than through the Union Public Service Commission.
- b) No such appointment shall be made to any post in Group A or Group B by direct recruitment.
- c) A meritorious sportsmen can be considered for appointment under sub para (a) above, notwithstanding the fact that he is already in the service of the Government.
- d) In making appointments to any post under the Government by promotion, no preference shall be given to meritorious sportsmen though that fact may be taken into account in assessing the overall merit.

3. EXTENT TO SUCH RECRUITMENT:

- a) Ministries/Departments of Government of India can recruit meritorious sportsmen in any year in relaxation of the recruitment procedure, to the extent that these including all other reservations under existing orders do not exceed 50% of the total number of vacancies proposed to be filled by direct recruitment.
- b) For the purpose of making appointment of meritorious sportsmen, the appointing authorities may at their discretion notify to the Staff Selection Commission, in all cases where the recruitment to the posts have been entrusted to that Commission, vacancies reduced by upto 5% thereof and may fill such vacancies so held back by appointing meritorious sportsmen subject to the overall limitations mentioned in sub-para (a) above.

4. SENIORITY:

Where sportsmen are recruited through the Employment Exchange or by direct advertisement and are considered alongwith other general category candidates, they may be assigned seniority in the order in which they are placed in the panel for selection.

Where recruitment to a post is through a selection made by the SSC, whether by a competitive examination or otherwise, the sportsmen recruited by the departments themselves should be placed enable junior to those who have

already been recommended by SSC. The Inter-se-seniority of sportsmen will be in the order of selection.

5. PROCEDURE:

- a) An application received by the appointing authority or a higher authority from a sportsmen belonging to any of the categories mentioned above, may be considered by the Ministries/Departments or the Head of the Department, as the case may be, in light of the evidence which the applicant may furnish of his having represented in any of the competitions mentioned in the previous paragraphs, and subject also to the applicant fulfilling the requisite qualifications relating to education, age etc., as may be laid down in the rules for the post/service for which he is a candidate. Normally certificates awarded should alone be taken into account while considering the eligibility of an applicant in terms of above paragraphs. Appointments may be made of such a candidate after the Ministries/Departments or Head of the Department, as the case may be, is satisfied about the eligibility of the candidates under these orders as well as his suitability for the post in all respects. Where the appointing authority is subordinate to a Head of Department, such authority may make a recommendation in this regard to the Head of the Department, alongwith the necessary details, for obtaining his concurrence in the proposed appointment of the candidate.
- b) The orders contained in those O.M. will not affect the orders relating to reservation for SC/ST and Ex-servicemen which may be in force from time to time. In other words, the vacancies filled in accordance with these orders in a year shall be taken into account in calculating the total number of vacancies in the service/post during that year for purpose of applying the reservation orders.

6. These orders apply to all Ministries and Departments of Government of India including the Ministry of Railways and Communications (P&T) and any existing Scheme if any of the Ministries/Departments shall, from the date of issue of these orders, be subject to the conditions and restrictions herein specified, except to the extent of such modifications as may be accepted by Government in view of special circumstances prevailing therein.

7. A consolidated annual statement showing the number of sportsmen of the eligible categories appointed to Group 'C' and Group 'D' posts/service in a calendar year may be sent to the Welfare Division of the Department of Personnel by each Ministry/Department in the proforma given in Annexure 'C' by the 31st March, of the following year.

8. Provisions contained in this O.M. supersede all instructions issued from time to time in the past, on the subject.

Sd/-
(J.K. SARMA)
Director

To

1. All Ministries/Departments including U.P.S.C, C.V.C, Election Commission, Planning Commission etc. etc.
2. All Union Territories, Government/Administrators.
3. All attached/subordinate offices of the Ministry of Home Affairs and Department of Personnel and Administrative Reforms.
4. All Sections of the Ministry of Home Affairs and Department of Personnel and Administrative Reforms.
5. All Members of the Staff Side of the National Council.

Copy also forwarded for information:

1. The Secretary, Railway Board, Ministry of Railways.
2. D.G of Posts & Telegraphs, New Delhi.
3. C&AG, New Delhi with the request that they may consider the desirability of issuing similar instructions to offices under their control. It is also requested that information in the proforma in Annexure 'C' 8 may be furnished to this Department (Welfare Division) so that the total number of meritorious sportsmen recruited during a year may be worked out.
4. C.A.O Office, Ministry of Defence, CS.II Section, Department of Personnel and Administrative Reforms, They may consider the question of extending of these orders to posts in CSSS/CSCS and AFG Clerical Service and AFG Stenographers Service.

Sd/-
(J.K. SARMA)
Director

No. 14017/27/75-Estt.D (Pt.)
Government of India/Bharat Sarkar
Ministry of Home Affairs/Grih Mantralaya
Department of Personnel & Administrative Reforms
(Karmik Aur Prashasanik Sudhar Vibhag)

New Delhi, the 7th March, 1984

Office Memorandum

Sub: Criteria for determining analogous posts.

Whenever the recruitment rules for a post prescribe 'transfer on deputation/transfer' as a method of filling up the post, it generally contains an entry in column 12 of the standard form of schedule stating inter-alia that the transfer on deputation/transfer shall be made from the officers holding analogous posts under the Central/State Governments. This Department has been receiving references from various Ministries/Departments asking for the definition of the words 'analogous posts'. It has, therefore, been considered appropriate to lay down the following criteria for determining whether the posts in question could be treated as analogous to each other or not in so far as posts under the Central Government are concerned:-

- (i) Though the scales of pay of the two posts which are being compared may not be identical, they should be such as to be an extension of or a segment of each other, e.g. for a post carrying the pay scale of Rs.1200-1600, persons holding posts in the pay scale of Rs.1100-1600 will be eligible and for a post in the scale of Rs.1500-2000, persons working in posts carrying pay scale of Rs.1500-1800 and Rs.1800-2000.
- (ii) Both the posts should be falling in the same Group of posts as defined in the Department of Personnel and Administrative Reforms Notification No. 21/2/74-Estt.D dated 11th November 1975.
- (iii) The levels of the responsibility and the duties of the two posts should also be comparable.
- (iv) (a) Where specific qualifications for transfer on deputation/transfer have not been prescribed, the qualifications and experience of the officers to be selected should be comparable to those prescribed for direct recruits to the post where direct recruitment has also been prescribed as one of the methods of appointment in the recruitment rules.
(b) Where promotion is the method of filling up such posts, only those persons from other Departments may be brought on

transfer on deputation whose qualifications and experience are comparable to those prescribed for direct recruitment for the feeder grade/post from which the promotion has been made.

2. As far as the posts under the State Governments/Public Undertakings, etc. are concerned, it is quite likely that even posts with identical designations may not have comparable scales of pay and they may also differ with reference to the extent and stage of merger of D.A. with pay. The levels in the hierarchy and the nature of duties, may not also be comparable. These posts may not also be classified into 4 groups as has been done under the Central Government. Taking these factors into consideration the selecting authorities may have to be guided more by the nature of duties performed by the candidates in their parent organization vis-a-vis those in the posts under selection, and qualifications and experience required for the post under the Central Government for making selection for appointments by transfer/deputation (including short-term contract) from outside the Central Government service. Since details of recruitment rules for the posts under State Government/Public Undertakings etc. may not be available, bio-data sheets, signed by the officers themselves and certified/ countersigned by their employer indicating their qualifications, experience, assignments held in the past, contributions made by them in the field of research, publications to their credit and any other information which the officers might consider relevant for assessing their suitability for the posts in question may be obtained in the proforma (enclosed) prescribed vide the Department of Personnel and A.R's O.M. No. 39011/8/81-Estt.(B) dated the 18th July 1981.

3. The Ministries/Departments are requested to keep the above guidelines in mind in examining the applications from officers holding analogous posts for making selection by the process of transfer on deputation/transfer (including short-term contract).

Sd/-
(K.S.R. Krishna Rao)
Under Secretary to the Govt. of India

To

All Ministries/Departments of the Govt. of India.

No. 20019/2/83-Estt.D
Government of India/Bharat Sarkar
Ministry of Personnel & Training, Administrative Reforms and
Public Grievances and Pension
(Department of Personnel & Training/Karmik Aur Prashikshan Vibhag)

New Delhi, the 10 September 1985.

Office Memorandum

Sub: General Principles of Seniority - Preparation of a Combined Select List of promotees where quotas have been laid down for the various posts in the feeder grades.

As the Ministries/Departments of the Government of India are aware, the general principles of seniority for civil services/posts have been laid down in the MHA O.M. No. 9/11/65-RPS dated 22.12.59. According to principle 5(ii), where promotions to a grade are made from more than one grade and quotas have been laid down for each feeder grade, the eligible persons are to be arranged in separate lists in the order of their relative seniority in their respective grades. Thereafter, the Departmental Promotion Committee is to select persons for promotion from each list upto the prescribed quotas and arrange all the candidates selected from different lists in a consolidated order of merit which will determine the seniority of the persons on promotion to the higher grade. The 'NOTE' given below that principle gives a direction to the Ministries/Departments to the effect that if quotas for promotion have not already been prescribed in the relevant recruitment rules, they may do so, in consultation with the UPSC where necessary. Despite this clear direction, it has come to the notice of this Department that in a large number of cases separate quotas for the feeder grades have not been prescribed with the result that difficulties arise in the preparation of a panel of promotees. It is, therefore, necessary to initiate action to review the existing recruitment rules with a view to considering the feasibility laying down quotas for the feeder grades, in consultation with this Department and UPSC where necessary.

2. References have been received in this Department seeking guidance in the matter of preparation of a consolidated order of merit where quotas for the feeder grades have been laid down in the recruitment rules. The matter has been examined in this Department in consultation with the Union Public Service Commission and it has been decided that where the posts in the feeder grade are in different scales of pay or even in the identical or equivalent scales of pay, the officers upto the number of vacancies for each feeder grade as per the quota may be selected and interpolated in a combined select list according to the grading. The persons who are assigned the same grading by the DPC should be arranged in the consolidated order of merit with reference to the date arrived at after adding the requisite number of years of qualifying services in the feeder grade to their date of appointment i.e. with reference to the date from which they became eligible for promotion after rendering

the prescribed qualifying services in the feeder grade, maintaining their inter-se seniority in the parent service grade.

3. This decision may kindly be brought to the notice of all concerned for guidance/compliance. The cases decided otherwise will not be re-opened.

