

No.20011/3/80-Estt (D)  
 Government of India/Bharat Sarkar  
 Ministry of Home Affairs/Grih Mantralaya  
 Department of Personnel and Administrative Reforms  
 (Karmik Aur Prashasnik Sudhar Vibhag).

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New Delhi-110001 dated 16 June 1980

OFFICE MEMORANDUM

Subject: - Prematurely Retired and re-employed Officers whether they should be eligible for promotion and confirmation after re-employment.

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Ministries/Departments are aware that persons who are in military service retire from service much earlier than persons employed in civil posts. Thus the persons who are employed in military posts render shorter span of service. Government have introduced various schemes for suitable re-employment of these officers. In civil posts two methods of re-employment are possible. The first category comprises of those who had retired after the date of normal superannuation under Civil Rules viz. 58 years-age. The other category comprises of persons who retire at an earlier age from the military service, or are discharged on compensation/invalid pension or otherwise retire from Civil service prior to the attainment of the age of superannuation under civil rules. On re-employment, the latter continue to work against the civil posts till the normal date of superannuation under civil rules viz 58years of age.

2. A question has been raised whether the officers who are re-employed can be promoted or confirmed after their re-employment. The answer to the above question would depend on whether the re-employed officers find a place in the seniority list, since the confirmation or promotion of any officer will depend on his position in the seniority list and his suitability. The manner in which the seniority of the re-employed officers has to be determined, has not been laid down in any of the instructions issued so far. The matter has however, been examined and it has now been decided that for the purpose of determination of seniority of reemployed officers the following procedure should be adopted: -

3. The question of determination of seniority of re-employed officers should arise only in cases where the officers are re-employed before they attain the age of normal superannuation i.e. 58 years of age. Officers who are re-employed after obtaining the age of 58 years would not form part of the cadre at all and would be treated like contractual appointees. Consequently, they can neither be confirmed in the civil post in which they are re-employed nor promoted to the higher post. They may, if the recruitment rules permit, and in exigencies of public service, be appointed to a higher post, again as a freshly re-employed officer.

4. (1) Officers re-employed after they has retired/discharged, whether from Defence of Civil employment prior to the attainment of the age of superannuation under the civil rules, will, if appointed to civil posts under the provisions of the recruitment rules applicable to direct recruits, be treated as direct recruits and their seniority in the grade fixed accordingly.

(2) However, where such officers are appointed to civil posts and the recruitment rules applicable thereto prescribe re-employment as a distinct mode of recruitment, their seniority will be determined as under.

(a) The inter-se seniority of persons so re-employed shall be determined in accordance with the order of their selection.

(b) The relative seniority of persons so re-employed in relation to direct recruits and promotees shall be determined:

(i) Where the recruitment rules prescribe specific quotas for each of the categories, on the basis of rotation of vacancies based on the said quotas.

(ii) In other cases, on the basis of the chronology of selection.

5-In the case of officers referred to in para 4 above, their confirmation and promotion to higher posts would take place with reference to the seniority so fixed.

6-These instructions would apply subject to any special provisions that may be applicable to particular services/posts in terms of the recruitment rules applicable to those services/posts.

7-Ministry of Finance etc. are requested to bring the above decision to the notice of all officers working under them for their information and necessary action.

Sd/-  
(J.K. SARMA)  
Director

To

All Ministries/Departments (as per standard list) /President/Vice President's Secretariat/Lok Sabha/Rajya Sabha Sectt./ P.M. Office.