

No. 20011/1/2000-Estt.D  
 Government of India/Bharat Sarkar  
 Ministry of Personnel, Public Grievances & Pensions  
 Department of Personnel & Training  
 \*\*\*\*

New Delhi 110001  
 March 27, 2001

**Office Memorandum**

**Sub: Seniority of persons absorbed after being on deputation.**

The undersigned is directed to say that according to our O.M. No. 20020/7/80-Estt.D dated May 29, 1986 (copy enclosed) 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.

2. The Supreme Court has in its judgment dated December 14, 1999 in the case of **Shri. S.I. Rooplal & Others Vs. Lt. Governor through Chief Secretary, Delhi, JT 1999 (9)SC 597** has held that the words “whichever is later” occurring in the Office Memorandum dated May 29, 1986 and mentioned above are violative of Articles 14 and 16 of the Constitution and, hence, those words have been quashed from that Memorandum. The implications of the above ruling of the Supreme Court have been examined and it has been decided to substitute the term “whichever is later” occurring in the Office Memorandum dated May 29, 1986 by the term “whichever is earlier”.

3. It is also clarified that for the purpose of determining the equivalent grade in the parent department mentioned in the Office Memorandum dated May 29, 1986, the criteria contained in this Department Office Memorandum No. 14017/27/75-Estt.D)(Pt.) dated March 7, 1984 (copy enclosed), which lays down the criteria for determining analogous posts, may be followed.

4. These instructions shall take effect from the December 14, 1999 which is the date of the judgment of the Supreme Court referred to above.

5. In so far as personnel serving in Indian Audit and Accounts Departments are concerned, these instructions are issued in consultation with the Comptroller and Auditor General of India. However, these orders (in keeping with paragraph 4 of the Office Memorandum dated May 29, 1986 as referred to above) will not be applicable to transfers within the Indian Audit and Accounts Department which are governed by orders issued by the C&AG from time to time.

6. The above instructions may be brought to the notice of all concerned for information, guidance and necessary action.

Sd/-  
(K.K. Jha)  
Director (Establishment)

To

**All Ministries/Departments of the Government of India**

Copy to:-

1. The President's Secretariat, New Delhi.
2. The Prime Minister's Office, New Delhi.
3. The Rajya Sabha Secretariat, New Delhi.
4. The Lok Sabha Secretariat, New Delhi.
5. The Registrar General, The Supreme Court of India.
6. The Registrar, Central Administrative Tribunal, Principal Bench, New Delhi.
7. The Comptroller and Auditor General of India, New Delhi with reference to their letter No. 248/Audit(Rules)Gr.IV 16-98 dated 5.10.2000.
8. The Secretary, Union Public Service Commission, New Delhi with reference to their letter No. F.2/7/2000-S.II dated 28.2.2001.
9. Ministry of Home Affairs (UTP), New Delhi with reference to their D.O. letter No. 14040/32/99-UTP dated 7.1.2000.
10. The Staff Selection Commission, New Delhi.
11. National Commission for SCs/STs, New Delhi.
12. National Commission for OBCs, New Delhi.
13. All State Governments/Union Territory Administrations.
14. All attached/subordinate offices under the Ministry of Personnel, Public Grievances and Pensions/Ministry of Home Affairs.
15. All Sections in the Ministry of Personnel, Public Grievances and Pensions.
16. The Secretary, Staff Side, National Council(JCM), 9 Ashoka Road, New Delhi.
17. Facilitation Center, DoP&T (**20 Copies**).
18. NIC (DoP&T) for placing this Office Memorandum on the website of DoP&T.
19. Establishment(D) Section, DoP&T (**500 copies**).