Sd/-
(A. JAYARAMAN)
Director
Tel: 3011479

To

1. All Ministries/Departments of the Government of India including all attached and subordinate offices of the Ministry of Home Affairs and Department of Personnel and Training.
2. President/Vice President Secretariat.
3. Prime Minister's Office.
4. Lok Sabha/Rajya Sabha Secretariat.
5. The UPSC with 10 spare copies. Their letter no. 1/10/84-S.II dated 29.2.85 refers.
6. The Comptroller and Auditor General, reference their U.O. No. 576-Audit-I/12-83 dated 26.7.85
7. SSC/Commission of SC & ST/AR Wing/All regular Section of the Department of Personnel & Trg., Ministry of Home Affairs.
8. 100 spare copies.

No. 35014/2/80-Estt.D
Government of India
Ministry of Personnel, Public Grievances and Pension
(Karmik, Lok Shikayat Tatha Pensions Mantralaya)
(Department of Personnel & Training)

North Block, New Delhi-1
the 7 February, 1986.

Office Memorandum

Sub: General Principles for determining the seniority of various categories of persons employed in Central Services.

As the Ministry of Finance etc. are aware, the General Principles for determination of seniority in the Central Services are contained in the Annexure to Ministry of Home Affairs O.M. No. 9/11/55-RPS dated 22nd December 1959. According to Paragraph-6 of the said Annexure, the relative seniority of direct recruits and promotees shall be determined according to rotation of vacancies between the direct recruits and the promotees, which will be based on the quota of vacancies reserved for direct recruitment and promotion respectively in the Recruitment Rules. In the Explanatory Memorandum to these Principles, it has been stated that a roster is required to be maintained based on the reservation of vacancies for direct recruitment and promotion in the Recruitment Rules. Thus where appointment to a grade is to be made 50% by direct recruitment and 50% by promotion from a lower grade, the inter-se-seniority of direct recruits and promotees is determined on 1:1 basis.

2. While the above mentioned principle was working satisfactorily in cases where direct recruitment and promotion kept pace with each other and recruitment could also be made to the full extent of the quotas as prescribed, in cases where there was delay in direct recruitment or promotion, or where enough number of direct recruits or promotees did not become available, there was difficulty in determining seniority. In such cases, the practice followed at present is that the slots meant for direct recruits or promotees, which could not be filled up, were left vacant, and when direct recruits or promotees became available through later examinations or selections, such persons occupied the vacant slots, thereby became senior to persons who were already working in the grade on regular basis. In some cases, where there was short-fall in direct recruitment in two or more consecutive years, this resulted in direct recruits of later years taking seniority over some of the promotees with fairly long years of regular service already to their credit. This matter had also come up for consideration in various Court Cases both before the High Courts and the Supreme Court and in several cases the relevant judgement had brought out the inappropriateness of direct recruits of later years becoming senior to promotees with long years of service.

3. This matter, which was also discussed in the National Council has been engaging the attention of the Government for quite some time and it has been decided that in future, while the principle of rotation of quotas will still be followed for determining the inter-se seniority of direct recruits and promotees, the present practice of keeping vacant slots for being filled up by direct recruits of later years, thereby giving them unintended seniority over promotees who are already in position, would be dispensed with. Thus, if adequate number of direct recruits do not become available in any particular year, rotation of quotas for purpose of determining seniority would take place only to the extent of the available direct recruits and the promotees. In other words, to the extent direct recruits are not available, the promotees will be benched together at the bottom of the seniority list, below the last position upto which it is possible to determine seniority on the basis of rotation of quotas with reference to the actual number of direct recruits who become available. The unfilled direct recruitment quota vacancies would, however, be carried forward and added to the corresponding direct recruitment vacancies of the next year (and to subsequent years where necessary) for taking action for direct recruitment for the total number according to the usual practice. Thereafter, in that year while seniority will be determined between direct recruits and promotees, to the extent of the number of vacancies for direct recruits and promotees as determined according to the quota for that year, the additional direct recruits selected against the carried forward vacancies of the previous year would be placed en-bloc below the last promotee (or direct recruit as the case may be) in the seniority list based on the rotation of vacancies for that year. The same principle holds good in determining seniority in the event of carry forward, if any, of direct recruitment or promotion quota vacancies (as the case may be) in the subsequent years.

Illustration:

Where the Recruitment Rules provide 50% of the vacancies in a grade to be filled by promotion and the remaining 50% by direct recruitment, and assuming there are 10 vacancies in the grade arising in each of the years 1986 and 1987 and that 2 vacancies intended for direct recruitment remained unfilled during 1986 and they could be filled during 1987, the seniority position of the promotees and direct recruits of these two years will be as under:

1986		1987	
1.	P1	9.	P1
2.	D1	10.	D1
3.	P2	11.	P2
4.	D2	12.	D2
5.	P3	13.	P3
6.	D3	14.	D3
7.	P4	15.	P4
8.	P5	16.	D4
		17.	P5
		18.	D5
		19.	D6
		20.	D7

4. In order to help the appointing authorities in determining the number of vacancies to be filled during a year under each of the methods of recruitment prescribed, a Vacancy Register giving a running account of the vacancies arising and being filled from year to year may be maintained in the proforma enclosed.

5. With a view to curbing any tendency of under-reporting/suppressing the vacancies to be notified to the concerned authorities for direct recruitment, it is clarified that promotees will be treated as regular only to the extent to which direct recruitment vacancies are reported to the recruiting authorities on the basis of the quotas prescribed in the relevant recruitment rules. Excess promotees, if any, exceeding the share falling to the promotion quota based on the corresponding figure, notified for direct recruitment would be treated only as ad-hoc promotees.

6. The General Principles of seniority issued on 22nd December, 1959 referred to above, may be deemed to have been modified to that extent.

7. These orders shall take effect from 1st March 1986. Seniority already determined in accordance with the existing principles on the date of issue of these orders will not be reopened. In respect of vacancies for which recruitment action has already been taken, on the date of issue of these orders either by way of direct recruitment or promotion, seniority will continue to be determined in accordance with the principle in force prior to the issue of this O.M.

8. Ministry of Finance etc. are requested to bring these instructions to the notice of all the Attached/Subordinate Offices under them to whom the General Principles of Seniority contained in O.M. dated 22.12.1959 are applicable within 2 week as these orders will be effective from the next month.

Sd/-
(Aarti Khosla)
Joint Secretary to the Govt. of India

To

All Ministries/Departments of the Govt. of India. etc.etc.

No. 20020/7/80-Estt.D
 Government of India/Bharat Sarkar
 Ministry of Personnel, Public Grievances & Pensions
 Department of Personnel & Training

New Delhi, the 29th May 1986

Office Memorandum

Sub: Seniority of persons absorbed after being on deputation.

The undersigned is directed to say that the existing instructions on seniority of transferees contained in para 7 of the Annexure to this Department's O.M. No. 9/11/55-RPS dated the 22nd December, 1959 (copy enclosed) mainly deal with cases where persons are straightaway appointed on transfer. It is, however, observed that most of the cases of permanent absorption are those where the officers were taken on deputation initially under the method of 'transfer on deputation/transfer' contained in the relevant, recruitment rules. This O.M. is intended to fill this gap in the existing instructions.

2. Even in the type of cases mentioned above, that is, where an officer initially comes on deputation and is subsequently absorbed, the normal principle that the seniority should be counted from the date of such absorption, should mainly apply. Where, however, the officer has already been holding on the date of absorption in the same or equivalent grade on regular basis in his parent department, it would be equitable and appropriate that such regular service in the grade should also be taken into account in determining his seniority subject only to the condition that at the most it would be only from the date of deputation to the grade in which absorption is being made. It has also to be ensured that the fixation of seniority of a transferee in accordance with the above principle will not affect any regular promotions made prior to the date of absorption. Accordingly, it has been decided to add the following sub-para (iv) to para 7 of general principles communicated vide O.M. dated 22nd December 1959:-

“(iv) In the case of a person who is initially taken on deputation and absorbed later (i.e. where the relevant recruitment rules provide for “Transfer on deputation/Transfer”), his seniority in the grade in which he is absorbed will normally be counted from the date of absorption. If he has, however, been holding already (on the date of absorption) the same or equivalent grade on regular basis in his parent department, such regular service in the grade shall also be taken into account in fixing his seniority, subject to the condition that he will be given seniority from

- the date he has been holding the post on deputation,
- or
- the date from which he has been appointed on a regular basis to the same or equivalent grade in his parent department,

whichever is later.

The fixation of seniority of a transferee in accordance with the above principle will not, however, affect any regular promotions to the next higher grade made prior to the date of such absorption. In other words, it will be operative only in filling up of vacancies in higher grade taking place after such absorption.

In cases in which transfers are not strictly in public interest, the transferred officers will be placed below all officers appointed regularly to the grade on the date of absorption.”

3. All the Ministries/Departments are requested kindly to bring these instructions to the notice of all concerned in the Ministries/Departments and Attached and Subordinate Offices under them for their guidance and to ensure their compliance.

4. These orders will not be applicable to transfers within the Indian Audit and Accounts Department which are governed by orders issued by the C&A.G from time to time.

5. Hindi version is attached.

Sd/-
(K.S.R. Krishna Rao)
Deputy Secretary to the Govt. of India

To

1. All Ministries/Departments of the Govt. of India.
2. President's/Vice President's Secretariat.
3. Prime Minister's Office.
4. Lok Sabha/Rajya Sabha Secretariat.

No.22011/7/86-Estt.(D)
Government of India
Ministry of Personnel, Public Grievances & Pensions
(Department of Personnel & Training)

...

dated 3-7-86

OFFICE MEMORANDUM

Subject: SENIORITY – Consolidated orders on.

....

The undersigned is directed to say that instructions have been issued by this Department from time to time laying down the principles for determining seniority of persons appointed to services and posts under the Central Government. For facility of reference, the important orders on the subject have been consolidated in this Office Memorandum. The number and date of the original communication has been quoted in the margin so that the users may refer to it to understand fully the context in which the order in question was issued.

SENIORITY OF DIRECT RECRUITS AND PROMOTEES

(MHA O.M.No.9/11/55-RPS dated 22.12.59).

2.1 The relative seniority of all direct recruits is determined by the order of merit in which they are selected for such appointment on the recommendations of the U.P.S.C or other selecting authority, persons appointed as a result of an earlier selection being senior to those appointed as a result of a subsequent selection.

2.2 Where promotions are made on the basis of selection by a D.P.C., the seniority of such promotees shall be in the order in which they are recommended for such promotion by the Committee. Where promotions are made on the basis of seniority, subject to the rejection of the unfit, the seniority of persons considered fit for promotion at the same time shall be the same as the relative seniority in the lower grade from which they are promoted. Where, however, a person is considered as unfit for promotion and is superseded by a junior such persons shall not, if he is subsequently found suitable and promoted, take seniority in the higher grade over the junior persons who had superseded him.

