

No.20011/1/2008-Estt.(D)
Government of India
Ministry of Personnel, Public Grievances & Pensions
(Department of Personnel & Training)

...
New Delhi, dated the 11th November 2010

OFFICE MEMORANDUM

Subject: **SENIORITY – Consolidated orders on...**

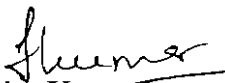
The undersigned is directed to say that instructions have been issued by this Department from time to time laying down the principles for determining seniority of persons appointed to services and posts under the Central Government. For facility of reference, the contents of the important orders on the subject have been consolidated as a compilation "**Instructions and Guidelines on Seniority**". The number and date of the original O.M.'s has been referred in the relevant instructions* for easy reference to the context. The consolidated instructions include revised instructions on the following:

- i. Seniority of persons appointed on direct recruitment from the reserved panel at a later date, specifically when the officers from the subsequent selection panel have already joined.
- ii. Inter-se seniority of two panels of direct recruits, where more than one selection panel are received from UPSC/SSC through letter of same date.
- iii. Fixation of seniority of a person who has been transferred to a lower post under FR 15-A.
- iv. Seniority in case of appointment on compassionate grounds

2. Also, certain areas within the existing instructions, which require frequent clarifications, as is evident from the references received from various Ministries/Departments, have also been incorporated under the head "clarification", for reference. This may be brought to the notice of all concerned for information, guidance and necessary action.

3. The consolidated instructions along with Annexure containing O.M.'s referred will be issued separately in the form of handbook.

4. Hindi version will follow.


(Smita Kumar)
Director (Establishment)
Tele: 2309 2479

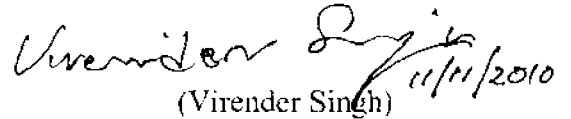
* Instructions & guidelines on Seniority along with Annexure is available at DoP&T's website : www.persmin.nic.in

To

All Ministries/Departments of the Government of India

Copy to:-

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2. Vice-President Secretariat, New Delhi
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6. The Registrar General, the Supreme Court of India, New Delhi
7. The Registrar, Central Administrative Tribunal, Principal Bench, New Delhi
8. The Comptroller and Auditor General of India, New Delhi
9. The Secretary, Union Public Service Commission, New Delhi
10. The Secretary, Staff Selection Commission, New Delhi
11. All the attached offices under the Ministry of Personnel, Public Grievances and Pension
12. National Commission for Scheduled Castes, New Delhi
13. National Commission for Scheduled Tribes, New Delhi
14. National Commission for OBCs, New Delhi
15. Secretary, National Council(JCM), 13, Ferozshah Road, New Delhi
16. Establishment Officer and AS.
17. All Officers and Sections in the Department of Personnel and Training
18. Facilitation Centre, DoP&T(20 Copies)
19. NIC(DoP&T) for placing this Office Memorandum on the Website of DoP&T
20. Establishment Desk (500) copies


(Virender Singh) 11/11/2010

Under Secretary to the Government of India
Tele: 2309 3804

SENIORITY OF DIRECT RECRUITS AND PROMOTEEES

(MHA O.M. NO.9/11/55-RPS Dated 22.12.59, O.M. No. 35014/2/80-Estt.(D) Dated 7.2.1986, O.M. No. 22011/7/86-Estt.(D) Dated 03.07.1986, O.M. No. 20011/5/90-Estt (D) Dated 4.11.1992 and O.M. No. 20011/1/2006-Estt.(D) Dated 03.03.2008.

1. These principles shall apply to the determination of seniority in Central Civil Services and Civil Posts except such Services and Posts for which separate principles have already been issued or may be issued by the Government.

2.1. SENIORITY OF DIRECT RECRUITS

The relative seniority of all direct recruits is 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 an earlier selection being senior to those appointed as a result of subsequent selection. The relative seniority that used to be determined earlier according to the date of confirmation and not the original order of merit, (in case where confirmation was in an order different from the order of merit indicated at the time of their appointment), in accordance with the general principles of seniority, has been discontinued w.e.f. 4.11.1992 (**O.M. No. 20011/5/90-Estt (D) Dated 4.11.1992**). The general principles of seniority therefore stands modified to that extent.

