

No.14014/04/2011-AIS-I
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel and Training

North Block, New Delhi.
Dated 4th February, 2016

To

The Chief Secretaries of all the State Governments/UTs

Subject:- Amendment in Rule 3(3)(iii) of the IAS(Regulation of Seniority) Rules, 1987.

Sir,

I am directed to refer to this Department's notification dated 18th April, 2012 amending the Rule 3(3)(ii) of IAS(Regulation of Seniority) Rules, 1987 in respect of SCS officers in the wake of High Court/Supreme Court's orders in Praveen Kumar case.

2. On the same analogy, this Department has proposed to amend the Rule 3(3)(iii) of IAS(Regulation of Seniority) Rules, 1987 in respect of Non-SCS officers also. The reasons for the proposed amendments are explained in **Annexure-I** and a comparative statement showing the existing Rule and the proposed Rule is also given in **Annexure-II**.

3. The proposed amendment will be applicable to all the officers who have been appointed to IAS on the basis of the Select List(s) which has/have been prepared or shall be prepared for the appointment by selection of the Non-State Civil Service officers as per the ratio laid down by Hon'ble Punjab & Haryana High Court and confirmed by Hon'ble Supreme Court in the matter of Praveen Kumar and keeping in view the provisions contained in this Department's Office Memorandum No.22012/99/2009-AIS-I dated 17th March, 2015.

4. The concurrence/views of the State Governments on the same may please be communicated to this Department before 29th February, 2016. If no, reply is received within the stipulated time limit, it will be presumed that the State Government has no objection to the proposed amendment.

Encls. – As above.

Yours faithfully,



(Udai Bhan Singh)

Under Secretary to the Government of India

Tel. No.011-23094142

Copy to: The Secretary, UPSC, Shahjahan Road, New Delhi for information and comments.

✓ 2. NIC, DOPT - for uploading it on the website.

Explanation

It may be recalled that in the wake of High Court/Supreme Court order in the case of Praveen Kumar the select list came to be advanced by one year. It was observed that for the purpose of fixation of seniority/year of allotment, weightage was required to be calculated on the basis of continuous service in the state service up to 31st December preceding the year for which the Select List was prepared on the basis of which such officer was appointed on promotion and then as per the Seniority rules such weightage was to be deducted from the year of select list.

Since, after Praveen Kumar's case, the select list came to be advanced by one year, had the existing weightage formula been allowed to continue on the officers promoted on the basis of select list prepared in accordance with the judgment of High Court/ Supreme Court order in the matter of Shri Praveen Kumar would have got additional year in their year of allotment which was not given to the officers promoted on the basis of the select list prior to Praveen Kumar case. In order to remove the possibility of such anomalous situation the Government decided to amend the Rule 3 (3)(ii) of IAS/IPS/IFoS (Regulation of Seniority) Rules suitably.

Accordingly, Rule 3(3)(ii) of IAS (Regulation of Seniority) Rules, 1987 for SCS officers inducted to IAS were amended vide our notification dated 18.4.2012.

In view of the above, in case of State Civil Services (SCS) officers if Select List is prepared for the vacancies of 2014 the same is required to be styled as select list of 2014 whereas for Non SCS the same is styled as 2015. Also in case of SCS, eligibility is required to be seen as on 1.1.2014 whereas in case of Non SCS the same is to be seen as on 1.1.2015. Thus, there is apparent anomaly in styling the Select List year for SCS officers and Non SCS officers prepared for the vacancies arising during the same year. This anomaly is due to the fact that as the Court order cited above was implemented for SCS officers only.