2.3 Where persons recruited or promoted initially on a temporary basis are confirmed subsequently in an order different from the order of merit indicated at the time of their appointment, seniority shall follow the order of confirmation and not the original order of merit.

2.4.1 The relative seniority of direct recruits and of promotee shall be determined according to the rotation of vacancies between direct recruits and promotees which

shall be based on the quota of vacancies reserved for direct recruitment and promotion respectively in the Recruitment Rules.

2.4.2 If adequate number of direct recruits do not become available in any particular year, rotation of quotas for the purpose of determining seniority would take place only to the extent of the available direct recruits and the promotees. [DPT OM No.35014/2/80-Estt.(D) dt.7.2.86].

In other words, to the extent direct recruits are not available the promotees will be bunched together at the bottom of the seniority list below the last position upto which it is possible to determine seniority, on the basis of rotation of quotas with reference to the actual number of direct recruits who become available. The unfilled direct recruitment quota vacancies would, however, be carried forward and added to the corresponding direct recruitment vacancies of the next year (and to subsequent years where necessary) for taking action for direct recruitment for the total number according to the usual practice. Thereafter in that year while seniority will be determined between direct recruits and promotees, to the extent of the number of vacancies for direct recruits and promotees as determined according to the quota for that year, the additional, direct recruits selected against the carried forward vacancies of the previous year would be placed en-bloc below the last promotee (or direct recruit as the case may be), in the seniority list based on the rotation of vacancies for that year. The same principle holds good for determining seniority in the event of carry forward, if any, of direct recruitment or promotion quota vacancies (as the case may be) in the subsequent year.

ILLUSTRATION: Where the Recruitment Rules provide 50% of the vacancies of a grade to be filled by promotion and the remaining 50% by direct recruitment, and assuming there are ten vacancies in the grade arising in each of the year 1986 and 1987 and that two vacancies intended for direct recruitment remain unfilled during 1986 and they could be filled during 1987, the seniority position of the promotees and direct recruits of these two years will be as under:

	<u>1986</u>		<u>1987</u>
1.	P1	9.	P1
2.	D1	10.	D1
3.	P2	11.	P2
4.	D2	12.	D2
5.	P3	13.	P3
6.	D3	14.	D3
7.	P4	15.	P4
8.	P5	16.	D4
		17.	P5
		18.	D5
		19.	D6
		20.	D7

2.4.3 In order to help the appointing authorities in determining the number of vacancies to be filled during a year under each of the methods of recruitment prescribed, a Vacancy Register giving a running account of the vacancies arising and being filled from year to year may be maintained in the proforma enclosed.

2.4.4 With a view to curbing any tendency of under-reporting/suppressing the vacancies to be notified to the concerned authorities for direct recruitment, it is clarified that promotees will be treated as regular only to the extent to which direct recruitment vacancies are reported to the recruiting authorities on the basis of the quotas prescribed in the relevant recruitment rules. Excess promotees, if any, exceeding the share failing to the promotion quota based on the corresponding figure, notified for direct recruitment would be treated only as ad-hoc promotees.

SENIORITY OF TRANSFEREES

(MHA OM No.9/11/55-RPS dated 22.12.1959)

3.1 The relative seniority of persons appointed by transfer to a Central service from the subordinate offices of the Central Government or other department of the Central or a State Government shall be determined in accordance with the order of their selection for such transfer.

3.2 Where such transfers are effected against specific quotas prescribed in the Recruitment Rules, the relative seniority of such transferees vis-à-vis direct recruits or promotees shall be determined according to the rotation of vacancies which shall be based on the quotas reserved for transfer, direct recruitment and promotion respectively in the Recruitment Rules. Where the vacancies in any quota or quotas are carried forward, the principles stated in para 2.4.2 will apply, mutatis mutandis in determining inter-se seniority of the appointees.

3.3 Where a person is appointed by transfer in accordance with the provisions in the Recruitment Rules providing for such transfer in the event of non-availability of suitable candidate by direct recruitment or promotion, such transferee shall be grouped with direct recruits or promotees, as the case may be. He shall be ranked below all direct recruits or promotees, as the case may be, selected on the same occasion.

3.4.1 In the case of a person who is initially taken on deputation and absorbed later (i.e. where the relevant recruitment rules provide for "Transfer on deputation/Transfer"), his seniority in the grade in which he is absorbed will normally be counted from the date of absorption. If he has, however, been holding already (on the date of absorption) the same or equivalent grade on regular basis in his parent department, such regular service in the grade shall also be taken into account in fixing his seniority, subject to the condition that he will be given seniority from –

- the date he has been holding the post on deputation,
 - or
 - the date from which he has been appointed on a regular basis to the same or equivalent grade in his parent department;
- whichever is later.

3.4.2 The fixation of seniority of a transferee in accordance with the above principle will not, however, affect any regular promotions to the next higher grade made prior to the date of such absorption. In other words, it will be operative only in filling up of vacancies in higher grade taking place after such absorption.

3.5 In cases in which transfers are not strictly in public interest, the transferred officers will be placed below all officers appointed regularly to the grade on the date of absorption.

[DOP&T O.M.No.20020/7/80-Estt.(D) dated 29.5.1986]

SENIORITY IN SPECIAL TYPE OF CASES

[MHA O.M.No.37/1/52-DGS dated 10.7.54, O.M.No.13/4/56-RPS dated 29.9.1956 & No.13/4/57-RPS dated 14.7.58, MHA O.M.No.9/13/82-Estt.(D) dated 10/10/62 & O.M.No.9//30/63-Estt.(D) dt.7.2.64].

4.1 In the case of such ex-T.B. or ex-Pleurisy ex-Leprosy patients, as have been declared non-infective and medically fit for Government service, on re-employment in the same posts from which they were discharged the actual previous service rendered by them should be counted for seniority. The seniority of such persons re-employed in other posts will be fixed in consultation with the Department of Personnel & Training.

4.2.1 An order imposing the penalty of reduction to a lower service, grade or post or to a lower time-scale should invariably specify:-

- (i) the period of reduction, unless the clear intension is that the reduction should be permanent or for an indefinite period;
- (ii) Whether on such re-promotion, the Govt. servant will regain his original seniority in the higher service, grade or post or higher time-scale which had been assigned to him prior to the imposition of the penalty.

4.2.2 In cases where the reduction is for a specified period and is not to operate to postpone future increments, the seniority of the Govt. servant may, unless the terms of the order of punishment provide otherwise, be fixed in the higher service, grade or post or the higher time scale at what it would have been but for his reduction.

4.2.3 Where the reduction is for a specified period and is to operate to postpone future increments, the seniority of the Govt. servant on re-promotion may, unless the terms of the order of punishment provide otherwise, be fixed by giving credit for the period of service rendered by him in the higher service, grade or post or higher time-scale.

4.3.1. The surplus employees are not entitled for benefit of the past service rendered in the previous organization for the purpose of their seniority in the new organization. Such employees are to be treated as fresh entrants in the matter of their seniority, promotions etc. [MHA O.M.No.8/27/65-CS.II dated 25.2.66 & O.M.No.9/22/68-Estt.(D) dated 6.2.69].

4.3.2 When two or more surplus employees of a particular grade in an office are selected on different dates for absorption in a grade in another office, their inter-se seniority in the latter office will be same as in their previous office provided that -

- (i) no direct recruit has been selected for appointment to that grade in between these dates; and
- (ii) if there are no fixed quotas for direct recruitment and promotion to the grade in question in the new office no promotee has been approved for appointment to that grade in between these dates.

4.3.3 When two or more surplus employees of a particular grade in an office are simultaneously selected for re-deployment in another office in a grade, their inter-se seniority in the particular grade, on redeployment in the latter office, would be the same as it was in their previous office.

4.3.4 The above orders would not be applicable in respect of personnel who are appointed on the recommendations of the U.P.S.C. to posts/services recruitment to which is made through the Commission. Seniority of surplus officers appointed on the recommendations of the Commission will be decided on merits in consultation with the Commission.

5. It is requested that these instructions may be brought to the notice of all administrative authorities for information, guidance and compliance.

(Hindi version will follow soon)

Sd/-
(K.S.R. Krishna Rao)
Deputy Secretary to the Govt. of India
Tel: 3011225

To

All Ministries/Departments of the Government of India etc. etc.

No. 20011/1/88-Estt.D
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

New Delhi, the 12 December 1988

Office Memorandum

Sub: General Principles of Seniority-Preparation of a Combined Select List of promotees where quotas have been laid down for the various posts in the feeder grade.

The undersigned is directed to refer to this Department's O.M. No. 20019/2/83-Estt.(D) dated the 10th September, 1985 which lays down the procedure for preparation of a consolidated order of merit where quotas for the feeder grades have been laid down in the Recruitment Rules. According to the instructions referred to above, where the posts in the feeder grade are in different scales of pay or even in identical or equivalent scales of pay, officers up to the number of a vacancies for each feeder grade as per the quota have to be selected and interpolated in a combined Select List according to the grading and persons who are assigned the same grading by the DPC have to be arranged in the consolidated order of merit with reference to the date arrived at after adding the requisite number of years of qualifying service in the feeder grade to their date of appointment in that grade i.e. with reference to the date from which they became eligible for promotion after rendering the prescribed qualifying service in the feeder grade, maintaining their inter se seniority in the present service/grade.

2. The matter has been re-examined in the light of a recent judicial pronouncement and it has been decided that the instructions quoted above may continue to be followed subject to the modification that among the persons in the feeder grades given the same grading, those in the higher scales of pay will rank senior to those in the lower scale of pay.

3. It is requested that this decision may be brought to the notice of all concerned for guidance/compliance.

Sd/
(M.V. KESAVAN)
Director

To

1. All Ministries/Departments of the Government of India
2. All attached/subordinate offices under the Ministry of Personnel & Training.
3. The Secretary, Union Public Service Commission, New Delhi.
4. The Secretary, The Staff Selection Commission, New Delhi.
5. The Rajya Sabha Secretariat(Admn. Branch), New Delhi.

6. The Lok Sabha Secretariat,(Admn. Branch), New Delhi.
7. Supreme Court of India, New Delhi.
8. Commission for Schedule Castes/Scheduled Tribes
9. Ventral Vigilance Commission/Election Commission.
10. Secretary, Staff Side, National Council(JCM), 9 Ashoka Road, New Delhi.
11. All Members of the Staff Side of the National Council.
12. All Sections of the Department of Personnel & Trainings.