2.1.1 Clarification : Appointment from the Reserve panel at a later date:

The interse seniority of candidates nominated from reserve panel will be fixed as per consolidated merit given by UPSC/SSC/Recruiting agency. However instructions circulated vide this Department's **O.M. No. 41019/18/97-Estt.(B) Dated 13th June 2000** should be strictly followed in operating or requesting for nominations from the reserve panel.

2.1.2 Clarification In case if more than one-selection panels received from UPSC/SSC through letter of the same date.

It has been encountered on a number of occasions that UPSC etc. in response to two separate requisitions from the Department on different point of time, sends two panels of direct recruits on the same date. Since the general principles on seniority envisages that the candidates appointed through an earlier selection stand senior to those appointed through a subsequent selection, it becomes difficult to fix the inter-se seniority of the candidates in such cases drawn from two different panels of the same date. Accordingly, it has been decided that, effort would be made by the UPSC and other selecting authorities to avoid recommending the panels on the same date and strive to send the panel for earlier requisition first. However, in case of such an eventuality (i.e. different panels on the same date)

following procedures may be followed for fixation of the inter se seniority of the candidates from the two panels:

- i. Chronology of recommendation letter;
- ii. Where the date of recommendation letter is same, chronology of interview board reports and
- iii. Where both (i) and (ii) are also same, then the chronology of requisition made by the respective Ministries/Departments.

It is also mentioned here than in case of recruitment through examination, the date of publication/announcement of the results shall remain the criteria as has been envisaged in the guidelines of seniority issued by **DoP&T vide O.M. No. 22011/5/76-Estt.(D) Dated 24.06.1978.**

2.2. **SENIORITY OF PROMOTEEES**

Where promotions are made on the basis of recommendations of a DPC, either by 'selection' or 'non-selection' method as per due procedure, the seniority of an officer assessed as 'fit', in the promoted grade shall be same as in the feeder 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/she is subsequently found suitable and promoted, take seniority in the higher grade over the junior persons who had superseded him/her. Persons appointed as a result of an earlier selection shall be senior to those appointed as a result of subsequent selection. The relative seniority of promotees which earlier used to be determined according to the date of confirmation in the promotion grade and not the original order of merit, (in case where confirmation was in an order different from the order of merit indicated at the time of their appointment), has been discontinued w.e.f. 4.11.1992. **(O.M. No. 20011/5/90-Estt (D) Dated 4.11.1992)**

2.2.1 Where promotions to a grade are made from more than one grade and quotas have been laid down for each feeder grade, the eligible persons shall be arranged in separate lists in the order of their relative seniority in their respective grades. The officers in each grade, assessed as fit by the Departmental Promotion Committee shall be interpolated in the ratio prescribed for each grade in the recruitment rules for the post.

When eligibility list is to be resorted to?

2.2.2. Where promotions to a grade/post are made from more than one grade and no quota has been fixed for various feeder grades owing to a small number of posts in the promotion grade the aforesaid principle would not be viable. In such cases it would be required to prepare a combine eligibility list of the candidates from various feeder grades with due regard to the inter-se seniority of the candidates of

various feeder grades. Separate instructions have been issued in this connection with regard to framing of recruitment rules in such a situation. Whereas specific criteria need to be issued/incorporated in the Recruitment Rules by the cadre controlling authorities for preparation of combined eligibility list of the candidates from various feeder grades/ broad parameters as under may be kept in view while preparing such list.

- i. Date of completion of the qualifying service prescribed in the relevant recruitment rules, in the feeder grade for promotion.
- ii. If the aforesaid date is same than date of completion of the qualifying service in the feeder-to-feeder grade.
- iii. Inter se seniority of the officers from each feeder grade will be maintained.

2.3 Seniority of SC/ST Government servants on their promotion by virtue of rule of reservation roster

O.M. No.20011/1/2001-Estt. (D) Dated 21st January 2002

SC/ST Government servants on their promotion by virtue of rule of reservation roster will be entitled to consequential seniority also. In other words, the candidates belonging to general/OBC category promoted through a later DPC will be placed junior to the SC/ST Government servants promoted through earlier DPC, even though by virtue of the rule of reservation.

Clarification on reservation roster vis-a-vis seniority:

In case of promotion, vacancies meant and reserved for SC/ST are determined through the roster points in the reservation roster. It is clarified that the said reservation roster/points are meant only for identifying the vacancy that goes to a particular category of officer and in no way acts as a determinant for fixation of seniority of the officer in a panel recommended by the DPC. According to this Department's **O.M. No. 35014/7/97-Estt.(D) Dated 8th February 2002**, the DPC is to grade an officer as 'fit' or 'unfit and the feeder grade seniority of the officers assessed as fit would be maintained in the promoted grade.