The whole matter was re-considered in this Department and it has been decided that the above cited order may be applied in case of Non-SCS category officers also and above anomaly may be removed as vacancies for both categories i.e. SCS and Non SCS come from the same pool i.e. Promotion Quota. It has also been decided that the said anomaly may be removed by styling the Select List of Non SCS officers also on the lines of Select List of SCS officers coinciding with the year of occurrence of vacancies for which it is prepared. Therefore, the select list for Non SCS officers which is to be prepared against vacancies arisen between 1.1.2014 to 31.12.2014 and also subsequent lists may be styled coinciding with the year of occurrence of vacancies for which it is prepared. Further, for Select List of Non-SCS officers also on the lines of SCS officers crucial date for determination of eligibility would be 1st January of the year of occurrence of vacancies for which it is prepared. In so far as Select List to be prepared against vacancies arisen between 1.1.2014 to 31.12.2014 is concerned 'A' would be suffixed with the year as there is already one Select List of 2014 prepared against the vacancies of 2013.

Accordingly, the State Governments were requested vide our O.M. No.22012/99/2009-AIS-I dated 17th March, 2015 to issue suitable instructions to the concerned authorities to send requisite proposal to UPSC keeping in view of the above decision.

Further, in compliance of the Hon'ble Supreme Court's direction dated 7.8.2014 in W.P.(C) No.266 of 2008 and other tagged cases, this Department in consultation with all the stake-holders viz. Ministry of Home Affairs, Ministry of Environment and Forest, UPSC and the State Governments amended the Regulation 5(3) of IAS (Appointment by promotion) Regulations, 1955 and Proviso 1 below Regulation 4(1)(iii) of IAS(Appointment by Promotion) Regulations, 1997 raising the maximum age limit from 54 years to 56 years for promotion/induction from State Service/Non-State Civil Service officers into IAS with effect from the Select List of 2015 with crucial date of determination of age as on 01.01.2015. The amended regulations have been notified vide notification dated 17.03.2015.

In view of the above and on the lines amendment of Regulations in case of SCS officer, Rule 3(3)(iii) of IAS(Regulation of Seniority) Rules in respect of Non-SCS officers is proposed to be amended.

**Proposed amendment in Rule 3(3)(iii) of IAS(Regulation of Seniority) Rules, 1987
in respect of Non-SCS officers**

Rule	Existing provision	Proposed provision
3(3)(iii)	<p>“The year of allotment of an officer appointed by selection 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 a post equivalent to the post of Deputy Collector or a higher post, 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 the select list on the basis of which he was appointed to the Service, in the following manner:-</p> <p>a). for the service rendered by him up to twenty one years, he shall be given a weightage of one year for every completed three years of service, subject to a minimum of four years;</p> <p>b). he shall be given a weightage of one year for every completed two years of service beyond the period of twenty one years, referred to in sub-clause (a) subject to a maximum of three years;</p> <p align="center"><i>Explanation-</i> For the purpose of calculation of the weightage under this clause, the fractions, if any, shall be ignored.”</p>	<p>“The year of allotment of an officer appointed by selection 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 a post equivalent to the post of Deputy Collector or a higher post, up to the 31st day of December of the year for which meeting of the Committee to make selection was held to prepare the select list on the basis of which he was appointed to the Service, in the following manner:-</p> <p>a). for the service rendered by him up to twelve years, he shall be given a weightage of one year for every completed four years of service, subject to a minimum of three years;</p> <p>b). for the service rendered by him beyond 12 years, as referred to in sub-clause (a) and upto 21 years, he shall be given a weightage of one year for every completed three years;</p> <p>c) for the service rendered by him beyond 21 years, as referred to in sub-clause (b), he shall be given a weightage of one year for every completed two years of service.</p> <p align="center"><i>Explanation-</i> For the purpose of calculation of the weightage under this clause, the fractions, if any, shall be ignored.”</p>

* the proposed amendment will be applicable to all the officers who have been appointed to IAS on the basis of the Select List(s) which has/have been prepared or shall be prepared for the appointment by selection of the Non-State Civil Service officers as per the ratio laid down by Hon'ble Punjab & Haryana High Court and confirmed by Hon'ble Supreme Court in the matter of Praveen Kumar and keeping in view the provisions contained in this Department's Office Memorandum No.22012/99/2009-AIS-I dated 17th March, 2015.
