

F. No. 14014/29/2005-AIS-I
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel and Training

North Block, New Delhi
Dated the 30.6.2016

ORDER

Whereas, Shri K. Dhananjaya Reddy was selected to DANICS through Civil Services Examination conducted by UPSC in the year 1991. Approved service commenced from 01.07.1992 i.e. the first July of the year following the year of examination. The training actually commenced from 01.05.1993. He went to Government of Andhra Pradesh on inter State Deputation in August 2004 and subsequently absorbed there from w.e.f. 25.8.2009 in relaxation of rules with all the past service benefits including the benefits of service on par with serving officers of that rank and cadre of the department including deemed service of government officials of that rank and cadre of the department.

And whereas, he was inducted into IAS in the select list of Non SCS (prepared for the vacancies arisen between 1.1.2010 to 31.12.2010) vide notification No.14015/01/2012-AIS-I(B) dated 21.12.2012 and his seniority/ year of allotment was fixed vide notification No.14014/29/2005-AIS-I dated 9.9.2013. He was assigned 2006 as year of allotment by counting his service in the rank of Deputy Collector or equivalent w.e.f. 01.05.1993 as per information received from the state Government.

And whereas, Shri K. Dhananjaya Reddy represented for the seniority/year of allotment to be fixed as 2005 instead of 2006. Government of Andhra Pradesh vide their letter dated 2.4.2015 requested to re-determine the seniority/ year of allotment of Shri Reddy by taking account his date of appointment in the rank of Deputy Collector or equivalent as 1.7.1992 instead of 1.5.1993 intimated earlier. The State Government has revised the date based on clarification received from the MHA, who vide their letter no. 14016/11/2015-UTS-II dated 23.2.2015 has clarified that the approved service of Shri K. Dhananjaya Reddy in DANICS would be counted w.e.f. 01.07.1992, as he was appointed in DANICS on the basis of CSE 1991.

And whereas, Shri K. Dhananjaya Reddy has filed OA No.225 of 2016 before the Hon'ble CAT, Hyderabad Bench for re-assigning his seniority by taking his date of appointment in the rank of Deputy Collector or equivalent as 1.7.1992 instead of 1.5.1983.

And whereas, the Hon'ble Tribunal vide its order dated 02.03.2016 has disposed of the OA at admission stage itself with direction to respondent No.1(DoPT) to consider representation dated 1.10.2013 and pass order within the period of eight weeks from the date of the receipt of the copy of the court order.

And whereas, the conditions of service of officers appointed to the All India Service are regulated by the All India Service Act, 1951 passed by the Parliament under the Article 312 of the Constitution and the rules and regulations framed thereunder.

(i) Regulation 2(j)(ii) of the Indian Administrative Service (Appointment by Promotion) Regulations, 1955 state as under:

"2(j) "State Civil Service" means,

(ii) in all other cases, any service or services, approved for purposes of the Recruitment Rules by the Central Government in consultation with the State Government, a member of which normally holds, for purposes of revenue and general administration, charge of a sub-division of a district or a post of higher responsibility."



- (ii) Further fourth proviso to Regulation 5(2) of the Indian Administrative Service (Appointment by Promotion) Regulations, 1955 state as under:

"Provided also that the Committee shall not consider the case of a member of the State Civil Service unless, on the first day of January of the year for which the Select List is prepared he is substantive in the State Civil Service and has completed not less than eight years of continuous service (whether officiating or substantive) in the post of Deputy Collector or in any other post or posts declared equivalent thereto by the State Government".

- (iii) Rule 3(3) (iii) of IAS (Regulation of Seniority) Rules, 1987 state as under:-

"The year of allotment of a promotee officer shall be determined with reference to the year for which the meeting of the Committee to make selection, to prepare the select list on the basis of which he was appointed to the Service, was held and with regard to the continuous service rendered by him in the State Civil Service not below the rank of a Deputy Collector or equivalent, up to the 31st day of December of the year immediately before the year for which meeting of the Committee to make selection was held to prepare Service, in the following manner.....:-"

And whereas, it is pointed out that DANICS is a Group 'B' service. The officers appointed to DANICS get Junior Administrative Grade-I after a service of 8 years which is equivalent to that of Deputy Collector. After 8 years of service as JAG-I, the officer becomes eligible for induction into IAS subject to other conditions.

And whereas, it is not clear as to how the service of Shri Reddy was counted equivalent to the Deputy Collector (Group 'A') from the date of appointment in DANICS which is a Group 'B' service.

And whereas, the matter was examined in consultation with the State Governments of Andhra Pradesh and Telangana and it was felt that only "continuous service" not any "approved service" is the basis of determining seniority/year of allotment of the promotee IAS officers.

Now therefore, in compliance of the order dated 02.03.2016 of Hon'ble CAT Hyderabad Bench in OA No.225 of 2016, it has been concluded that the claim of Shri Dhananjaya Reddy to determine his seniority/year of allotment by counting his service in DANICS w.e.f. 01.07.1992 cannot be accepted to as the same is not in accordance with rules and regulations governing All India Service as stated above.

Ordered accordingly.


(Uday Bhan Singh)

Under Secretary to the Government of India

1. The Chief Secretary, Government of Andhra Pradesh, Hyderabad.
2. The Chief Secretary, Government of Telangana, Hyderabad.
3. Shri K. Dhananjaya Reddy, IAS, Director, Agriculture, Government of Andhra Pradesh, Hyderabad.
4. US (S-II)/AIS (III)
5. EO (PR)/RO (CM)
6. ✓ NIC, for uploading on the DoPT's website.