RELATIVE SENIORITY OF DIRECT RECRUITS AND PROMOTEES

O.M. No. 35014/2/90-Estt(D) Dated.07.02.1986

O.M. No. 22011/7/86-Estt.(D) Dated 03.07.1986,

2.4 The relative seniority of direct recruits and of promotees shall be determined according to the rotation of vacancies between available direct recruits and promotees which shall be based on the quota of vacancies reserved for direct recruitment and promotion respectively in the Recruitment Rules.

2.4.1 If adequate number of direct recruits does not become available in any particular year, rotation of quotas for the purpose of determining seniority would take place only to the extent of the available direct recruits and the promotees. In other words, to the extent direct recruits are not available the promotees will be bunched together at the bottom of the seniority list below the last position upto which it is possible to determine seniority, on the basis of rotation of quotas with reference to the actual number of direct recruits who become available. The unfilled direct recruitment quota vacancies would, however, be carried forward and added to the corresponding direct recruitment vacancies of the next year (and to subsequent years where necessary) for taking action for direct recruitment for the total number of vacancies for direct recruits and promotees as determined according to the quota for that year. The additional, direct recruits selected against the carried forward vacancies of the previous year would be placed en-bloc below the last promotee (or direct recruit as the case may be), in the seniority list based on the rotation of vacancies for that year. The principle holds good for determining seniority in the event of carry forward, if any, of direct recruitment or promotion quota vacancies (as the case may be) in the subsequent year.

Clarification of the term “availability”

O.M. No.20011/1/2006-Estt.(D) Dated 03.03.2008

2.4.2. Some references have been received seeking clarifications regarding the term **‘available’** used the O.M. dated 7.2.86 and 3.7.1986. It is clarified that while the inter-se seniority of direct recruits and promotees is to be fixed on the basis of the rotation of quotas of vacancies, the **year of availability**, both in the case of direct recruits as well as the promotees, for the purpose of rotation and fixation of seniority, shall be the **actual year of appointment** after declaration of results/selection and completion of pre-appointment formalities as prescribed. It is further clarified that when appointments against unfilled vacancies are made in subsequent year or years either by direct recruitment or promotion, the persons so appointed shall not get seniority of any earlier year (viz. year of vacancy/panel or year in which recruitment process is initiated) but get the seniority of the year in which they are appointed on substantive basis. The year of availability will be the vacancy year in which a candidate of the particular batch of selected direct recruits or an officer of the particular batch of promotees joins the post/service.

Cases of seniority already decided (prior to issue of this O.M. dated 3.3.2008), with reference to any other interpretation of the term 'available' as contained in O.M. dated 3.7.1986 need not be reopened.

Note The seniority of direct recruits and promotees is delinked from the vacancy/year of vacancy. The seniority / inter se seniority of direct recruits and promotees in a particular year is fixed with reference to the availability of the candidates /officers after completion of all pre-appointment formalities and rotation of quota is applicable only among the available direct recruits and promotees. **(O.M. No. 22011/7/86-Esst.D Dated 03.07.1986)** If no direct recruit is available in a particular year, all the promotees are bunched together in accordance with their position in the DPC recommendation. Similarly if no promotee is available in a particular year, available direct recruits are bunched together. In other words, complete rotation of quota is feasible **only** in an ideal situation where adequate/proportionate number of direct recruits and promotees become available in a year for rotation as per the quota prescribed in the recruitment rules.

2.4.3 Starting point in the recruitment roster for the purpose of interse seniority of officers through Direct Recruitment, Promotion, Absorption etc.

DOP&T's OM No. 28011/6/76-Estt, Dated 24th June, 1978

The starting point in the roster should be that mode of recruitment prescribed in the Recruitment Rules for which the selection process had been completed first. For this purpose, the date of the completion of the selection process will be determined as follows: -

<u>Direct Recruitment</u>	<u>Date of completion of selection process</u>
(a) Through examination conducted by UPSC or any other authorities.	Date of publication/ announcement of results.
(b) Through interviews conducted by UPSC or any other authorities	Date of Commission's letters containing their recommendation.
<u>Promotion</u>	
(a) Where UPSC is associated	Date of UPSC's letter containing their recommendations ratifying the promotion
(b) Where UPSC is not associated or its concurrence is not required.	Last date of DPC meeting
(c) Limited Departmental Examination.	Date of announcement of results.