Copy forwarded for information and similar action to:

1. The Comptroller and Auditor General of India.
2. The President's Secretariat/Vice-President Secretariat
3. Secretary, Ministry of Surface Transport /Department of Railways (Railway Boards), New Delhi.

Copy forwarded to Chief Secretaries of all States Governments/Union Territories for information.

Sd/
(M.V. KESAVAN)
Director

No.20020/4/89-Estt.(D)
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel and Training

...

New Delhi, the 7th February, 1990

OFFICE MEMORANDUM

Subject: Inter-se seniority of promotees from more than one feeder grades-
Clarification regarding.

....

The undersigned is directed to refer to MHA O.M.No.9/11/55-RPS dated 22.12.1959 on the above subject and to say that the following clarification has been given therein:

“General Principle 5(ii) : Illustration; Where 75% of the vacancies in the grade of Head Clerk are reserved for promotion from the grade of Upper Division Clerk and 25% from the grade of Storekeeper shall be arranged in separate lists with reference to their relative seniority in those grades. The DPC will make selection of three candidates from the list of UDC and 1 from the list of Store Keeper. Thereafter, the selected persons from each list shall be arranged in a single list in a consolidated order of merit assessed by the DPC which will determine the seniority of the persons on promotion to the higher grade.”

2. The illustration referred to above relates to a situation where promotion is made by a single DPC from more than one stream and by selection. This principle cannot be applied to cases where there is a separate DPC for promotion from either stream and the method of selection from either stream may also vary. It is clarified that in such cases the principle of rotation of vacancies between different streams will have to be followed and not general principle 5(ii) referred to above. For instance, if promotion to a grade is made 50% from grade `A` and 50% from grade `B` through separate DPCs, vacancies in the promotion quota may be filled in the order A1, B1, A2, B2, A3 etc. etc. assuming that A1, A2, A3 are the candidates included in the select list of Grade `A` and `B`1 & B2 are those included in the select list of Grade `B`.

3. It is requested that this clarification may be brought to the notice of all concerned for guidance/compliance.

(M.V. KESAVAN)
Director

To

1. All the Ministries/Departments of the Govt. of India.
2. All Attached offices of Department of Personnel & Training.
3. Secretary, Staff Selection Commission, New Delhi.
4. Rajya Sabha Secretariat (Admn. Branch), New Delhi.
5. Lok Sabha Secretariat (Admn. Branch), New Delhi.
6. Supreme Court of India, New Delhi.
7. Commission for Scheduled Castes/Scheduled Tribes, New Delhi.
8. Central Vigilance Commission/Election Commission.
9. Secretary, Staff Side, National Council, 9 Ashoka Road, New Delhi.
10. All Members of the Staff Side of the National Council
11. All Sections of the Department of Personnel & Training.

Copy forwarded for information and similar action to:-

1. Comptroller & Auditor General Of India, New Delhi.
2. President's Sectt./Vice-President's Sectt.
3. Secretary, Ministry of Surface Transport (Department of Railways (Railway Board), New Delhi.

Copy also forwarded to Chief Secretaries of all States Governments/Union Territories for information.

(M.V. KESAVAN)
Director

No.22011/4/91-Estt.(A)
 Government of India
 Ministry of Personnel, Public Grievances and Pensions
 Department of Personnel & Training

...

North Block, New Delhi-110001

Dated, the 14th Sept., 1992

OFFICE MEMORANDUM

Subject: Promotion of Government servants against whom disciplinary/court proceedings are pending or whose conduct is under investigation – Procedure and guidelines to be followed.

...

The undersigned is directed to refer to Department of Personnel & Training O.M.No.22011/2/86-Estt.(A) dated 12th January, 1988 and subsequent instructions issued from time to time on the above subject and to say that the procedure and guidelines to be followed in the matter of promotion of Government servants against whom disciplinary/Court proceedings are pending or whose conduct is under investigation have been reviewed carefully. Government have also noticed the judgment dated 27.8.1991 of the Supreme Court in Union of India etc. Vs. K.V. Jankiraman etc. (AIR 1991 SC 2010). As a result of the review and in supersession of all the earlier instructions on the subject (referred to in the margin). The procedure to be followed in this regard by the authorities concerned is laid down in the subsequent paras of this O.M. for their guidance.

2. At the time of consideration of the cases of Government servant for promotion details of Government servant in the consideration zone for promotion falling under the following category should be specifically brought to the notice of the Departmental Promotion Committee.

- i) Government servants under suspension
- ii) Government servants in respect of whom a charge sheet has been issued and the disciplinary proceedings are pending; and
- iii) Government servants in respect of whom prosecution for criminal charge is pending.

2.1 The Departmental Promotion Committee shall assess the suitability of Government servants coming within the purview of the circumstances mentioned above along with other eligible candidates without taking into consideration the disciplinary case/criminal prosecution pending. The assessment of the DPC including 'unfit for promotion' and the grading awarded by it will be kept in a sealed cover. The cover will be superscribed 'Findings regarding suitability for promotion to the grade/post ofin respect of Shri.....(name of the Government servant). Not to be opened till the terminator of the disciplinary case/criminal prosecution against Shri.....'. The proceeding of the DPC need only contain the note 'The findings are contained in the attached sealed cover'. The authority competent to fill the vacancy should be separately advised to fill the

vacancy in the higher grade only in an officiating capacity when the findings of the DPC in respect of the suitability of a Government servant for his promotion are kept in a sealed cover.

2.2 The same procedure outlined in para 2.1 above will be followed by the subsequent Departmental Promotion Committee convened till the disciplinary case/criminal prosecution against the Government servant concerned is concluded.

3. On the conclusion of the disciplinary case/criminal prosecution which results in dropping of allegations against the Government servant, the sealed cover or covers shall be opened. In case the Government servant is completely exercised the due date of his promotion will be determined with reference to the position assigned to him in the findings kept in the sealed cover/covers and with reference to the date of promotion of his next junior on the basis of such position. The Government servant may be promoted, if necessary, by reverting the junior most officiating person. He may be promoted notionally with reference to the date of promotion of his junior. However, whether the officer concerned will be entitled to any arrears of pay for the period of notional promotion preceding the date of actual promotion and if so to what extent, will be decided by the appointing authority by taking into consideration all the facts and circumstances of the disciplinary proceeding/criminal prosecution. Where the authority denies arrears of salary or part of it, it will record its reasons for doing so. It is not possible to anticipate and enunciate exhaustively all the circumstances under which such denials of arrears of salary or part of it may become necessary. However, there may be cases where the proceedings, whether disciplinary or criminal, are, for example delayed at the instance of the employee or the clearance in the disciplinary proceedings or acquittal in the criminal proceedings is with benefit of doubt or on account of non-availability of evidence due to the acts attributable to the employee etc. These are only some of the circumstances where such denial can be justified.

3.1 If any penalty is imposed on the Government servant as a result of the disciplinary proceedings or if he is found guilty in the criminal prosecution against him, the findings of the sealed cover/covers shall not be acted upon. His case for promotion may be considered by the next DPC in the normal course and having regard to the penalty imposed on him.

3.2 It is also clarified that in a case where disciplinary proceedings have been hold under the relevant disciplinary rules, 'warning' should not be issued as a result of such proceedings. If it is found as a result of the proceedings, that some blame attached to the Government servant; at least the penalty of 'censure' should be imposed.

4. It is necessary to ensure that the disciplinary case/criminal prosecution instituted against any Government servant is not unduly prolonged and all efforts to finalize expeditiously the proceedings should be taken so that the need for keeping the case of a Government servant in a sealed cover is limited to the barest minimum. It has, therefore, been decided that the appointing authorities concerned should

review comprehensively the cases of Government servants, whose suitability for promotion to a higher grade has been kept in a sealed cover on the expiry of 6 months from the date of convening the first Departmental Promotion Committee which had adjudged his suitability and kept its findings in the sealed cover. Such a review should be done subsequently also every six months. The review should, inter alia, cover the progress made in the disciplinary proceedings/criminal prosecution and the further measures to be taken to expedite the completion.

5. In spite of the six monthly review referred to in para 4 above, there may be some cases, where the disciplinary case/criminal prosecution against the Government servant is not concluded even after the expiry of two years from the date of the meeting of the first DPC, which keeps its findings in respect of the Government servant in a sealed cover. In such a situation the appointing authority may review the case of the Government servant, provided he is not under suspension, to consider the desirability of given him ad-hoc promotion keeping in view the following aspects:-

- a) Whether the promotion of the officer will be against the public interest;
- b) Whether the charge are grave enough to warrant continued denial of promotion;
- c) Whether there is any likelihood of the case coming to a conclusion in the near future;
- d) Whether the delay in the finalization of proceedings, departmental or in a court of law, is not directly or indirectly attributable to the Government servant concerned; and
- e) Whether there is any likelihood of misuse of official position which the Government servant may occupy after adhoc promotion, which may adversely affect the conduct of the departmental case/criminal prosecution.

The appointing authority should also consult the Central Bureau of Investigation and take their views into account where the departmental proceedings or criminal prosecution arose out of the investigations conducted by the Bureau.

5.1 In case the appointing authority comes to a conclusion that it would not be against the public interest to allow ad-hoc promotion to the Government servant, his case should be placed before the next DPC hold in the normal course after the expiry of the two year period to decide whether the officer is suitable for promotion on ad-hoc basis. Where the Government servant is considered for ad-hoc promotion, the Departmental Promotion Committee should make its assessment on the basis of the totality of the individual's record of service without taking into account the pending disciplinary case/criminal prosecutions against him.

5.2 After a decision is taken to promote a Government servant on an ad-hoc basis, an order of promotion may be issued making it clear in the order itself that:-

- i) the promotion is being made on purely ad-hoc basis and the ad-hoc promotion will not confer any right for regular promotion; and

- ii) the promotion shall be “until further orders”. It should also be indicated in the orders that the Government reserve the right to cancel the adhoc promotion and revert at any time the Government servant to the post from which he was promoted.

5.3 If the Government servant concerned is acquitted in the criminal prosecutions on the merits of the case or is fully exonerated in the departmental proceeding, the ad-hoc promotion already made may be confirmed and the promotion treated as a regular one from the date of the ad-hoc promotion will all attendant benefits. In case the Government servant could have normally got his regular promotion from a date prior to the date of his ad-hoc promotion with reference to his placements in the DPC proceedings kept in the sealed cover(s) and the actual date of promotion of the person ranked immediately junior to him by the same DPC. He would also be allowed his due seniority and benefit of notional promotion as envisaged in para 3 above.

