

General Principle 7 (i): The principle laid down in para 7(1) will not present any difficulty where recruitment by transfer is made singly and at intervals but it will be 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 ad-hoc 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.

found wanting in cases where two or more persons are selected

No. 22011/7/86-Estt(D)
 Government of India
 Ministry of Personnel, Public Grievances
 and Pensions
 (Department of Personnel & Training)

dated 3-7-86

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 important orders on the subject have been consolidated in this Office Memorandum. The number and date of the original communication has been quoted in the margin so that the users may refer to it to understand fully the context in which the order in question was issued.

SENIORITY OF DIRECT RECRUITS AND PROMOTEES

MEA OM
 No. 9/11/
 58-RPS
 dt. 22.12.89

2.1 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 a subsequent selection.

2.2 Where promotions are made on the basis of selection by a D.P.C., the seniority of such promotees shall be in the order in 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 Where, however, a person is considered as unfit for promotion and is superseded by a junior such persons shall if he is subsequently found suitable and promoted, take seniority in the higher grade over the junior persons who had superseded him.

2.3 Where persons recruited or promoted 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.

2.4.1 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 quota of vacancies reserved for direct recruitment and promotees respectively in the Recruitment Rules.

OH
35014/
-Esttd
7.2.86

2.4.2 If adequate number of direct recruits do 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 according to the usual practice. Thereafter in that year while seniority will be determined between direct recruits and promotees, to the extent of the 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 same 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.

ILLUSTRATION: Where the Recruitment Rules provide 50% of the vacancies of a grade to be filled by promotion and the remaining 50% by direct recruitment, and assuming there are ten vacancies in the grade arising in each of the year 1986 and 1987 and that two vacancies intended for direct recruitment remain unfilled during 1986 and they could be filled during 1987, the seniority position of the promotees and direct recruits of these two years will be as under:

	<u>1986</u>		<u>1987</u>
1.	P1	9.	P1
2.	D1	10.	D1
3.	P2	11.	P2
4.	D2	12.	D2
5.	P3	13.	P3
6.	D3	14.	D3
7.	P4	15.	P4
8.	P5	16.	D4
		17.	P5
		18.	D5
		19.	D6
		20.	D7

2.4.3 In order to help the appointing authorities in determining the number of vacancies to be filled during a year under each of the methods of recruitment prescribed, a Vacancy Register giving a running account of the vacancies arising and being filled from year to year may be maintained in the proforma enclosed.

2.4.4 With a view to curbing any tendency of under-reporting/suppressing the vacancies to be notified to the concerned authorities for direct recruitment, it is clarified that promotees will be treated as regular only to the extent to which direct recruitment vacancies are reported to the recruiting authorities on the basis of the quotas prescribed in the relevant recruitment rules. Excess promotees, if any, exceeding the share falling to the promotion quota based on the corresponding figure, notified for direct recruitment would be treated only as ad-hoc promotees.

MHA OM No.

9/11/55-

RPS dt.

22.12.1959

SENIORITY OF TRANSFEREES

3.1 The relative seniority of persons appointed by transfer 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 transfer.

3.2 Where such transfers are effected against specific quotas prescribed in the Recruitment Rules, the relative seniority of such transferees vis-a-vis direct recruits or promotees 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. Where the vacancies in any quota or quotas are carried forward, the principles stated in para 2.4.2 will apply, mutatis mutandis in determining inter-se seniority of the appointees.

3.3 Where a person is appointed by transfer in accordance with the provisions in the Recruitment Rules providing for such transfer in the event of non-availability of suitable candidate by direct recruitment or promotion, such transfer shall be grouped with direct recruits or promotees, as the case may be. He shall be ranked below all direct recruits or promotees, as the case may be, selected on the same occasion.

MHA OM No

22/7/80

Part(D)

dated

22.5.1986.

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 "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.

3.4.2 The fixation of seniority of a transferee 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.

3.5 In cases in which transfers are not strictly in public interest, the transferred officers will be placed below all officers appointed regularly to the grade on the date of absorption.