2.4.4. A new roster will have to be started in the following cases:

- (i) From the date the recruitment rules are notified in the gazette.
- (ii) When there is an amendment to the Recruitment Rules which changes the percentage allotted for the various modes of recruitment.

3. SENIORITY OF ABSORBEES

MHA O.M.No.9/11/55-RPS Dated 22.12.1959

O.M. No. 20020/7/80-Estt(D) Dated 29.05.1986

O.M. No. 20011/1/2000-Estt(D) Dated 27.03.2001

NOTE: The method of recruitment 'Transfer' has been re-named as 'Absorption' and Transfer on Deputation' as 'Deputation' vide DOP&T's O.M.No.AB.14017/2/97-Estt. (RR) Dated 25.5.1998.

3.1 The relative seniority of persons appointed by absorption to a Central service from the Subordinate Offices of the Central Government or other departments of the Central or a State Government shall be determined in accordance with the order of their selection for such absorption.

3.2. Where such absorptions are effected against specific quotas prescribed in the Recruitment Rules, the relative seniority of such absorbees vis-à-vis direct recruits or promotees, subject of the provision of para 3.4 below, shall be determined by rotation of vacancies amongst the available direct recruits, promotees and absorbees which shall be based on the quotas reserved for direct recruitment, promotion and absorption respectively in the Recruitment Rules. Where the vacancies in any quota or quotas are carried forward, the principles stated in Para 2.4.1 will apply, mutatis mutandis in determining inter-se seniority of the appointees.

3.3_The principle laid down in para 3.1 above will not present any difficulty where recruitment by absorption 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 absorption to indicate the interse order of merit of the selected persons in such cases.

3.4 - Seniority of persons absorbed after being on deputation

O.M. No. 20020/7/80-Estt.(D) Dated 29.5.1986

O.M. No. 20011/1/2000-Estt.(D) Dated 27th March, 2001

3.4.1 In the case of a person who is initially taken on deputation and absorbed later (i.e. where the relevant recruitment rules provide for “Deputation/Absorption), his seniority in the grade in which he/she is absorbed will normally be counted from the date of absorption. If he/she has, however, been holding already (on the date of absorption) the same or equivalent grade on regular basis in his/her parent department, such regular service in the grade shall also be taken into account in fixing his seniority, subject to the condition that he/she will be given seniority from

- the date he/she has been holding the post on deputation,
- (or)
- the date from which he/she has been appointed on a regular basis to the same or equivalent grade in his parent department.,

Whichever is earlier.

These instructions **(No. 20011/1/2000-Estt. (D) Dated 27th March, 2001)** shall take effect from the December 14, 1999.

3.4.2 The fixation of seniority of an absorbee 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.

3.4.3 In the original O.M. (1959) there is a provision that, in cases, in which transfers(now absorption) are not strictly in public interest, the transferred(now absorbed) officers will be placed below all officers appointed regularly to the grade on the date of absorption. This provision has been reviewed and now stands deleted since no such situation where absorption is not in public interest, could be envisaged.

3.4.4 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) Dated March 7, 1984**, which lays down the criteria for determining analogous posts, may be followed.

3.5 Seniority of persons who are transferred and absorbed directly without being on deputation.

Some cases has been received in this department seeking clarification whether the **(DOP&T) O.M.No.20020/7/80-Estt. (D) Dated 29.5.1986 and No.20011/1/2000-Estt.(D) Dated 27th March, 2001]** in the case of a person who is initially taken on deputation and absorbed later, would be applicable also for persons who are transferred and absorbed directly without being on deputation i.e. where the recruitment rules provide for recruitment through absorption. The matter has been considered and it has been decided that, in such cases also the provision as contained in the afore-said O.Ms would be applicable i.e. the date he has been holding the post on deputation or the date from which he has been appointed on the regular basis to the same or equivalent grade in his parent department, whichever is earlier.

4. SENIORITY IN SPECIAL TYPES OF CASES

O.M. No. 22011/7/86-Estt.(D) Dated 03.07.1986

4.1. In the case of such ex-T.B. or ex-Pleurisy ex-Leprosy patients, as have been declared non-infective and medically fit for Government service, on re-employment in the same posts from which they were discharged the actual previous service rendered by them should be counted for seniority. The seniority of such persons re-employed in other posts will be fixed in consultation with the Department of Pers. & Trg.

