

F. No. 14014/14/2014-AIS-I
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel and Training

North Block, New Delhi
Dated 3rd November, 2017

OFFICE MEMORANDUM

Subject: Clarification regarding applicability of amended Regulations of Seniority Rules dated 18.04.2012-regarding.

O/o JS (GB)
Dy. No. E/32058
Date 8/11/17

O/o DS (IFS)
Dy. No E/32.85.8
Date 9/11/17

The undersigned is directed to refer to this Department's OM of even number dated 21.8.2017 wherein it was clarified that the amended seniority regulations dated 18.4.2012 would be applicable prospectively.

2. In this connection, this Department has received various representations/references raising following situations/questions:-

- (i) Whether seniority/year of allotment of such officers who were appointed after 18.4.2012 but their names were included in the Select Lists notified between 01.02.2010 to 18.04.2012, would be determined as per the pre amended seniority rules or amended seniority rules?
- (ii) Whether seniority/year of allotment of the officers appointed by the Select Lists prepared against the vacancies arisen between 01.02.2010 to 18.04.2012 but the same were notified after 18.4.2012 for various reasons including court cases, would be determined as per pre-amended seniority rules or amended rules?

3. The matter has been examined in this Department and with the approval of the Competent Authority, it has been decided that:-

- (i) Seniority/year of allotment of the officer appointed later on but included in the Select List notified between 01.02.2010 to 18.04.2012 has to be determined as per the pre-amended seniority regulations since there could not be different rules for the officers of the same Select List one appointed during the said period and other appointed later on after 18.04.2012.

*11/11/17
02/11/17
DS/PS*
Seniority/year of allotment of officer appointed after 18.04.2012 against the vacancies arisen between 01.02.2010 to 18.04.2012 may also be fixed as per pre amended seniority rules so as to avoid litigation and to bring uniformity throughout the Cadres. It has been observed that as on 18.4.2012, vacancies upto the vacancy year 2011 had occurred. Therefore, seniority/year of allotment of the officers appointed against the vacancies arisen till 18.04.2012 (i.e. upto the Select List 2011) is to be re-determined as per pre-amended seniority regulations irrespective of date of notification of the Select List.

*TS (IFS/GB)
65/51/14081
27/11/17
3/12/17
US (IFS-II)
8/11/17
A/16/17
4/12/17*

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4. The Ministry of Home Affairs and Ministry of Environment Forests and Climate Change in respect of Indian Police Service (IPS) and Indian Forests Service (IFoS) respectively are requested to re-determine the seniority /year of allotment of such officers as per pre-amended seniority regulations accordingly.


(Udai Bhan Singh)
Under Secretary to the Government of India
Tel: 23094142

To

1. Ministry of Home Affairs North Block, New Delhi – [Joint Secretary (Police)].
2. Ministry of Home Affairs North Block, New Delhi – [Joint Secretary (UT)].
3. Ministry of Environment Forests and Climate Change, Indira Paryavaran Bhavan, Jorbagh Road, Delhi, 110003 [Kind Attention: Joint Secretary (IFS)].
4. The Secretary, Union Public Service Commission, Dholpur House, Shahjahan Road, New Delhi for information.

F. No.14014/14/2014-AIS-I
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel and Training

North Block, New Delhi
Dated 22nd January, 2018

OFFICE MEMORANDUM

Subject: Clarification regarding applicability of amended Regulations of Seniority Rules dated 18.04.2012 –regarding...

In continuation of this Department's OMs of even number dated 21.8.2017 and 03.11.2017 on the above subject, the undersigned is directed to say that as per pre-amended rule 3 (3)(ii) of IAS (Regulation of Seniority) Rules, service of the officer(s) in State Civil Service was required to be counted from the date of continuous appointment in the post of Deputy Collector or equivalent till 31st December of the year immediately before the year for which the Select List has been prepared.