5.4 If the Government servant is not acquitted on merits in the criminal prosecution but purely on technical grounds and Government either proposes to take up the matter to a higher court or to proceed against him departmentally or if the Government servant is not exonerated in the departmental proceedings, the ad-hoc promotion granted to him should be brought to an end.

6. The procedure outlined in the preceding paras should also be followed in considering the claim for confirmation of an officer under suspension, etc. A permanent vacancy should be reserved for such an officer when his case is placed in sealed cover by the DPC.

7. A Government servant, who is recommended for promotion by the Departmental Promotion Committee but in whose case any of the circumstances mentioned in para 2 above arise after the recommendations of the DPC are received but before he is actually promoted, will be considered as if his case had been placed in a sealed cover by the DPC. He shall not be promoted until he is completely exonerated of the charges against him and the provisions contained in this O.M. will be applicable in his case also.

8. In so far as the personnel serving in the Indian Audit and Accounts Department are concerned, these instructions have been issued after consultation with the Comptroller and Auditor General of India.

9. Hindi version will follow.

Sd/-
(M.S. Bali)
Director

To

All Ministries and Departments of the Government of India with usual number of spare copies.

No.22011/4/91-Estt.(A) Dated the 14th Sept.,1992

Copy forwarded for information to:-

1. Central Vigilance Commission, New Delhi.
2. Central Bureau of Investigation, New Delhi.
3. Union Public Service Commission, New Delhi.
4. Comptroller and Auditor General, New Delhi.
5. President's Secretariat/Vice-President's Secretariat/Lok Sabha Secretariat/Rajya Sabha Secretariat and Prime Minister's Office.
6. Chief Secretaries of All States and Union Territories.
7. All Officers and Administrative Sections in the Ministry of Personnel, Public Grievances and Pensions and Ministry of Home Affairs.

Sd/-
(M.S Bali)
Director

No. 20011/5/90-Estt.D
Government of India/Bharat Sarkar
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

New Delhi, the 4th November 1992.

Office Memorandum

Sub: Delinking seniority from confirmation.

The seniority of Government servants is determined in accordance with the general principles of seniority contained in MHA OM No. 9/11/55-RPS dated 22.12.59 (copy enclosed). One of the basic principles enunciated in the said OM is that seniority follows confirmation and consequently permanent officers in each grade shall rank senior to those who are officiating in the grade.

2. This principle has been coming under judicial scrutiny in a number of cases in the past, the last important judgement being the one delivered by the Supreme Court on 2.5.90 (JT-1990(2)SC-264) in the case of Class II Direct Recruits Engineering Officers Association Vs. State of Maharashtra. In para 47(A) of the said judgement the Supreme Court has held that once an incumbent is appointed to a post according to rule, his seniority has to be counted from the date of his appointment and not according to the date of his confirmation.

3. The general principle of seniority mentioned above has been examined in the light of the judicial pronouncement referred to above and it has been decided that seniority may be delinked from confirmation as per the directive of the Supreme Court in para 47(A) of its judgement dated 2.9.90. Accordingly in modification of the general principle 3, proviso to general principle 4 and proviso to general principle 5(i) contained in MHA (now DOPT) O.M. No.9/11/55-RPS dated 22.12.59 and para 2.3 of this Department OM dated 3.7.86 (copy enclosed) it has been decided that seniority of a person regularly appointed to a post according to rule would be determined by the order of merit indicated at the time of initial appointment and not according to the date of his confirmation.

4. These orders shall take effect from the date of issue of this Office Memorandum. Seniority already determined according to the existing principles on the date of issue of these orders will not be reopened even if in some cases seniority has already been challenged or is in dispute and it will continue to be determined on the basis of the principles already existing prior to the date of issue of these orders.

5. All the Ministries/Departments are requested kindly to bring these instructions to the notice of all concerned for guidance and compliance.

Sd/-
(Y.G.Parande)
Director

To

All Ministries/Departments etc.

Copy to:-

1. The Comptroller and Auditor General of India.
2. Rajya Sabha Secretariat/Lok Sabha Secretariat.
3. UPSC, New Delhi(with 10 spare copies).
4. All Union Territory Administrations.
5. All attached/subordinate offices under the DoP&T.
6. Commissioner for SCs/STs, New Delhi.
7. Secretary, Staff Side, National Council(JCM), 9 Ashoka Road, New Delhi.
8. All Sections.
9. 200 spare copies for Establishment (D) Section.

No.35015/2/93-Estt.(D)
Government of India
Ministry of Personnel, P.G. & Pensions
Department of Personnel & Training

....

New Delhi, the 9-8-1995

OFFICE MEMORANDUM

Subject: Candidates recommended by the UPSC/SSC for appointment to Central Civil Services and the post- delay in joining revival of offer of appointment after their cancellation - determination of seniority.

.....

The undersigned is directed to say that according to DP & T O.M.No.9/23/71-Estt.(D) dated 6.6.78 (copy enclosed) an offer of appointment issued by different Ministries/Departments, should clearly indicate that the offer would lapse if the candidate did not join within the specified period which shall not exceed two or three months. If, however, within the period stipulated, a request is received from candidates for extension of time, it may be considered by the Ministries/Departments and if they are satisfied, an extension for a limited period may be granted but the total period granted including the extension during which the offer of appointment will be kept open, should not exceed a period of nine months.

2. The Staff Side of the Departmental Council (JCM) of DOP&T have demanded that direct recruits may be allowed a maximum of three months for joining instead of nine months provided for in the O.M. under reference so as to avoid delay in preparation and issue of select/seniority list. The matter has been examined in consultation with the UPSC and it has been decided to reduce from nine months to six months the maximum time upto which an offer of appointment can be kept to open. In other words, an offer of appointment should clearly specify the period (which shall not normally exceed one or two months) after which the offer would lapse automatically if the candidate did not join within the specified period. If however, within the specified period, a request is received from the candidate for extension of time, it may be considered by the Ministries/Departments but extension beyond three months should not be granted liberally and it may be granted only as an exception where facts and circumstances so warrant and in any case only upto a maximum of six months from the date of issue of the original offer of a appointment. An offer of appointment would lapse automatically after the expiry of six months from the date of issue of the original offer of appointment.

3. Subject to the above modifications the other provisions contained in the OM dated 6.6.78 should be followed scrupulously.

4. These instructions are not applicable to cases of persons who have been granted exemption under rule 4 of Civil Services Examination Rules.

5. The Ministry of Finance etc. are requested to bring the above instructions to the notice of all concerned.

(B. THYAGARAJAN)
Director

To

1. All Ministries/Departments of the Govt. of India, including all Attached & Subordinate Offices of Deptt. of Personnel.
2. Union Public Service Commission, with reference to their letter No.2/39/93-S.II. dated 19.4.95.
3. Secretary, Staff Side, Departmental Council, DOP&T.
4. Secretary, National Council, JCM.
5. CS-IV with reference to their file No.2/26/93-CS.IV
6. AIS-I Section
7. All Sections in DOP&T
8. 300 copies for Estt.(D)

No.20011/2/92-Estt.(D)
Government of India
Ministry of Personnel, Public Grievances & Pensions
(Department of Personnel and Training)

New Delhi, the 3rd Nov., 1995

OFFICE MEMORANDUM

Subject:- Fixation of seniority in the case of delayed promotion due to penalty.

The undersigned is directed to refer to the instructions contained in DoP&AR O.M. No. 21/5/70-Estt.(A) dated 15.5.71 (reiterated vide O.M. No. 22011/2/78-Estt.(A) dated 16.02.1979) according to which a Govt. servant on whom a minor penalty of withholding of increment etc. has been imposed should be considered for promotion by the DPC which meets after the imposition of said penalty and if he is considered fit for promotion despite imposition of penalty, the promotion may be given effect to after the expiry of the penalty. References have been received from various Departments seeking clarification on the question of seniority of such officers on their promotion.

2. It is clarified that the officer who has been recommended for promotion by a DPC despite his penalty will be promoted only on the basis of the recommendation of the said DPC after the expiry of the penalty and his seniority would be fixed according to his position in that panel.

Sd/-
(K.K. Jha)
Director(E)

To
All Ministries/Departments etc.

Copy to:-

1. Comptroller and Auditor General of India
2. Rajya Sabha Sectt./Lok Sabha Sectt.
3. UPSC (with 10 spare copies) w.r.t. letter No. 2/8/95-S-II dated 13.9.95.
4. All Union Territory Administrations
5. All attached/subordinates offices under the DoP&T
6. Commissioner for SC/ST, New Delhi.
7. Secretary, Staff Side, National Council(JCM), 9, Ashoka Road, New Delhi
8. All Sections
9. 200 spare copies for Estt.(D)

No. 20011/1/96-Estt.(D)
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

New Delhi, dated the 30th January, 1997

OFFICE MEMORANDUM

Subject:- Seniority of SC/ST officers promoted earlier vis-à-vis general candidate promoted later.

.....

According to the general principle 5(i) contained in MHA OM No. 9/11/55-RPS dated 22.12.1959 and para 2.2 in DOPT OM No. 22011/7/86-Estt. (D) dated 3.7.1986 read with DOPT OM No. 20011/5/90-Estt. (D) dated 4.11.1992, (copy enclosed) seniority of a person regularly appointed to a post according to rule would be determined by the order of merit indicated at the time of initial appointment and seniority of persons promoted to various grades shall be determined in the order of selection for such promotion. Thus, persons appointed through an earlier selection will enbloc be senior to those promoted through subsequent selection.

2. The Supreme Court has in its judgment date 10.10.95 in the case of Union of India Vs. Virpal Singh Chauhan etc. (JT 1995(7) SC.231) held as follows:-

“Even if a Scheduled Caste/Scheduled Tribe candidate is promoted earlier by virtue of rule of reservation/roster than his senior general candidate and the senior general candidate is promoted later to the said higher grade, the general candidate regains his seniority over such earlier promoted Scheduled Caste/Scheduled Tribe candidate. The earlier promotion of the Scheduled Caste/Scheduled Tribe candidate in such a situation does not confer upon him seniority over the general candidate even though the general candidate is promoted later to that category.”