4.2.1 Seniority of an officer under suspension and of officers against whom enquiries are pending.

O.M. No. 22011/4/91-Estt. (A) Dated 14.09.1992

An officer under suspension who on conclusion of the departmental proceeding against him/her, is completely exonerated, the suspension being held to be wholly unjustified, should be promoted in the first vacancy that could be made available for the purpose and his/her seniority in the next higher grade fixed as if he/she had been promoted in accordance with his/her position in the select list. In such a case, the period during which any officer junior to the suspended officer concerned was promoted to the higher grade should be reckoned towards the minimum period of service prescribed for purpose of eligibility for promotion to the higher grade.

4.2.2 Seniority of officers who have been recommended for promotion by a DPC during the currency of a penalty.

O.M. No. 20011/2/92-Estt.(D) Dated 03.11.1995

An officer who has been recommended for promotion by a DPC despite imposition of a minor penalty on him/her, will be promoted on the basis of the recommendation of the said DPC, only after expiry of the penalty and his/her seniority would be fixed according to his/her position in that panel.

4.2.3 Fixation of seniority of a Government servant reverted to a lower post/grade/service as a measure of penalty and subsequently promoted to a higher post. (O.M. No.22011/7/86-Estt.(D) Dated 03.07.1986)

4.2.4 An order imposing the penalty of reduction to a lower service, grade or post or to a lower time-scale should invariably specify:-

- (i) the period of reduction, unless the clear intention is that the reduction should be permanent or for an indefinite period;
- (ii) whether on such re-promotion, the Govt. servant will regain his original seniority in the higher service, grade or post or higher time-scale which had been assigned to him prior to the imposition of the penalty.

4.2.5 In cases where the reduction is for a specified period and is not to operate to postpone future increments, the seniority of the Govt. servant may, unless the terms of the order of punishment provide otherwise, be fixed in the higher service, grade or post or the higher time scale at what it would have been but for his/her reduction.

4.2.6 Where the reduction is for a specified period and is to operate postpone future increments, the seniority of the Govt. servant on re-promotion may, unless the terms of the order of punishment provide otherwise, be fixed by giving credit for the period of service rendered by him/her in the higher service, grade or post or higher time-scale.

4.3.1 Fixation of inter se seniority of the staff rendered surplus and redeployed on different occasions but in the same office.

O.M.No.9/22/68-Estt.(D) Dated 6.2.69.

The surplus employees are not entitled for benefit of the past service rendered in the previous organisation for the purpose of their seniority in the new organisation. Such employees are to be treated as fresh entrants in the matter of their seniority, promotions etc.

4.3.2 When two or more surplus employees of a particular grade in an office are selected on different dates for absorption in a grade in another office, their inter-se seniority in the latter office will be same as in their previous office provided that –

- (i) no direct recruit has been selected for appointment to that grade in between these dates; and
- (ii) if there are no fixed quotas for direct recruitment and promotion to the grade in question in the new office no promotee has been approved for appointment to that grade in between these dates.

4.3.3 When two or more surplus employees of a particular grade in an office are simultaneously selected for re-deployment in another office in a grade, their inter-se seniority in the particular grade, on redeployment in the latter office, would be the same as it was in their previous office.

4.3.4 The above orders would not be applicable in respect of personnel who are appointed on the recommendations of the UPSC to posts/services recruitment to which is made through the Commission. Seniority of surplus officers appointed on the recommendations of the Commission will be decided on merits in consultation with the Commission.

4.4 Seniority in cases of delay in reporting for duty after selection

O.M. No. 9/23/71-Estt.(D) Dated 6.6.1978

O.M. No. 35015/2/93-Estt.(D) Dated 9.8.1995.

- (i) An offer of appointment issued by different Ministries/Departments should clearly specify the period (which shall not normally exceed one or two months) after which the offer would lapse automatically if the candidate did not join within the specified period.
- (ii) If, however, within the specified period, a request is received from the candidate for extension of time, it may be considered by the Ministries/Departments but extension beyond three months should not be granted and it may be granted only as an exception where facts and circumstances so warrant and in any case only up to a maximum of six months from the date of issue of the original offer of appointment. An offer on appointment would lapse automatically after the expiry of six months from the date of issue of the original offer of appointment. The candidates who join within the above period of six months will have their seniority fixed under the seniority rules applicable to the service/post concerned to which they are appointed, without any depression of seniority.
- (iii) If, even after the extension(s), if any, granted by the Ministries/Departments, a candidates does not within the stipulated time

(which shall not exceed a period of six month), the offer of appointment should lapse.