2. Whereas, as per seniority rule 3(3)(ii) amended in terms of Praveen Kumar case on 18.04.2012, the service of the officer(s) in the State Civil Service is to be counted from the date of continuous appointment in Deputy Collector or equivalent till 31st December of the year for which the Select List has been prepared.

3. Now, since, the Department has decided to determine the seniority /year of allotment of the officers appointed against the vacancies arisen during the period of 01.01.2010 to 18.04.2012 as per ratio laid down in Praveen Kumar case, by applying pre-amended seniority rules, a question has arisen as to whether the service of the officer is to be counted upto the 31st December of vacancy year or the year immediately before the Select List as provided in the pre-amended seniority rules. The situation may be clear by the following example:

Preparation of Select List for vacancy arisen between 1.1.2009 to 31.12.2009

I. Pre-Praveen Kumar:-

- (i) Vacancy year – 1.1.2009 to 31.12.2009
- (ii) Select List year – 2010
- (iii) Calculation of service rendered in the rank of Deputy Collector or equivalent upto 31.12.2009 i.e. immediately before the Select List year as per pre-amended rules.

N. Intervening period i.e. 1.2.2010 to 18.4.2012:-

- (i) Vacancy year - 11.2009 to 31.12.2009
- (ii) Select List year – 2009 i.e. as per Praveen Kumar's case
- (iii) Calculation of service rendered in the rank of Deputy Collector or equivalent upto 31.12.2008 i.e. immediately before the Select List year as per pre-amended rules.

DS (PB)

III. Post- Praveen Kumar:-

- (i) Vacancy year - 1.1.2009 to 31.12.2009
- (ii) Select List year – 2009
- (iii) Calculation of service rendered in the rank of Deputy Collector or equivalent upto 31.12.2009 i.e. upto the Select List year as per amended rules.

4. It is evident from the above that service of the officers appointed against the vacancies arisen during the said intervening period is being counted one year less than the actual service rendered due to implementation of pre-amended seniority Rules which caused resentment among the such officers throughout all the Cadres and seems to be not justifiable in any manner.

5. It has been observed that in either of the case (i.e. Pre-Praveen Kumar or Post-Praveen Kumar) the service of the officer rendered in the rank of Deputy Collector or equivalent is being counted upto the 31st December of the vacancy year. Therefore, the spirit of the Rule is to count the service upto the 31st December of the vacancy year. Whereas the services of the officer of intervening period is getting counted till 31st December of the year before the Select List year or vacancy year.

6. Therefore, the matter has been considered in this Department and in order to resolve the hardship being caused to the officers and to avoid further litigations, the Competent Authority has decided that the service of the officer(s) in the State Civil Service is to be counted from the date of continuous appointment in Deputy Collector or equivalent till 31st December of the vacancy year against which the officer(s) has been appointed to IAS/IPS/IFoS in relaxation of the Rule 3(3)(ii) of IAS (Regulation of Seniority) Regulations, 1987 and subsequent regulations in respect of Indian Police Service and Indian Forest Service (pre-amended) by invoking powers conferred in Rule 3(ii) of All India Service (Conditions of Service-Residuary Matters), Rules, 1960.

7. The Ministry of Home Affairs and M/o Environment Forests and Climate Change in respect of Indian Police Service (IPS) and Indian Forests Service (IFoS) respectively are also requested to re-determine the seniority/year of allotment of such officers accordingly.



(Udai Bhan Singh)
Under Secretary to the Government of India
Tel: 23094142

To

- 1. Ministry of Home Affairs North Block, New Delhi-[Kind Attention: Joint Secretary (Police)].
- 2. Ministry of Home Affairs North Block, New Delhi-[Kind Attention: Joint Secretary (UT)].
- 3. M/o Environment Forest and Climate Change, Indira Paryavaran Bhavan, Jorbagh Road, Delhi - [Kind Attention: Joint Secretary (IFS)],
- 4. The Secretary, Union Public Service Commission, Dholpur House, Shahjahan Road, New Delhi for information.