

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

SUBJET: 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.22011/7/86-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.

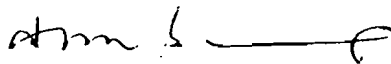
4. Therefore, in pursuance of the aforementioned Constitution (Eighty-fifth) Amendment Act, 2001, it has been decided as follows:

- (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 O.M.No20011/1/96- Estt.(D) dated 30.1.1997 as well as the clarifications contained in DOPT O.M.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 retiral benefits in respect of those who have already retired)

allowed to general/OBC Government servant by virtue of implementation of O.M. 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.



(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 Centre, 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).

No. 20011/5/90-Estt(D)
Government of India
Ministry of Personnel, P.G. & Pensions
(Department of Personnel & Training)

.....

New Delhi, the 4 November, 1992.

OFFICE MEMORANDUM

Subject:- Delinking seniority from confirmation.

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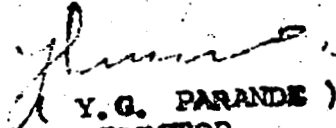
The seniority of Government servants is determined in accordance with the general principles of seniority contained in MHA OM No. 9/11/55-RPS dated 22.12.59 (copy enclosed). One of the basic principles enunciated in the said OM is that seniority follows confirmation and consequently permanent officers in each grade shall rank senior to those who are officiating in that 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 2.5.90. 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 O.M. dt.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 Ministries/ Departments etc. are requested to bring these instructions to the notice of all concerned for guidance and compliance.


Y.G. PARANDE)
DIRECTOR

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),
4. All Union Territory Administrations.
5. All attached/subordinate offices under the D.C.M.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).

संख्या 200/11/5/90-स्था0/घ0

भारत सरकार

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय

{ कार्मिक और प्रशिक्षण विभाग }

नई दिल्ली, दिनांक 4-11-92

कार्यालय ज्ञापन

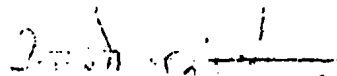
विषय:- वरिष्ठता को स्थायीकरण से पृथक किया जाना ।

सरकारी कर्मचारी की वरिष्ठता का निर्धारण गृह मंत्रालय के दिनांक 22.12.1959 {प्रति संलग्न} के कार्यालय ज्ञापन संख्या 9/11/55-आर0पी0एस0 में दिए गए वरिष्ठता संबंधी सामान्य सिद्धान्तों के अनुसार किया जाता है । उक्त कार्यालय ज्ञापन में प्रतिपादित वरिष्ठता को एक मूल सिद्धान्त यह है कि किसी कर्मचारी का स्थायीकरण होने के पश्चात् उसे वरिष्ठता दी जाती है और परिणामस्वरूप प्रत्येक ग्रेड में स्थायी किए गए अधिकारी को उन व्यक्तियों से वरिष्ठ रैंक में रखा जाएगा, जो उस ग्रेड में स्थानापन्न सम से कार्य कर रहे हैं ।

2. विगत में इस सिद्धान्त की कुछ मामलों में न्यायिक जांच की गई है, अन्तिम महत्वपूर्ण निर्णय उच्चतम न्यायालय ने दिनांक 2.5.90 {जे0टी0 1990} {2 एस0सी0-264} को श्रेणी-11 सीधी भर्ती के इंजीनियरिंग अधिकारी एसोसिएशन बनाम महाराष्ट्र सरकार के मामले में दिया था । उपर्युक्त निर्णय के पैरा 47 {क} में उच्चतम न्यायालय ने यह स्थापित किया कि जब कोई पदधारी किसी पद पर नियमानुसार नियुक्त किया जाता है तो उसकी वरिष्ठता उसके स्थायीकरण की तारीख से नहीं बल्कि उसकी नियुक्ति की तारीख से गिनी जानी चाहिए ।

3. उपर्युक्त वरिष्ठता के सामान्य सिद्धान्त की उपर्युक्त न्यायिक निर्णय के परिप्रेक्ष्य में जांच की गई है और यह निर्णय लिया गया है कि उच्चतम न्यायालय के दिनांक 2.5.90 के निर्णय के पैरा 47 {क} में दिए गए निर्देश के अनुसार वरिष्ठता को स्थायीकरण से पृथक कर दिया जाए । तदनुसार, गृह मंत्रालय {अब कार्मिक और प्रशिक्षण विभाग} के दिनांक 22.12.1959 तथा इस विभाग के दिनांक 3.7.1986 के कार्यालय ज्ञापन {प्रति संलग्न} के पैरा 2.3 में दिए गए सामान्य सिद्धान्त 3, सामान्य सिद्धान्त 4 तथा सामान्य सिद्धान्त 5 {1} के परन्तुओं के संशोधन में यह निर्णय लिया गया है कि किसी पद पर नियमानुसार नियमित सम से नियुक्त एक व्यक्ति की वरिष्ठता का निर्धारण उसकी प्रारम्भिक नियुक्ति के समान दर्शाए गए गुणता क्रम द्वारा निर्धारित किया जाएगा न कि उसके स्थायीकरण की तारीख के अनुसार ।

4. ये आदेश इस कार्यालय कापन के जारी होने की तारीख से प्रभावी होंगे । इन आदेशों के जारी होने की तारीख को विद्यमान सिद्धांतों के अनुसार पहले से ही निर्धारित वरिष्ठता के मामलों पर पुनः विचार नहीं दिया जाएगा यहां तक कि यदि कुछ मामलों में वरिष्ठता के संबंध में पहले ही चुनौती दी गई है अथवा इन पर विवाद चल रहा है, तो इनका निर्धारण भी इन आदेशों के जारी होने से पूर्व पहले से ही विद्यमान सिद्धांतों के अनुसार ही दिया जाएगा ।
5. सभी मंत्रालयों/विभागों इत्यादि से अनुरोध है कि वे इन आदेशों को विज्ञा-निर्देश तथा अनुपालन के लिए सभी संबंधितों के ध्यान में लाएं ।


[योगो पराडे]
निदेशक

सेवा में,

सभी मंत्रालय/विभाग आदि ।

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

New Delhi, the 22nd December, 1959.
1st Pusa. 1981

OFFICE MEMORANDUM

Subject:—GENERAL PRINCIPLES FOR DETERMINING SENIORITY OF VARIOUS CATEGORIES OF PERSONS EMPLOYED IN CENTRAL SERVICES.