- (iv) An order of appointment which has lapsed, should not ordinarily be revived later, except in exceptional circumstances and on grounds of public interest. The Commission (UPSC) should in all cases be consulted before such offers are revived.
- (v) In a case where after the lapsing of the offer, the offer is revived in consultation with the commission as mentioned in sub-para. (iv) above, the seniority of the candidates concerned would be fixed below those who have already joined the posts concerned within the prescribed period of six months; and if the candidates joins before the candidates of the next selection examination join, he/she should be placed below all others of his batch. If however, the candidates join after some or all the candidates of the next selection examination have joined he/she should be—
 - (a) In case of selection through interview, placed at the bottom of all the candidates of the next batch;
 - (b) In the case of examination, allotted to the next year's batch and placed at the bottom.

4.5 Determination of seniority of re-employed officers for promotion/confirmation

MHA O.M No. 20011/3/80-Estt.(D) Dated 16.6.1980

1. 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.
2. (1) Officers re-employed after they had retired/discharged, whether from Defence or 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 Recruitments 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 prescribed 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 promotes shall be determined—

- (i) Where the Recruitments Rules prescribed specific quotas for each of the categories, on the basis of rotation of vacancies based on the said quota;
 - (ii) In other cases, on the basis of the chronology of selection.
3. In the case of officers referred to in previous para., their confirmation and promotion to Higher posts would take place with reference to the seniority so fixed.
 4. 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.

4.6 Fixation of seniority of a person who has been transferred to a lower post under FR-15A

When the Government employee is transferred to a lower post on his own request under FR 15(a)(2), it neither, identifies itself as a case of penal action on the employee nor as a case of transfer to a lower post in public interest. As the person already stood promoted to the next higher grade, in case of his/her reoccupying the lower post at the top of the seniority (original position), would affect adversely not only the existing officers in the grade, but would apparently nullify the very purpose of his /her transfer to the lower post. As such an officer seeking transfer to a lower post under FR-15, at his own request, would be placed below all officers appointed regularly to the lower grade on the date of transfer.

4.7 Seniority of meritorious sportsmen appointed in relaxation of recruitment rules

O.M. No. 14015/1/76-Est. (D) Dated 4.8.1980.

Where sportsmen are recruited through the Employment Exchange or by direct advertisement and are considered along with other general category candidates, they may be assigned seniority in the order in which they are placed in the panel for selection. Where recruitment to a post is through a selection made by the Staff Selection Commission, whether by a competitive examination or otherwise, the sportsmen recruited by the department themselves should be placed en bloc junior to those who have already been recommended by the Staff Selection Commission. The inter se-seniority of sportsmen will be in the order of selection.

4.8 Seniority of persons appointed on compassionate ground

DOP&T's **O.M. No.14014/6/94-Estt.(D) dated the 9th October, 1998** provides for the Scheme for Compassionate Appointment in Central Government. Para 15 of the said Scheme provide that:

- (a) The inter-se seniority of persons appointed on compassionate grounds may be fixed with reference to their date of appointment. Their interpolation with the direct recruits/promotees may also be made with reference to their date of appointment without disturbing the inter-se seniority of direct recruits/promotees.
- (b) Date of joining by a person appointed on compassionate grounds shall be treated as the date of his/her regular appointment.

A number of references were received in this Department seeking clarification as to the fixation of seniority of a person appointed on compassionate ground vis-à-vis direct recruits and promotees in a particular cadre. It is observed that while the afore-said principle has been working fine, there has been difficulty in fixation of seniority when two or more candidates come from direct recruitment/promotion joined the service on different dates. The matter has been reviewed and it has now been decided that the person appointed on compassionate ground in a particular year may be placed at the bottom of all the candidates recruited/appointed through direct recruitment, promotion etc. in that year, irrespective of the date of joining of the candidate on compassionate ground.

4.9 Determination of seniority of persons selected for appointment to different posts in the same grade requiring different qualifications.

O.M. No.22011/7/86-Estt.(D) Dated 03.07.1986

According to the Annexure to M.H.A., O.M. No. 9/11/55- RPS, dated the 22nd December, 1959 [Item-I], 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 recommendation of the UPSC or other selecting authority; persons appointed as a result of an earlier selecting being senior to those, appointed as a result of a subsequent selection.