SENIORITY IN SPECIAL TYPES OF CASES

HA OM 4.1 In the case of such ex-T.B. or ex-Pleurisy ex-Leprosy
 5.37/1/ patients, as have been declared non-infective and medically fit
 -DGS for Government service, on re-employment in the same posts from
 ted which they were discharged the actual previous service rendered
 .7.54, by them should be counted for seniority. The seniority of such
 No. persons re-employed in other posts will be fixed in consultation
 /4/56- with the Department of Pers. & Trg.

S dt.

9.9.56 & 4.2.1 An order imposing the penalty of reduction to
 p.13/4/56 lower service, grade or post or to a lower time-scale

PS dt.

.7.58 should invariably specify:-

- (i) the period of reduction, unless the clear intension is that the reduction should be permanent or for an indefinite period;
- (ii) Whether on such repromotion, 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.

OM No.

13/82-Extt.0

10/10/62

PS No.

10/63-

dt(0)

7.2.64.

4.2.2 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 reduction.

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

.....5/-

MHA:OM 4.3.1. 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.

OM No. 25.2.66
9/22/68-
Estt(D) dt.
6.8.69.

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 redeployment 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 U.P.S.C. 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.

5. It is requested that these instructions may be brought to the notice of all administrative authorities for information, guidance and compliance.

(Hindi version will follow soon).

Sd/-

(K. S. R. KRISHNA RAO)
DEPUTY SECRETARY TO THE GOVT. OF INDIA
TELE: 301 12 25

To
1. all Ministries/Departments of the Govt. of India.
etc. etc.

VACANCY REGISTER

1986 1987 1988 ETC

1. Total number of vacancies arising during the year ..

2. DIRECT RECRUITMENT

(I) No of vacancies to be filled:

(a) Vacancies of the year (as per quota prescribed).

(b) Vacancies of the previous year(s) brought forward

(c) Total

(ii) No. of vacancies actually filled

(iii) No. of vacancies carried forward

3. BY PROMOTION:

(i) No. of vacancies to be filled

(a) Vacancies of the year (as per quota prescribed).

(b) Vacancies of previous year(s) brought forward.

(c) Total

(ii) No. of vacancies actually filled .

(iii) No. of vacancies carried forward

.....
Note-1:- The methods of recruitment mentioned above are only illustrative; those prescribed in the relevant recruitment rules will be reflected in this Register.

Note-2:-

In the cadres in which the yearly vacancies are sufficient in number to be amenable for division as per the prescribed quotas, it is considered that maintenance of this Register alone will be adequate. In smaller cadres, however, where the number of vacancies arising is somewhat occasional and one or two in a year, the appointing authorities may have to maintain the recruitment roster, as at present, to be clear about the method under which a particular vacancy has to be filled.

**Copy of DOPT OM No. 36012/16/95-Estt. (Res), Pt.II, dated 13th August, 1997
Regarding Reservation for The SCs/STs in promotion**

The undersigned is directed to invite attention to this Department's O.M. No.36012/37/93-Estt.(SCT) dated 19-8-1993 clarifying that the Supreme Court had, in the Indira Sawhney case permitted the reservation, for the Scheduled Castes and Scheduled Tribes, in promotion to continue for a period of five years from 16.11.1992.

Consequent to the Judgement in Indira Sawhney's case, the Constitution was amended by the Constitution (Seventy-Seventh Amendment) Act, 1995 and Article 16 (4A) was incorporated in the Constitution. This Article enables the State to provide for reservation, in matters of promotion, in favour of the Scheduled Castes and Scheduled Tribes, which in the opinion of the State are not adequately represented in the Service under the State.

In pursuance of Article 16 (4A), it has been decided to continue the reservation in promotion, as at present, for the Scheduled Castes and Scheduled Tribes in the services/posts under the Central Government beyond 15/11/1997 till such time as the representation of each of the above two categories in each cadre reached the prescribed percentages of reservation whereafter, the reservation in promotion shall continue to maintain the representation to the extent of the prescribed percentages for the respective categories.

All Ministries/Departments are requested to urgently bring these instructions to the notice of all their attached/subordinate offices as also the Public Sector Undertakings and Statutory Bodies etc.