3. Having regard to the above judgment of the Supreme Court, it has been decided to modify the existing policy of fixing seniority on promotion on the lines mentioned in para 2 above. Accordingly, it has been decided to add the following proviso to general principle 5(i) contained in MHA (now DOPT) OM No. 9/11/55-RPS dated 22.12.59 and para 2.2 of this Department OM No. 22011/7/86-Estt. (D) dated 3.7.1986 :-

“Provided that if a candidate belonging to the Scheduled Caste or the Scheduled Tribe is promoted to an immediate higher post/grade against a reserved vacancy earlier than his senior general/OBC candidate who is promoted later to the said immediate higher post/grade, the general/OBC candidate will regain his seniority over

such earlier promoted candidate of the Scheduled Caste and the Scheduled Tribe in the immediate higher post/grade.”

4. These orders shall take effect from the date of issue of this Office Memorandum.

Sd/-
(K.K. JHA)
Director(E)

To

All Ministries/Departments etc. of the Govt. of India.

Copy to:

1. Comptroller and Auditor General of India.
2. Secretary, Union Public Service Commission.
3. Rajya Sabha Sectt./Lok Sabha Sectt.
4. All State/Union Territory Governments/Administrations
5. All attached/subordinate offices under the DOPT/MHA
6. National Commission for SC/ST, New Delhi.
7. National Commission for OBC, New Delhi.
8. Secretary, Staff Side, National Council (JCM), 9, Ashoka Road, New Delhi.
9. Registrar General, Supreme Court, New Delhi.
10. All Officers/Sections
11. 500 spare copies for Estt. (D).

No. 22011/5/91-Estt.D
Government of India
Ministry of Personnel, Public Grievances and Pension
(Department of Personnel & Training

New Delhi, dated the 27th March, 1997

Office Memorandum

Sub: Procedure to be observed by Departmental Promotion Committee.

The undersigned is directed to refer to the instructions contained in paras 2.1.1, 2.2.2, 2.3.1(i), 2.3.2(i), (ii) & (iii) of this Department's O.M. No. 22011/5/86-Estt.(D) dated 10.3.89 and to make the changes in the aforementioned paragraphs:-

I. Para 2.1.1:
SELECTION METHOD

The word 'selection' appearing in the first line of the above paragraph may be substituted by the word ' Selection-cum-Seniority' & Selection by Merit'.

II. Para 2.2.2 of O.M. dated 10.3.89 may be substituted as under:-

“In case of each officer, an overall grading should be given. The grading shall be one among (i) Outstanding (ii) Very Good (iii) Good (iv) Average (v) Unfit, excepting cases covered under para 2.3.1 (iii)”.

(III) (i), (ii) , (iii) & (iv) of para 2.3.1 of O.M. 10.3.89 may be substituted as under:-

SELECTION-CUM-SENIORITY AND SELECTION BY MERIT

(i) Having regard to the levels of the posts to which promotions are to be made, the nature and importance of duties attached to the posts a bench mark grade would be determined for each category of posts.

For all Group-C, Group-B and Group-A posts (upto and excluding the level of Rs. 3700-5000) the bench mark would be 'Good' and will be filled by the method of Selection-cum-Seniority as indicated in sub-para(iii).

(ii) In respect of posts which are in the level of Rs.3700-5000 and above, the bench mark grade should be 'Very Good' and will be filled by the method of Selection by Merit as indicated in sub-para (iv).

(iii) Each Departmental Promotion Committee considering the suitability of officers for promotion to posts for which the bench mark has been

determined as 'Good' would grade the officers as 'Good', 'Average' and 'Unfit' only. Only those officers who obtain the grading of 'Good' will be included in the panel in the order of their seniority in the lower grade subject to availability of vacancies.

(iv) Notwithstanding the provisions mentioned above, in the case of promotions made for induction to Group A posts/services from lower groups, while the bench mark would continue to be 'Good', the DPC shall grade the officers as 'Outstanding', 'Very Good', 'Good', 'Average' and 'Unfit' as the case may be and the officers will be arranged according to the grading obtained, placing the 'Outstanding' Officers on top followed by those grade as 'Very Good' and so on in the select panel upto the number of vacancies, with the officers having the same grading maintaining their inter-se-seniority in the feeder grade.

SELECTION BY MERIT

(v) In respect of services/posts for which the bench mark has been determined to be 'Very Good', each DPC would grade the officers as 'Outstanding', 'Very Good', 'Good', 'Average' and 'Unfit' as the case may be. However, only those officers who are graded as 'Very Good' XXXXXXXX and above will be included in the select panel, by placing the officers graded as 'Out-standing' on top followed by those graded as 'Very Good', subject to availability of vacancies, with the officers with the same grading maintaining their inter-se-seniority in the feeder grade.

(vi) Appointments from the panel shall be made in the order of names appearing in the panel for promotion.

(vii) Where sufficient number of officers with the required bench mark grade are not available within the zone of consideration, officers with the required bench mark will be placed on the panel and for the unfilled vacancies the appointing authority should hold a fresh DPC by considering the required number of officers beyond the original zone of consideration.

IV. Para2.3.2 (i): the word 'Selections' appearing in line 1 of the above paragraph may be substituted by the words 'Selection-cum-seniority' and 'Selection by Merit'.

Para 2.3.2(ii) & Para 2.3.2 (iii):- the word 'Selection' appearing in line 1 of the above two paragraphs may be substituted by the words 'Selection-cum-Seniority'."

2. Consequently, the provisions contained in some of the paragraphs of this Department's O.M. No. 22011/5/86-Estt (D) dated 10.4.1989 circulating the

consolidated guidelines on DPC procedure would require a number of changes and these are indicated in the Annexure.

3. Ministry of Finance, etc are requested to take note of the above decision and take immediate steps to amend the recruitment rules for the various posts which were hithertofore filled by the method of 'Selection' and substitute the word 'Selection' in the column pertaining to method of promotion to either 'Selection-cum-Seniority' or 'Selection by Merit' as per the above revised instructions.

4. These orders shall be effective from 15th April, 1997.

Sd/-
(K.K. Jha)
Director (Estt)

To

All Ministries/Departments of the Government of India (Secretary by Name)

Copy to:-

1. Ministry of Railways, New Delhi.
2. Department of Atomic Energy, New Delhi.
3. Department of Electronics, New Delhi.
4. Department of Space, New Delhi.
5. Union Public Service Commission,
Dholpur House, New Delhi
6. Staff Selection Commission, New Delhi.
7. Lok Sabha Secretariat, New Delhi.
8. Rajya Sabha Secretariat, New Delhi.
9. President's Secretariat, New Delhi.
10. Comptroller & Auditor General of India, New Delhi.
11. All attached offices under the Ministry of Personnel, Public Grievances & Pensions.
12. All Officers and Sections in the Department of Personnel and Training.
13. 100 spare copies for Estt.(D).

With reference to their letter No.
10/1/88-AUC dated. 5.2.1997.

No.41019/18/97-Estt.(B)
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

....

New Delhi, dated 13th June, 2000

OFFICE MEMORANDUM

Subject: Operation of reserve panels prepared on the basis of selections made by UPSC, Staff Selection Commission, other recruiting agencies and where selections are made by Ministries/Departments etc. – acceptance of recommendations of Fifth Central Pay Commission – regarding.

....

The undersigned is directed to invite attention to this Department's Office Memorandum quoted in the margin and to say that in terms of these Office Memorandum, it was informed that the Union Public Service Commission, wherever possible, maintains a reserve panel of candidates found suitable on the basis of selections made by them for appointment on direct recruitment, transfer on deputation, transfer basis and the reserve panel is operated by the UPSC on a request received from the Ministry/Department concerned when the candidate recommended by the UPSC either does not join, thereby causing a replacement vacancy or he joins but resigns or dies within six months of his joining. Ministries/Departments were advised that whenever such a contingency arises, they should first approach the UPSC for nomination of a candidate from the reserve panel, if any. The recruitment process be treated as completed only after hearing from the UPSC and the Ministry/Department concerned may resort to any alternative method of recruitment to fill up the vacancy thereafter.

[O.M.No.39021/18/84-Estt.(B) dt.20.11.85]

[O.M.No.39021/18/84-Estt.(B) dt.14.5.87]

[O.M.No.39036/6/88-Estt.(B) dt.18.1.90]

2. The Fifth Central Pay Commission, in para 17.11 of its Report, has recommended that with a view to reduce delay in filling up of the posts, vacancies resulting from resignation or death of an incumbent within one year of his appointment should be filled immediately by the candidate from the reserve panel, if a fresh panel is not available by then. Such a vacancy should not be treated as a fresh vacancy. This recommendation has been examined in consultation with the UPSC and it has been decided that in future, where a selection has been made through UPSC, a request for nomination from the reserve list, if any, may be made to the UPSC in the event of occurrence of a vacancy caused by non-joining of the candidate within the stipulated time allowed for joining the post or where a candidate joins but he resigns or dies within a period of one year from the date of

his joining, if a fresh panel is not available by then. Such a vacancy should not be treated as fresh vacancy.

3. It has also been decided that where selections for posts under the Central Government are made through other recruiting agencies such as Staff Selection Commission or by the Ministries/Departments directly and the reserve panels are similarly prepared, the procedure for operation of reserve panels maintained by UPSC as described in para 2 above will also be applicable for the reserve panels maintained by the other recruiting agencies/authorities.

Sd/-
(Harinder Singh)
Joint Secretary to the Government of India

To

All Ministries/Departments of the Government of India

No.41019/18/97-Estt.(B) New Delhi, dated the 13th June,2000

1. Comptroller and Auditor General of India
2. Rajya Sabha/Lok Sabha Secretariat
3. All Union Territory Administrations
4. UPSC
5. SSC
6. All attached and subordinate offices under the Department of Personnel and Training.
7. CBEC/CBDT
8. Commissioner for SC/ST

No. 20011/1/2000-Estt.D
 Government of India/Bharat Sarkar
 Ministry of Personnel, Public Grievances & Pensions
 Department of Personnel & Training

New Delhi 110001
 March 27, 2001

Office Memorandum

Sub: Seniority of persons absorbed after being on deputation.

The undersigned is directed to say that according to our O.M. No. 20020/7/80-Estt.D dated May 29, 1986 (copy enclosed) in the case of a person who is initially taken on deputation and absorbed later (i.e. where the relevant recruitment rules provide for “transfer on deputation/transfer”, his seniority in the grade in which he is absorbed will normally be counted from the date of absorption. If he has, however, been holding already (on the date of absorption) the same or equivalent grade on regular basis in his parent department, such regular service in the grade shall also be taken into account in fixing his seniority, subject to the condition that he will be given seniority from

- the date he has been holding the post on deputation,
- or
- the date from which he has been appointed on a regular basis to the same or equivalent grade in his parent department,

whichever is later.