In cases where persons are selected either by the UPSC for appointment to different posts in the same grade with different qualification (e.g., posts of Assistant Lecturer in History, Economics, Physics & Chemistry, etc.), the UPSC should be requested to recommend candidates for such posts in a consolidated order of merit. Similarly, other selecting authorities should also be requested to indicate such an order of merit while making selections for recruitment such posts.

The seniority of persons appointed to posts indicated above will be determined in the order in which their names appear in the consolidated list.

4.10 Fixation of seniority of Civil Government servants who are permitted to take up military service during emergency and of Civil Government servants who are members of Defence Reserves/Territorial Army/Auxiliary Air Force and are called up for military service during emergency.

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In the case of all such Civil Government servants, the period spent in military service/training will be counted towards seniority in their Civil posts. If such a Government servants is promoted to a higher post in his parent Department/office during his absence on military service, his military service, from the date of such promotion will count for seniority in the higher post.

4.11 Fixation of seniority of Released Emergency Commissioned officer and Short-Service Commissioned officers of the Armed forces of the Union appointed against vacancies reserved for them in Central Civil Services and posts, Group 'A' and Group 'B' (other than Engineering and Medical Services and posts).

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Seniority of such officers shall be determined on the assumption that they entered the Service or the post, as the case may be, as the first opportunity they had after joining the training prior to their Commission where there was only post Commission training that is-

- (a) In the case of services or posts recruitments to which is made on the results of a competitive examination conducted by the Commission, the released Emergency Commissioned Officer or Short Services Commissioned Officers who complete successfully at the first or second available opportunity would be deemed to have passed the examination at the first or second occasion he could have appeared at the relevant examination had he not joined military service and shall be assigned the year of allotment correspondingly; and
- (b) In the case of services or posts recruitment to which is made otherwise than through a competitive examination conducted by the Commission, seniority shall be fixed on the assumption that the Emergency Commissioned Officers would have been appointed on the date arrived at after giving credit for the approved military services as Emergency Commissioned Officers or Short Service Commissioned Officers, as the case may be, including the period of training, if any and shall be deemed

to have been allotted the corresponding year for the purpose of fixation of seniority.

2. Seniority inter-se of candidates who are appointed against the vacancies reserved under sub-rule (1) of Rule 4 of the Released Emergency Commissioned Officers or Short Service Commissioned Officers (Reservation of vacancies) Rules, 1971, and allotted to a particular year shall be determined according to the merit list prepared by the Commission on the basis of the results of their performance at the examination or test or interview.

3. All candidates who have been appointed against the vacancies reserved under sub-rule (1) of Rule 4 of the rules referred to at 2 above shall rank below the candidates who were appointed against unreserved vacancies in the services or posts through the competitive examination or test or interview conducted by the Commission corresponding to the year to which the former candidates are allotted.

4.12 Seniority of released Emergency Commissioned and Short Service Commissioned Officers of the Armed Forces of the Union who are appointed against reserved vacancies in the Engineering and Medical Services and posts of the Government of India Group 'A' and Group 'B'.

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Seniority of these Officers shall be fixed on the assumption that he would have been appointed to the service or post, as the case may be, on the date arrived at after giving credit for his approved military service as Emergency Commissioned Officers or Short Service Commissioned Officer, as the case may be, including the period of training, if any:

Provided that in the case of an officer who competes for the reserved vacancies under proviso to sub-clause (1) of Clause (a) of sub-rule (2) of Rule 5 of the released Emergency Commissioned Officers or Short Service Commissioned Officers (Engineering and Medical Services) Reservation of Vacancies (No. II) Rules, 1971, seniority would be fixed as if he has been directly recruit to the service or post through open completion corresponding to the date and year in which he actually joined.

2. Seniority inter-se of released Emergency Commissioned Officers or Short Service Commissioned Officers who are appointed against technical vacancies reserved for them allotted to a particular year shall be determined according to the merit list prepared by the Commission on the basis of the results of their performance at the viva voce test or interview.

3. All candidates who are appointed against the reserved vacancies will rank below the successful candidates from open competition of the year to which they are allotted.

4. In case where the released Emergency Commissioned Officers or Short Service Commissioned Officers recruited initially on a temporary basis and given the same year of allotment 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.