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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 Memoranda cited below—

- (i) Office Memorandum No. 30/44/48—Appts., dated the 22nd June, 1949
- (ii) Office Memorandum No. 55/28/49—IGS (Appts.) dated the 3rd February, 1950 and other subsequent Office Memoranda regarding fixation of seniority of ex-employees of the Government of Burma
- (iii) Office Memorandum No. 31/223/50—IGS, dated the 27th April, 1951 and other subsequent Office Memoranda 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 Memoranda 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 objects underlying the instructions cited above 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 hereto.

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. VISWANATHAN)
Special Secretary to the Government of India.

To

All Ministries of the Government of India etc. etc.

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ANNEXURE

GENERAL PRINCIPLES FOR DETERMINATION OF SENIORITY IN THE CENTRAL SERVICES

1. (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 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, O.M.No.30/44/48-App'tts. dated the 22nd June, 1949, are requested to consider modification of those rules or instructions on the basis of these general principles. However, whenever, it is considered necessary to follow principles different from those laid down in this Memorandum, a specific reference should be made to the Ministry of Home Affairs which 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) Notwithstanding anything contained in these General Principles, the seniority of persons belonging to the following categories will, on their appointment to a Central Civil Service, or a Civil posts, continue to be determined by the instructions noted against each such category:-
- (a) Ex-Government servants penalised for their patriotic activities M.H.A.OM.No. 6/4/52-S&NG dated 29.5.57.
- (b) Central Government employees discharged on account of affliction with T.B., Pleurisy or Leprosy. 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 dt. 14.7.58.
- (c) Permanent displaced Government servants nominated by the Transfer Bureau to purely temporary Organisations, who consequent on their retrenchment, were absorbed in other offices. OM.No.30/44/48-App'tts. 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 en-bloc be senior to all others in that grade.

Explanation:-For the purpose of these principles (a) persons who are confirmed retrospectively with effect from a 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 Recruits:

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.S.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. Promotions:

(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.

NOTE:- 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 Offices of the Central Government or other Departments, of the Central or 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 rules therefore, the relative seniority of such transferees vis-a-vis direct recruits and 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.

(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 promotion, 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) Regulations, 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.

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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 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.

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 Store-Keeper, the eligible Upper Division Clerks and Store-Keepers shall be arranged in separate lists with reference to their relative seniority in those grades. The D.P.C. will make selection of three candidates from the list of U.D.C. and 1 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 to 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 promotee. If for any reason, a direct recruit or a promotee ceases to hold the appointment in the grade, the seniority list shall not be re-arranged merely for the purpose of ensuring the promotion referred to above.

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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 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 ad-hoc 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.

found wanting in cases where two or more persons are selected

No. 22011/7/86-Estt(D)
Government of India
Ministry of Personnel, Public Grievances
and 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

HA OM
6.9/11/
3-RPS
2.12.89

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 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.

OM
5014/
-Esttd
t.7.2.86

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.

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 falling 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 dt.

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 departments 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-a-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.

DEPT OM No

20020/7/80

- Estt(D)

- dated

29.5.1986.

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.

SENIORITY IN SPECIAL TYPES OF CASES

MHA OM No.37/1/52-DGS dated 10.7.54, OM No. 13/4/56-RPS dt. 29.9.56 & No.13/4/56-RPS dt. 14.7.58 MHA OM No. 9/13/62-Estt.D dt. 10.10.62 & OM 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 Pers. & Trg.

4.2.1 An order imposing the penalty of reduction to 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 repromotion, 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 repromotion 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.

MHA OM
No. 3/27/
65-38.11
dt. 25.2.66
& OM No.
9/22/68-
Estt(D) dt.
6.2.69.

4.3.1. 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 redeployment 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
TELE: 301 12 25

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

VACANCY REGISTER

1986 1987 1988 ETC

1. Total number of vacancies arising during the year ..

2. DIRECT RECRUITMENT

(I) No of vacancies to be filled:

(a) Vacancies of the year (as per quota prescribed).

(b) Vacancies of the previous year(s) brought forward

(c) Total ...

(ii) No. of vacancies actually filled

(iii) No. of vacancies carried forward

3. BY PROMOTION:

(i) No. of vacancies to be filled

(a) Vacancies of the year (as per quota prescribed).

(b) Vacancies of previous year(s) brought forward.

(c) Total

(ii) No. of vacancies actually filled .

(iii) No. of vacancies carried forward

 Note-1:- The methods of recruitment mentioned above are only illustrative; those prescribed in the relevant recruitment rules will be reflected in this Register.

Note-2:- In the cadres in which the yearly vacancies are sufficient in number to be amenable for division as per the prescribed quotas, it is considered that maintenance of this Register alone will be adequate. In smaller cadres, however, where the number of vacancies arising is somewhat occasional and one or two in a year, the appointing authorities may have to maintain the recruitment roster, as at present, to be clear about the method under which a particular vacancy has to be filled.