

## CHAPTER XVII

### SENIORITY

1. Persons confirmed against permanent vacancies which arose (or recruitment to which would normally be made) after the 31st December 1945 and before 31-12-52).

(i) The inter-se seniority of persons belonging to this group shall be determined on the basis of the length of continuous service in the grade concerned or in an equivalent grade, as defined in this Ministry's Office Memo No. 30/44/48-Appnts., dated the 22nd June, 1949. For this purpose 'war service' candidates and candidates from the forces shall have the period of breaks, if any, between their war service/service in the forces and service in the grade concerned, condoned but the period of break itself shall not be counted towards service. The deemed or actual date of commencement of such service shall determine the year to which they are allotted for purposes of seniority.

(ii) Persons allotted to any one year shall rank senior to those allotted to later years.

(iii) Persons allotted to any one year shall rank in seniority as follows :—

- (a) Persons recruited during the year on a permanent basis on the results of a competitive examination, in the order of ranks obtained at the competitive examination (unless a different rule exists for normal recruits);
- (b) Persons who were recruited through the Union Public Service Commission's examinations on a temporary basis earlier, arranged according to the ranks obtained at the examination;
- (c) Persons promoted from lower grades in the order in which they were approved for promotion (unless a different rule exists for determining the seniority of promoted officers in the Service vis-a-vis direct recruits);
- (d) Over-age War-service candidates, candidates from the forces within normal age limits, and temporary employees who were recruited otherwise than through competitive examinations; treated as one group and arranged in order of their actual or assumed date of continuous service in the grade.

These instructions will apply to :—

- (a) War-service candidates and temporary employees appointed to war-reserved vacancies;
- (b) War-Service candidates, candidates from the Forces within normal age limits, temporary employees and regular recruits appointed to vacancies occurring in or recruitment to which would be made in 1946-47; and
- (c) temporary employees recruited in earlier years and confirmed in post—1947 vacancies.

[MHA OM No. 32/49-CS, dated 20-9-1952.]

2. 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 the emergency.

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 servant is

promoted to a higher post in his parent Deptt/Office during his absence on military service his military service from the date of such promotion will count for seniority in the Higher post.

[MHA OM No. 35/15/63-Estt(B), dated 28-4-1965.]

3. Fixation of seniority of Released Emergency Commissioned Officers 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 & Group B (other than Engineering and Medical Services and posts).

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

- (a) in the case of services or posts recruitment to which is made on the results of a competitive examination conducted by the Commission, the released Emergency Commissioned Officer or Short Service Commissioned Officer who competes 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 and the Short Service Commissioned Officers would have been appointed on the date arrived at after giving credit for the approved military service 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 and 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.

[Department of Personnel Notification No. 9/20/69-Estt(C), dated 26-8-71.]

4. 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 & Group B.

(1) 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 Officer 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 and 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 recruited to the Service or post through open competition 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 cases 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.

[Department of Personnel Notification No. 9/14/71-Estt(C), dated 25-11-1971.]

#### SENIORITY IN CIVIL POSTS

##### 5. Seniority of Direct Recruits and Promotees.

5.1 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.

[MHA OM No. 9/11/55-RPS, dt. 22-12-59.]

5.2 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 not, if he is subsequently found suitable and promoted, take seniority in the higher grade over the junior persons who had superseded him.

5.3 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.

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 promotion respectively in the Recruitment Rules.

5.4 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.

[DOPT OM No. 35014/2/80-Estt(D), dt. 7-2-86.]

*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 years 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 :—

1986		1987	
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

5.5 In order to help the appointing authorities in determining the number of vacancies to be filled during a year under each of the method 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.

5.6 With a view to curbing any tendency of underreporting/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.

#### 6. Seniority of Transferees

6.1 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.

[MHA OM No. 9/11/55-RPS, dt. 22-12-1959.]

6.2 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 (8.4) will apply. *mutatis mutandis* in determining *inter-se* seniority of the appointees.

6.3 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 candi-

date by direct recruitment or promotion, such transferee 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.

6.4 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.

[DP&T OM No. 20020/7/80-Estt(D), dated 29-5-1986.]

