

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.