

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.