S/d
(Y. C. Parande)
Director (Reservation)

**Copy of DOPT OM No.36012/5/97-Estt. (Res), dated 29th August, 1997, Regarding
Modification of Instructions to Provide that 50% limit shall apply to current as well
as Backlog Vacancies and Discontinuation of Special Recruitment Drive**

- 1 The undersigned is directed to invite reference to the instructions contained in this Department O.M. No. 36012/6/88-Estt. (SCT) dated April 25, 1989, according to which, for the purpose of determining the ceiling of 50% on reservation, reservation against the current vacancies and the backlog vacancies are to be treated as two distinct groups. It was also laid down that the instruction to the effect that not more than 50% of the vacancies could be reserved for SCs/STs, Physically Handicapped etc., would apply only in respect of current vacancies arising in a year and would not apply in case of backlog vacancies reserved for SCs/STs, which would continue to be filled up without any restriction.
- 2 The Supreme Court in the judgment in the case of Indira Sawhney Vs. Union of India, inter-alia, validated the "carry forward" rule under which reservations are carried forward from year to year. However, while doing so, the Court also directed that the application of this rule, in whatever manner it was operated, should not result in the breach of the 50% rule. In other words, the judgment laid down that the number of vacancies to be filled on the basis of reservation in a year, including carried forward reservation, should

in no case exceed the 50% limit. It is, therefore, not possible now to treat the current and the backlog reservation on separate footings, in the manner contemplated in this Department's O.M. dated April 25, 1989 mentioned in para 1 above.

3. In view of the position stated above, for the purpose of applying the rule of 50%, a year has to be taken as the unit and not the entire strength of the cadre the service of the unit, as the case may be. Thus, not more than 50% of vacancies in a year, including the backlog, can be filled on the basis of reservation for SCs STs/OBCs. In the light of this, henceforth backlog vacancies for the purpose of application of 50% ceiling on reservation shall not be treated as a distinct group, and the instructions contained in the O.M. dated April 25, 1989 may be treated as modified to this extent.
4. This highlights the need to ensure timely filling up of reserved posts in order to avoid accumulation of backlog. This Department has been issuing instructions from time to time stressing this aspect and laying down the steps to be taken for proper filling up of reserved posts. For instance, instructions contained in this Department's O.M.No. 42/21/49-NGS dated January 28, 1952, O.M.No. 3622/4/76-Estt. (SCT) dated August 7, 1976 and O.M.No. 38034/2/78-Estt. (SCT) dated February 27, 1978 lay down the procedures to be followed in the respect. Similarly, para 2 of the O.M. dated April 25, 1989 requires a second attempt to be made for recruitment if the first attempt to effect recruitment in reserved posts fails. All Ministries/Departments are requested to ensure compliance with these instructions and to make all-out efforts to fill the reserved posts in the same year so that the backlog is minimized.
5. The instruction take immediate effect.
6. All Ministries/Departments are also requested to bring these instructions to the notice of their Attached/Subordinate Offices and Autonomous Bodies/Public Sector Undertakings under their control for compliance.

Sd/
(Y.C. Parande)
Director

**Copy of DOPT OM No.36024/5/97-Estt. (Res), dated 5th January, 1998.
Regarding Permission to SC/ST Employees to Write to
the National Commission for SC/ST Directly**

The undersigned is directed to invite reference to MHA's OM No.8/2/69 (SCT) (I) dated 1.10.74, O.M. No. 17016/1/76-SCT(I) dated 8-4-76 and Department of Personnel and Training OM No.36012/25/92-Estt (SCT) dated 1/9/1992 and to reiterate that Scheduled Castes and Scheduled Tribes employees may be permitted to write to the National Commission for Scheduled Castes and Scheduled Tribes direct on matters relating to appointment against the reserved quota. It is not necessary for Scheduled Castes/ Scheduled Tribes Govt. employees to seek prior permission of the concerned administrative Ministries/Departments for sending their representations to the National Commission for Scheduled Castes and Scheduled Tribes.

All Ministries/Department may please issue appropriate instructions to their subordinate formations. They may also apprise Scheduled Castes/Scheduled Tribes employees of the above instructions.