6.5 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.

6.6 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.

#### 7. Seniority in Special Types of Cases

7.1 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 Personnel and Training.

[MHA OM No. 37/1/52-DGS, dt. 10-7-54; OM No. 13/4/56-RPS, dt. 29-9-56 and No. 13/4/57-RPS, dt. 14-7-58].

7.2 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 Government 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.

7.3 In cases where the reduction is for a specified period and is not to operate to postpone future increments, the seniority of the Government 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.

7.4 Where the reduction is for a specified period and is to operate to postpone future increments, the seniority of the Government 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.

[MHA OM No. 9/13/62-Estt(D), dated 10-10-62 & OM No. 9/30/63-Estt(D), dated 7-2-64.]

7.5 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.

[MHA OM No. 3/27/65-CS.II, dt. 25-2-66 & OM No. 9/22/68-Estt(D), dt. 6-2-69.]

7.6 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 and no promotee has been approved for appointment to that grade in between these dates.

7.7 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.

7.8 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.

[DOP&T OM No. 22011/7/86-Estt(D), dt. 3-7-86.]

8. *Seniority of direct recruits who are confirmed in an order different from the original order of merit, including those belonging to Scheduled Castes/Scheduled Tribes*

In a case where a Scheduled Caste or a Scheduled Tribe candidate, occupying a lower position in the merit list is appointed permanently to a reserved vacancy, while candidates above him in the merit list are not appointed at that time, then, after confirmation, the Scheduled Caste/Scheduled Tribe candidates will rank senior to the temporary/officiating officers of the grade and amongst the permanent officers of that grade their seniority will follow the order of their confirmation.

[MHA OM No. 9/45/60-Estt(D), dated 20-4-1961.]

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

According to MHA OM No. 9/11/55-RPS, dated 22-12-1958, the relative seniority of all direct recruits shall be determined by the order of merit in which they are selected for such appointments 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.

In cases where persons are selected either by the UPSC for appointment to different posts in the same grade with different qualifications (e.g. posts of Assistant Lecturer in History, Economics, Physics and 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 to 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.

[MHA OM No. 9/11/55-RPS, dated 14-1-1960.]

10. *Seniority of permanent/quasi-permanent employees on reversion to the original post*

Seniority of permanent and quasi-permanent Central Government employees who apply, in response to advertisements or circulation of vacancies, for posts in (i) public sector undertakings, whether incorporated or not, which are wholly or substantially owned by the Government of India or the State Governments or in autonomous semi-Government Organisations and who are appointed to such posts on or after 22-1-1966 or (ii) other Government Departments/ Offices and who are appointed to such posts on or after 14-7-1967 are entitled, in the event of reversion to the parent Department within the specified period of two/three years, to the original seniority in the grade/post, from which they proceeded on foreign service to the public sector undertakings and autonomous bodies/deputation to other posts under Government.

[MHA OM No. 1/6/67-Estt(D), dated 4-9-1967.]

11. *Seniority of an Officer under suspension and of officers against whom enquiries are pending*

An Officer under suspension, who on conclusion of the Departmental proceedings against him, 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 seniority in the next higher grade fixed as if he had been promoted in accordance with his position in the select list.

It has also been decided that 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.

[MHA Memo No. 39/4/56-Estt(A), dt. 3-11-58 read with Min. of Home Affairs OM No. 39/3/59-Estt(A), dated 31-8-60 and F.7/28/63-Estt(A), dated 22-12-64.]

12. *Fixation of seniority to ex-Govt. servants penalised due to their patriotic activities*

(i) Ex-Govt. servants penalised for their patriotic activities, during the British Regime who have since been re-employed under the Central Govt. should be allowed to count their past service as well as the period of break in such service before re-employment towards seniority. The period of break will, for this purpose, count as service in the grade or post in which the person was employed before the break, unless there are special reasons to hold that it should count as service in some other grade or post, cases of the latter type being officiating promotion in a purely short-term vacancy or out-of-turn promotion/appointment on an *ad-hoc* basis etc.