2. The Supreme Court has in its judgment dated December 14, 1999 in the case of **Shri. S.I. Rooplal & Others Vs. Lt. Governor through Chief Secretary, Delhi, JT 1999 (9)SC 597** has held that the words “whichever is later” occurring in the Office Memorandum dated May 29, 1986 and mentioned above are violative of Articles 14 and 16 of the Constitution and, hence, those words have been quashed from that Memorandum. The implications of the above ruling of the Supreme Court have been examined and it has been decided to substitute the term “whichever is later” occurring in the Office Memorandum dated May 29, 1986 by the term “whichever is earlier”.

3. It is also clarified that for the purpose of determining the equivalent grade in the parent department mentioned in the Office Memorandum dated May 29, 1986, the criteria contained in this Department Office Memorandum No. 14017/27/75-Estt.D)(Pt.) dated March 7, 1984 (copy enclosed), which lays down the criteria for determining analogous posts, may be followed.

4. These instructions shall take effect from the December 14, 1999 which is the date of the judgment of the Supreme Court referred to above.

5. In so far as personnel serving in Indian Audit and Accounts Departments are concerned, these instructions are issued in consultation with the Comptroller and Auditor General of India. However, these orders (in keeping with paragraph 4 of the Office Memorandum dated May 29, 1986 as referred to above) will not be applicable to transfers within the Indian Audit and Accounts Department which are governed by orders issued by the C&AG from time to time.

6. The above instructions may be brought to the notice of all concerned for information, guidance and necessary action.

Sd/-
(K.K. Jha)
Director (Establishment)

To

All Ministries/Departments of the Government of India

Copy to:-

1. The President's Secretariat, New Delhi.
2. The Prime Minister's Office, New Delhi.
3. The Rajya Sabha Secretariat, New Delhi.
4. The Lok Sabha Secretariat, New Delhi.
5. The Registrar General, The Supreme Court of India.
6. The Registrar, Central Administrative Tribunal, Principal Bench, New Delhi.
7. The Comptroller and Auditor General of India, New Delhi with reference to their letter No. 248/Audit(Rules)Gr.IV 16-98 dated 5.10.2000.
8. The Secretary, Union Public Service Commission, New Delhi with reference to their letter No. F.2/7/2000-S.II dated 28.2.2001.
9. Ministry of Home Affairs (UTP), New Delhi with reference to their D.O. letter No. 14040/32/99-UTP dated 7.1.2000.
10. The Staff Selection Commission, New Delhi.
11. National Commission for SCs/STs, New Delhi.
12. National Commission for OBCs, New Delhi.
13. All State Governments/Union Territory Administrations.
14. All attached/subordinate offices under the Ministry of Personnel, Public Grievances and Pensions/Ministry of Home Affairs.
15. All Sections in the Ministry of Personnel, Public Grievances and Pensions.
16. The Secretary, Staff Side, National Council(JCM), 9 Ashoka Road, New Delhi.
17. Facilitation Center, DoP&T **(20 Copies)**.
18. NIC (DoP&T) for placing this Office Memorandum on the website of DoP&T.
19. Establishment(D) Section, DoP&T **(500 copies)**.

No. 20011/1/2001-Estt.(D)
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel and Training

...
New Delhi, dated the 21st January, 2002.

OFFICE MEMORANDUM

SUBJECT: Seniority of SC/ST Government Servants on promotion by virtue of rule of reservation/roster.

...

The Seniority of a person appointed to a post is determined according to the general principle 5(i) contained in MHA OM No. 9/11/55-RPS dated 22.12.1959 and para 2.2 in DOPT OM No. 22011/7/86-Estt. (D) dated 3.7.1986 read with DOPT OM No. 20011/5/90 Estt (D) dated 4.11.1992 (copy enclosed). Seniority of such persons is determined by the order of merit indicated at the time of initial appointment and seniority of persons promoted to various grades is determined in the order of selection for such promotion. Thus, as per the aforementioned instructions, persons appointed through an earlier selection would enbloc be senior to those promoted through subsequent selection.

2. This position was reviewed subsequent to the judgment of the Supreme Court dated 10.10.1995 in the case of Union of India Vs. Virpal Singh Chauhan etc. (JT 1995(7) SC.231) and it was decided vide DOPT OM No. 20011/1/96-Estt.(D), dated 30.1.1997, to modify the then existing policy by addition of the proviso to general principle 5 (i) contained in MHA (now DOPT) OM No. 9/11/55-RPS dated 22.12.1959 and para 2.2 in DOPT OM No. 20011/7/86-Estt.(D) dated 3.7.1986 which stipulated that if a candidate belonging to the Scheduled Caste or the Scheduled Tribe is promoted to an immediate higher post/ grade against a reserved vacancy earlier than his senior general/OBC candidate who is promoted later to the said immediate higher post/grade, the general/OBC candidate will regain his seniority over such earlier promoted candidate of the Scheduled Caste and the Scheduled Tribe in the immediate higher post/grade.

3. The Government have now decided to negate the effects of the DOP&T OM dated 30th January, 1997 by amending Article 16(4A) of the Constitution right from the date of its inclusion in the Constitution i.e. 17th June, 1995 with a view to allow the Government servants belonging to SCs/STs to retain the seniority in the case of promotion by virtue of rule of reservation. In other words, the candidates belonging to general/OBC category promoted later will be placed junior to the SC/ST Government servants promoted earlier even though by virtue of the rule of reservation.

4. Therefore, in pursuance of the aforementioned Constitution (Eighty-fifth) Amendment Act, 2001, it has been decided as follows:

- (i) (a) SC/ST Government servants shall, on their promotion by virtue of rule of reservation/roster, be entitled to consequential seniority also; and
 - (b) the above decision shall be effective from 17th June, 1995
- (ii) The instructions contained in DOPT OM No. 20011/1/96- Estt (D) dated 30.1.1997 as well as the clarifications contained in DOPT OM No. 20011/2/97- Estt. (D) dated 21.3.1997 shall stand withdrawn w.e.f. 30.1.1997 itself.
- (iii) Seniority of Government servants determined in the light of O.M. dated 30.1.1997 shall be revised as if that O.M. was never issued.
- (iv) (a) On the basis of the revised seniority, consequential benefits like promotion, pay pension, etc. should be allowed to the concerned SC/ST Government servants (but without arrears by applying principle of no work no pay)
 - (b) For this purpose, senior SC/ST Government servants may be granted promotion with effect from the date of promotion of their immediate junior general/OBC Government servants.
 - (c) Such promotion of SC/ST Government servant may be ordered with the approval of Appointing Authority of the post to which the Government servant is to be promoted at each level after following normal procedure of DPC (including consultation with UPSC).
- (v) Except seniority other consequential benefits like promotion, pay etc, (including retrial benefits in respect of those who have already retired) allowed to general/OBC Government servant by virtue of implementation of O.M. No. dated 30.1.1997 and/or in pursuance of the directions of CAT/Court should be protected as personal to them.

5. All Ministries/Departments are requested to bring the above decisions to the notice of all concerned for guidance and compliance. Necessary action to implement the decisions contained in para 4 (iii) above may be completed within three months from the date of issue of these instructions and necessary action to implement the decision at para (iv) above may be completed within 6 months from the date of issue of these instructions.

6. Hindi version will follow.

Sd/-
(Alok Saxena)
Deputy Secretary to the Government of India

To
All Ministries/Departments of the Govt. of India

Copy to:

1. The Comptroller and Auditor General of India.
2. The Secretary, Union Public Service Commission.
3. Rajya Sabha Secretariat
4. Lok Sabha Secretariat
5. All State Governments/Union Territory Administrations
6. All Attached/Subordinate offices under the Department of Personnel and Training/Ministry of Home Affairs.
7. Ministry of Railways (Railway Board)
8. National Commission for SCs/STs, New Delhi
9. National Commission for OBCs, New Delhi.
10. The Secretary, Staff Side, National Council
11. The Registrar General, The Supreme Court of India
12. All Officers/Sections of DOP&T
13. Principal Information Officer, Ministry of I&B
14. Facilitation Center, DOP&T-20 spare copies.
15. NIC (DOPT Branch) for placing this O.M. on the web site of DOPT.
16. Establishment (D) Section (500 Copies)

F.No.35034/7/97-Estt(D)
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel and Training

.....

New Delhi – 110001
February 8, 2002

OFFICE MEMORANDUM

Subject:-Procedure to be observed by Departmental Promotion Committees (DPCs)
- No supersession in 'selection' promotion- Revised Guidelines regarding

The undersigned is directed to invite reference to the Department of Personnel and Training (DoP&T) Office Memorandum (O.M.) No.22011/5/86-Estt(D) dated March 10,1989 and O.M. of even number dated April 10, 1989[as amended by O.M.No.22011/5/91-Estt(D) dated March 27, 1997] which contain the instructions on the Departmental Promotion Committees (DPCs)and related matters. In regard to the 'selection' mode of promotion('selection-cum-seniority' and 'selection by merit'), the aforesaid instructions prescribe the guidelines (as briefly discussed in paragraph 2 below) for overall 'grading' to be given by the DPC, 'bench-mark' for assessment of performance and the manner in which the 'select panel' has to be arranged for promotions to various levels of post/grade.

2. **Existing Guidelines**

2.1 As per the existing (aforementioned) instructions, in promotions *up to and excluding* the level in the pay-scale of Rs.12,000-16,500 (excepting promotions to Group 'A' posts/services from the lower group), if the mode happens to be 'selection-cum-seniority', then the bench-mark prescribed is 'good' and officers obtaining the said bench-mark are arranged in the select panel in the order of their seniority in the lower (feeder) grade. Thus, there is no supersession among those who meet the said bench-mark. Officers getting a grading lower than the prescribed bench-mark ('good') are not empanelled for promotion.

2.2 In the case of promotions from lower Groups to Group 'A', while the mode of promotion happens to be 'selection by merit', the bench-mark prescribed is 'good' and only those officers who obtain the said bench-mark are promoted in the order of merit as per grading obtained. Thus, officers getting a superior grading supersede those getting lower grading. In other words, an officer graded as 'outstanding' supersedes those graded as 'very good' and an officer graded as 'very good' supersedes officers graded as 'good'. Officers obtaining the same grading are arranged in the select panel in the order of their seniority in the lower grade. Those who get a grading lower than the prescribed bench-mark ('good') are not empanelled for promotion.