S/d
(J.Kumar)
(Under Secretary to the Govt. of India)

Copy of DOPT OM No.36011/1/98-Estt (Res), dated 1st July, 1998,
Regarding Selection of SC/ST/OBC on own Merit
without Relaxations/Concessions

1. The undersigned is directed to refer to this Department's O.M.No.36012/13/88-Estt. (SCT) dated May 22, 1989 and to clarify that the instructions contained in the O. M. apply in all types of direct recruitment whether by written test alone or written test followed by interview or by interview alone.
2. The O. M. dated May 22, 1989 referred to above and the O. M. No.36012/2/96-Estt (Res), dated July 2, 1997 provided that in cases of direct recruitment, the SC/ST/OBC candidates who are selected on their own merit not to be adjusted against reserved vacancies.
3. In this connection, it is clarified that only such SC/ST/OBC candidates who are selected on the same standard as applied to general candidates shall not be adjusted against reserved vacancies. In other words, when a relaxed standard is applied in selecting an SC/ST/OBC candidate, for example in the age limit, experience qualification, permitted number of chances in written examination, extended zone of consideration larger than what is provided for general category candidates etc., the SC/ST/OBC candidates are to be counted against reserved vacancies. Such candidates would be decided as unavailable for consideration against unreserved vacancies.

S/d

(J. Kumar)

Under secretary to the Govt. of India

Copy of DOPT OM No.36036/2/97-Estt (Res), dated 30th November, 1998,
Regarding Implementation of Reservation Policy for The SCs/STs and
Role of National Commission for SCs/STs

1. The undersigned is directed to refer to this Department's Office Memorandum of even number dated the 1st January, 1998 and letter No. 4/3/98-SSW.II, dated Nil addressed to the Secretary, Department of Personnel and Training by the National Commission for Scheduled Castes and Scheduled Tribes with copies endorsed to all Ministries/Departments of the Government of India, etc. and to say that the aforesaid letter of the Commission tends to create the impression that the Commission has powers to supersede the Department of Personnel & Training's Office Memorandum of even number dated January 1, 1998 for which in fact powers have been vested in the Commission in terms of Article 338 of the Constitution. As the Commission lacks the authority to issue directions in the nature of injunction, the aforesaid action of the Commission is clearly beyond its powers and is illegal.
2. The National Commission for Scheduled Castes and Scheduled Tribes is assigned the important role of Safeguarding the interests of the Scheduled Castes and the Scheduled Tribes and has been vested with certain powers in discharge of its role in terms of Article 338 of the Constitution. The Ministries/Departments, etc. are therefore expected to extend maximum co-operation to the Commission in the discharge of its role and to give its recommendations/suggestions for due consideration. The Ministry of Agriculture, etc. are, however, advised to ignore such of the instructions issued by the Commission as may purport to either amend or withhold or keep in abeyance the instructions issued by the Government in implementation of the reservation policy for the Scheduled Castes and Scheduled Tribes.

S/d

(J. D. Kulkarni)

Director (Reservation)

**No. 24(11)96(GL-010)/GM
Government of India, Ministry of Industry,
Department of Public Enterprises**

**Block 14, CGO Complex,
Lodhi Road, New Delhi.**

Dated the November 2, 1998

OFFICE MEMORANDUM

SUB: Recruitment to posts in Public Sector Enterprises through National Employment Service – issue of revised guidelines regarding.

The undersigned is directed to say that the scheme of Employment Exchange procedure came under the judicial scrutiny of the Supreme Court in the Distt., Andhra Pradesh vs. K. P. N. Visweshwara Rao & inter-alia, directed as follows:

"It should be mandatory for the requisitioning authority/establishment to intimate the employment exchange and employment exchange should sponsor the names of the candidates to the requisitioning Departments for selection strictly according to seniority and reservation, as per requisition. In addition, the appropriate Department or undertaking or establishment, should call for the names by circulation and also display on their office notice boards or announce on radio, television and employment news bulletins and consider the cases of all the candidates who have applied."