(ii) In grades in which seniority is fixed with reference to the date of confirmation seniority of ex-Govt. servants referred to at (i) above will, on confirmation be determined with reference to the dates from which confirmations become effective under the Ministry of Home Affairs OM No. 6/4/52-S&NG, dated 29-5-57.

(iii) Seniority of such Govt. servants who are promoted to the higher grades will be based on the effective date of promotion.

[MHA OM No. 6/4/52-S&NG, dated 29-5-57.]

13. *Fixation of seniority of Freedom Fighters of Goa, Daman and Diu*

Freedom Fighters of Goa, Daman and Diu who are ex-employees of the Portuguese Administration and who were removed, discharged or dismissed from service by the Portuguese Govt. on account of their patriotic activities during the liberation movement designed to secure the independence of Goa, Daman and Diu, if appointed to the same posts/grade in which they were previously employed, would be assigned their original seniority in the posts,

grades concerned. However, if such ex-employees are appointed to different posts/grades, their seniority will be determined *ad-hoc* in each case in consultation with the UPSC.

[Deptt. of Personnel OM No. 17/2/67-Estt(D), dt. 19-6-72.]

14. *Seniority of Jamadars & Daftries for purpose of promotions to the grade of Gestetner Operator*

For purpose of consideration for promotion to the post of Gestetner Operator, a combined seniority list of Daftries and Jamadars should be prepared on the basis of the *inter se* seniority in the grade of peon, provided that a peon who was superseded for promotion by his juniors, if he is subsequently promoted to either of the grades of Jamadar or Daftry, will reckon his seniority in that grade below those already promoted before him to that grade.

[MHA OM No. 2/12/66-Estt(D), dt. 30-11-66.]

15. *Seniority of Steno-Typists (Scale of Rs. 110—180 plus Rs. 20 as special pay) on appointment to the converted posts of Stenographers (Scale Rs. 130—300)*

The seniority of Steno-Typists, who are appointed to the converted posts of stenographer (Rs. 130—300) shall be determined *inter se* with reference to their seniority in the grades of LDCs.

[MHA OM No. 2/95/69-Estt(D), dt. 25-5-70.]

16. *Review of Seniority List of persons appointed after 21-12-59*

Seniority Lists of persons appointed after 21-12-1959 to the various grades to which the general principles of seniority contained in the Ministry of Home Affairs OM No. 9/11/55-RPS, dated 22-12-1959 applied, may be reviewed and the seniority list may be re-drawn if necessary as if the confirmation has been made after 22-12-1959 in the order of seniority in the relevant grade and not by following the quotas prescribed for recruitment in the relevant Recruitment Rules, irrespective of whether persons were confirmed from the due dates or not. If any person who should have been confirmed figures in this list but had not been confirmed, he may be considered for confirmation against the first available vacancy. The confirmation already made may not be disturbed. If any person whose seniority is now revised under these orders was not considered for promotion prior to 6-1-1981 (i.e. prior to the date of issue of DP&AR OM No. 20036/1/80-Estt(D), dt. 6-1-81) for want of the requisite seniority, he may also be eligible for such promotion subject to the availability of promotion quota vacancies in the higher grade, if he is otherwise eligible for the same. However, on promotion to the higher grade, the seniority of such persons among the promotees in the higher grade would be regulated in accordance with para 5 of the General Principles of Seniority contained in Annexure to the Ministry of Home Affairs OM dated 22-12-1959.

The above instructions (as stated in the preceding paragraph) will also apply to the posts/services to which general principles of seniority contained in Min. of Home Affairs OM dated 22-12-1959 *cited* above were applied from a subsequent date and where persons may have been confirmed in accordance with the quotas prescribed in the Recruitment Rules and not on the basis of seniority.

The above instructions will not, however, apply to posts/services where specific quotas have been prescribed for substantive appointment of promotees/direct recruits/departmental examination candidates etc.

[DOP&AR OM No. 20036/1/80-Estt(D), dt. 6-1-1981.]

## VACANCY REGISTER

	1986	1987	1988	ETC.
1. Total number of vacancies arising during the year.....				
<b>2. DIRECT RECRUITMENT</b>				
(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.....				
<b>3. BY PROMOTION</b>				
(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.....				

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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.