2.3 In promotions to the level in the pay-scale of Rs.12,000-16,500/- and above, while the mode of promotion is 'selection by merit', the bench-mark prescribed is 'very good' and only those officers who obtain the said benchmark are promoted in the order of merit as per the grading obtained, officers getting superior grading supersede those getting lower grading as explained in paragraph 2.2 above. Officers obtaining the same grading are arranged in the select panel in the order of their seniority in the lower grade. Those who get a grading lower than the prescribed bench-mark ('very good') are not empanelled for promotion.

3.1 Revised Guidelines

The aforementioned guidelines which permit supersession in 'selection promotion ('selection by merit') have been reviewed by the Government and after comprehensive/extensive examination of relevant issues it has been decided that there should be no supersession in matter of 'selection' (merit) promotion at any level. In keeping with the said decision, the following revised promotion norms/guidelines, in partial modification (to the extent relevant for the purpose of these instructions) of all existing instructions on the subject (as referred to in paragraph 1 above) are prescribed in the succeeding paragraphs for providing guidance to the Departmental Promotion Committees (DPCs).

Mode of Promotion

In the case of 'selection' (merit) promotion, the hitherto existing distinction in the nomenclature ('selection by merit' and 'selection-cum-seniority') is dispensed with and the mode of promotion in all such cases is rechristened as 'selection' only. The element of selectivity (higher or lower) shall be determined with reference to the relevant bench-mark ("Very Good" or "Good") prescribed for promotion.

3.2 'Bench-mark' for promotion

The DPC shall determine the merit of those being assessed for promotion with reference to the prescribed bench-mark and accordingly grade the officers as 'fit' or 'unfit' only. Only those who are graded 'fit' (i.e. who meet the prescribed bench-mark) by the DPC shall be included and arranged in the select panel in order to their inter-se seniority in the feeder grade. Those officers who are graded 'unfit' (in terms of the prescribed bench-mark) by the DPC shall not be included in the select panel. Thus, there shall be no supersession in promotion among those who are graded 'fit' (in terms of the prescribed bench-mark) by the DPC.

3.2.1 Although among those who meet the prescribed bench-mark, inter-se seniority of the feeder grade shall remain intact, eligibility for promotion will no doubt be subject to fulfilment of all the conditions laid down in the relevant Recruitment/Service Rules, including the conditions that one should be the holder of the relevant feeder post on regular basis and that he should have rendered the prescribed eligibility service in the feeder post.

3.3 Promotion to the revised pay-scale (grade) of Rs.12,000-16,500 and above

- (i) The mode of promotion, as indicated in paragraph 3.1 above, shall be 'selection'.
- (ii) The bench-mark for promotion, as it is now, shall continue to be 'very good'. This will ensure element of higher selectivity in comparison to selection promotions to the grades lower than the aforesaid level were the bench-mark, as indicated in the following paragraphs, shall be 'good' only.
- (iii) The DPC shall for promotions to said pay-scale (grade) and above, grade officers as 'fit' or 'unfit' only with reference to the bench-mark of 'very good'. Only those who are graded as 'fit' shall be included in the select panel prepared by the DPC in order of their inter-se seniority in the feeder grade. Thus, as already explained in paragraph 3.2 above, there shall be no supersession in promotion among those who are found 'fit' by the DPC in terms of the aforesaid prescribed bench-mark of 'very good'.

3.4 Promotion to grades below the revised pay-scale (grade) of Rs.12,000-16,500 (including promotions from lower Groups to Group 'A' posts/grades/services)

- (i) The mode of promotion, as indicated in paragraph 3.1 above, shall be 'selection'.
- (ii) The bench-mark for promotion, as it is now, shall continue to be 'good'.
- (ii) The DPC shall for promotion to posts/grades/services in the aforesaid categories, grade officers as 'fit' or 'unfit' only with reference to the bench-mark of 'good'. Only those who are graded as 'fit' shall be included in the select panel prepared by the DPC in order of their inter-se seniority in the feeder grade. Thus, as already explained in paragraph 3.2 above, there shall be no supersession in promotion among those who are found 'fit' by the DPC in terms of the aforesaid prescribed benchmark of 'good'.

3.5 Zone of consideration

The guidelines relating to the 'zone of consideration' in its existing form (twice the number of vacancies plus four) shall continue to have general application. However, in view of the modifications in promotion norms indicated in paragraph 3.3 above, the following stipulation [as is already applicable in the case of promotions below the revised pay-scale (grade) of Rs.12,000-16,500/- vide DoP&T O.M.No.22011/8/ 98-Estt(D) dated November 6, 1998] is also made in the regard to the zone of consideration for promotion to the revised pay-scale (grade) of Rs.12,000-16,500/- and above

"While the zone of consideration would remain as already prescribed. the DPC, in the aforesaid category of cases, may assess the suitability of eligible employees in the zone of consideration (in the descending order) for inclusion in the panel for promotion up to a number which is considered sufficient against the number of vacancies. With regard to the number of employees to be included in the panel, the DPC may also be required to keep in view the instructions issued vide Department of Personnel and Training Office Memorandum No.22011/18/87-Estt(D) dated April 9, 1996 relating to norms for preparing extended panel for promotion. In respect of the remaining employees, the DPC may put a note in the minutes that "the assessment of the remaining employees in the zone of consideration is considered not necessary as sufficient number of employees with prescribed bench-mark have become available."

4. Provisions of the paragraph 1 (vii) of the DoP&T O.M.No.AB-14017/2/97-Estt(RR) dated May 25, 1998 stand modified in accordance with these revised instructions. In addition to this, if the guidelines contained 'in this Office Memorandum come in conflict with the provisions of any other executive instructions (O.M.) issued by DoP&T on this subject, the same shall be taken to be modified to the extent provided herein.

5. The instructions contained in this Office Memorandum shall come into force from the date of its issue.

6. Ministries/Departments are requested to give wide circulation to these revised instructions for general guidance in the matter so that immediate steps are taken to amend the Service Rules/Recruitment Rules of various services/posts/grades so as to appropriately incorporate the mode of promotion as 'selection' (in accordance with these instructions) in place of 'selection by merit' and 'selection-cum-seniority' (as was hitherto prescribed by the aforementioned O.M. dated March 27, 1997) as the case may be. The powers to amend Service Rules / Recruitment Rules in this regard are delegated to the Ministries /Departments. DoP&T need not be consulted to carry out the required amendments.

Sd/-

(ALOK SAXENA)

Deputy Secretary to the Government of India

To

All Ministries/Departments of the Government of India.

Copy to:-

1. The President's Secretariat, NewDelhi.
2. The Prime Minister's Office, NewDelhi.

3. The Cabinet Secretariat, New Delhi.
4. The Rajya Sabha Secretariat, New Delhi.
5. The Lok Sabha Secretariat, New Delhi.
6. The Comptroller and Audit General of India, New Delhi.
7. The Union Public Service Commission, New Delhi with reference to their letter No.1017/2001-AU(C) dated 30.10.2001 (20 copies).
8. The Staff Selection Commission, New Delhi.
9. All attached offices under the Ministry of Personnel, Public Grievances and Pensions
10. Establishment Officer & Secretary, ACe (10 copies) (Smt Chitra Chopra)
11. All Officers and Sections in the Department of Personnel and Training.
12. Establishment (RR) Section, DoP&T (10 copies). They may also issue separate instructions in terms of the position indicated in paragraph 4 above.
13. Facilitation Centre, DoP&T - 20 spare copies
14. NIC (DOP&T Branch) for placing this Office Memorandum on the website of DoP&T.
15. Establishment (D) Section, DoP&T (500 copies)

No.20011/1/2006-Estt.(D)
Government of India
Ministry of Personnel, Public Grievances & Pension
Department of Personnel & Training

New Delhi, dated the 3rd March, 2008

OFFICE MEMORANDUM

Subject: Consolidated instructions on seniority contained in DoP&T OM No.22011/7/1986-Estt.(D) dated 3-7-1986 – clarification regarding.

The undersigned is directed to refer to this Department's consolidated instructions contained in OM No.22011/7/86-Estt.(D) dated 3.7.1986 laying down the principles on determination of seniority of persons appointed to services/ posts under the Central Government.

2. Para 2.4.1 and 2.4.2 of the OM dated 3.7.1986 contains the following provisions :-

2.4.1 The relative seniority of direct recruits and of promotees shall be determined according to the rotation of vacancies between direct recruits and promotees, which shall be based on the quota of vacancies reserved for direct recruitment and promotion respectively in the Recruitment Rules.

2.4.2 If adequate number of direct recruits does not become available in any particular year, rotation of quotas for the purpose of determining seniority would take place only to the extent of the available direct recruits and the promotees.

3. Some references have been received seeking clarifications regarding the term 'available' used in the preceding para of the OM dated 3.7.1986. It is hereby clarified that while the inter-se seniority of direct recruits and promotees is to be fixed on the basis of the rotation of quota of vacancies, *the year of availability*, both in the case of direct recruits as well as the promotees, for the purpose of rotation and fixation of seniority, shall be the actual year of appointment after declaration of results/ selection and completion of pre-appointment formalities as prescribed. It is further clarified that when appointments against unfilled vacancies are made in subsequent year or years either by direct recruitment or promotion, the persons so appointed shall not get seniority of any earlier year (viz. year of Vacancy/panel or year in which recruitment process is initiated) but should get the seniority of the year in which they are appointed on substantive basis.

The year of availability will be the vacancy year in which a candidate of the particular batch of selected direct recruits or an officer of the particular batch of promotees joins the post/service.

4. Cases of seniority already decided with reference to any other interpretation of the term 'available' as contained in OM dated 3.7.1986 need not be reopened.
5. Hindi version will follow.

Sd/-
(Smita Kumar)
Director (Estt.I)

To,

All Ministries of the Government of India etc.

Copy to:-

1. President's Secretariat Vice President's Secretariat/ Prime Minister's Office/ Supreme Court/ Rajya Sabha Secretariat/ Lok Sabha Secretariat/ Cabinet Secretariat/ UPSC/ CYC/ C&AG/ Central Administrative Tribunal (Principal Bench), New Delhi.
2. All attached/subordinate offices of the Ministry of Personnel, Public Grievances and Pensions.
3. Secretary, National Commission for Minorities.
4. Secretary, National Commission for Scheduled Castes/ Scheduled Tribes.
5. Secretary, Staff Side, National Council OCM), 13-C, Ferozeshah Road, New Delhi.
6. All Staff Side Members of the National Council OCM).
7. Establishment (D) Section - 1000 copies.
8. NIC, DoPT, North Block for up-loading of the OM in DoPT website.