2. In view of the need to incorporate the directions of the Supreme Court, it has been decided to consolidate all existing instructions in this regard and issue revised guidelines as follows:

"PSEs are required to notify all vacancies meant for recruitment to the post carrying scales of pay, the maximum of which does not exceed Rs. 2,500 per month pre-revised as indicated in DPE's OM No. 2(48)/91-DPE(WC) dated 6th April, 1992 to the Employment Exchange (CNV) Rule, 1960 and make recruitment through National Employment Service. In addition to notifying the vacancies for the relevant categories to the Employment Exchange, the requisitioning authority/establishment may, keeping in view administrative/budgetary convenience, arrange for the publication of the recruitment notice for such categories in the "Employment News" published by the Publication Division of the Ministry of Information & Broadcasting, Govt. of India and then consider the cases of all the candidates who have applied. In addition to above, such recruitment notices should be displayed on the office notice boards also for wider publicity."

3. These guidelines will take effect from the date of issue and will not apply to such case where process of recruitment through employment exchanges/open advertisement has been intimated before the said date.

4. All the administrative Ministries/Departments are requested to bring the aforesaid instructions to the notice of PSUs under their administrative control for strict adherence.

Sd/-
(A. LUIKHAM)
Director

To
All Ministries/Departments concerned with PSUs.

7A

No.36036/8/98-Estt(Res)
Government of India
Ministry of Personnel, P. G. and Pensions
(Department of Personnel & Training)

OFFICE MEMORANDUM

Dated: March 16, 1999

Sub: Verification/acceptance of caste certificates produced by candidates.

The undersigned is directed to say that the Government has decided to accept the following recommendation of the National Commission for Scheduled Castes and Scheduled Tribes contained in its Third report :-

"The Government of India should also issue and reiterate instructions to all its Ministries/Departments and Public Sector Enterprises educational and professional institutions and other bodies under its control to take necessary steps for proper verification of Caste/community certificates and for taking suitable action against the offenders. Suitable instructions on similar lines should also be issued to the State/UTs. It is all the more necessary to check the certificates at the time of entry in educational Institutions, where the false caste certificates holders can really deprive the deserving candidates of an opportunity to gain knowledge and skills and subsequently to secure employment."

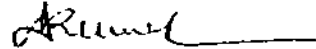
2. Attention is invited to Ministry of Home Affairs O.M.No.42/34/52-NGS dated 17th April, 1953 according to which the Scheduled Castes and Scheduled Tribes should be appointed provisionally on the basis of whatever prima facie evidence they are able to produce in support of their claim to be belonging to SCs or STs and that such claim should then be verified through the District Magistrates of the places where they and/or their families are ordinarily resident in the prescribed manner. If in any particular case the verification reveals that the candidate's claim is false, his services should be terminated.

3. Attention is also invited to O.M.No.36012/6/88-Estt. (SCT) dated the 24.4.90, according to which the appointing authorities should, in the offer of appointment, include a clause as follows:-

"The appointment is provisional and is subject to the castes/tribe certificates being verified through the proper channels and if the verification reveals that the claim to belong to Scheduled Caste and Scheduled Tribe, as the case may be is false, the services will be terminated forthwith without assigning any further reasons and without prejudice to such further action as may be taken under the provisions of the Indian Penal Code for production of false certificate."

4. Ministry of Agriculture etc. are requested to strictly observe the above quoted instructions regarding verification of caste certificates and also bring the same to the

notice of all concerned.


(J. Kumar)

Under Secretary to the Govt. of India.

TO

All Ministries/Departments of Government of India.

2. Department of Economic Affairs (Banking Division),
New Delhi.
3. Department of Economic Affairs (Insurance Division),
New Delhi.
4. Department of Public Enterprises, New Delhi.
5. Railway Board.
6. Union Public Service Commission/Supreme Court of
India/Election Commission/Lok Sabha Sectt./Rajya Sabha Sectt/
Cabinet Sectt./Central Vigilance Commission/President's Office/
PMO/Planning Commission.
7. Staff Selection Commission, CGO Complex, Lodi Road,
New Delhi.
8. All officers/Sections of the Department of
Personnel and Training/Department of Administrative
Reforms and Public Grievances/Department of Pensions
& Pensioners Welfare.

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