

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

- (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.

DoP&T's O.M. No.20011/1/2008-Estt.(D) Dated 11th November 2010

F.NO.A-22020/76/89-Ad.VII
Government of India
Ministry of Finance
(Department of Revenue)
(Central Board of Direct Taxes)

New Delhi, the 14th May, 1990

All Heads of Department Under CBDT

Transfer of non-gazetted staff from one charge to another Charge under Central Board of Direct Taxes- Delegation of Powers to Heads of the Department- *****

I am directed to refer to Board's letter F.No. A-22020/37/86-Ad.VII, dated 30.6.1986 regarding transfer of non-gazetted staff from one Charge to another on compassionate grounds.

2. The instructions contained in the above mentioned letter have been reconsidered consequent on the recent changes in the concept of confirmation and lien. As a result of such reconsideration, it has been decided that requests for inter-charge transfer of non-gazetted staff on really compassionate grounds may here-in-after be considered by the Cadre Controlling Authorities on merits and transfers, where considered necessary, may be effected subject to the observance of the following conditions:-

- (a) No request for inter-charge transfer shall be entertained in respect of posts, recruitment to which is made 100% by promotion (e.g. Tax Assistants, Head Clerks, Supervisors Gr.I and II Stenographers Gr.II and I etc.).
- (b) Requests for transfer on compassionate grounds shall be entertained only in respect of posts, recruitment to which is made either by direct recruitment or partly through direct recruitment and partly through promotion.
- (c) No request for inter-charge transfer shall be entertained from a person (who may otherwise be eligible to make such a request under (b) above) unless he or she has put in at least three years of service, in that grade.
- (d) A person who seeks transfer, should apply to the head of the Department/Chief Commissioner/Director General under whom he is working,

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who will, on being satisfied, take up the matter with his counter-part in the Charge to which the employee seeks transfer. The latter head of the Department will examine the request on merits and pass necessary orders for absorption of the person seeking transfer. Such request shall be considered and conceded only against a clear vacancy. His decision in the matter shall be final. No request for re-transfer shall be entertained under any circumstances.

(e) The direct recruits coming on transfers will be shown against direct recruitment quota and promotees against the promotion quota.

(f) The service rendered in the old Charge will not be counted in the new charge for the purpose of seniority. He/she will be placed at the bottom of the list of the employees of the concerned Cadre in the new Charge. Seniority in the cadre in the Charge to which person is transferred will start from the day that person reports for duty in that charge. However, he will not rank senior to any official who belongs to a batch selected on merit whose inter-se seniority is not regulated by date of joining.

(g) On transfer, the transferee will forfeit all claims for promotion/confirmation in the old Charge. He/she will be eligible for promotion/confirmation only in the new Charge in accordance with the seniority allotted to him on transfer.

(h) As far as possible, efforts should be made to retain husband and wife at the same station.

(i) The transferee will not be entitled to any joining time and transfer-travelling allowance.

3. Heads of the Department shall exercise the powers delegated to them in the matter of effecting inter-charge transfers on compassionate grounds in accordance with the above terms and conditions. If, in any case, relaxation of these terms and conditions becomes necessary, prior approval of the Board should invariably be obtained.

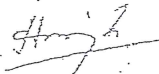
4. The powers delegated to the Heads of the Department in the matter of inter-Charge transfer can be exercised only in respect of employees of the Income-tax Department

and not in respect of transfer of employees of any other office/Department/Ministry.

5. A written undertaking to abide by the requisite terms and conditions should be obtained from the employees seeking inter-Charge transfer in the enclosed proforma before the transfers are actually effected.

6. These instructions take effect from the date of issue and in supersession of earlier instructions issued vide File No. A-22020/37/86-Ad.VIII dated 30.6.86.

Yours faithfully,



(HARBANS SINGH)
UNDER SECRETARY TO THE GOVT. OF INDIA
TEL. NO. 345535

F.No.14014/02/2012--Estt. (D)
Government of India
Ministry of Personnel, Public Grievances and Pensions
(Department of Personnel & Training)

North Block,
New Delhi
Dated the 16th January, 2013

OFFICE MEMORANDUM

Subject:- **Consolidated Instructions on compassionate appointment** –
regarding.

The undersigned is directed to invite attention to this Department's O.M. No.14014/6/94-Estt(D) dated 09.10.1998 vide which Scheme for "**Compassionate Appointment under Central Government**" was issued. Subsequently a number of instructions on compassionate appointments under the Central Government have been issued. The content of important/relevant O.Ms and orders on the subject have been further consolidated for the facility of reference and guidance and are being made available on this Department's website www.persmin.nic.in in the dynamic form (OMs & Orders>Establishment>(A) Administration (III) Concessions in appointment (a) compassionate appointment). This may be brought to the notice of all concerned for information, guidance and necessary action.

2. Hindi version will follow.


(Virender Singh)

Under Secretary to the Government of India
Tel. No. 2309 3804

To,
All Ministries/Departments of Government of India

Copy to:

1. President's Secretariat, New Delhi
2. Vice-President's Secretariat, New Delhi
3. The Prime Minister's Office, New Delhi
4. Cabinet Secretariat, New Delhi
5. Rajya Sabha Secretariat/Lok Sabha Secretariat, New Delhi
6. The Registrar General, the Supreme Court of India, New Delhi.
7. The Registrar, Central Administrative Tribunal, Principal Bench, New Delhi.

15. REQUEST FOR CHANGE IN POST/PERSON

When a person has been appointed on compassionate grounds to a particular post, the set of circumstances, which led to such appointment, should be deemed to have ceased to exist. Therefore, --

- (a) he/she should strive in his/her career like his/her colleagues for future advancement and any request for appointment to any higher post on considerations of compassion should invariably be rejected.
- (b) an appointment made on compassionate grounds cannot be transferred to any other person and any request for the same on considerations of compassion should invariably be rejected.

16. SENIORITY

A 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. **(Para 4.8 of O.M. No. No.20011/1/2008-Estt.(D) dated 11.11.2010)**

17. TERMINATION OF SERVICE

The compassionate appointments can be terminated on the ground of non-compliance of any condition stated in the offer of appointment after providing an opportunity to the compassionate appointee by way of issue of show cause notice asking him/her to explain why his/her services should not be terminated for non-compliance of the condition(s) in the offer of appointment and it is not necessary to follow the procedure prescribed in the Disciplinary Rules/Temporary Service Rules for his purpose.

In order to check its misuse, it has also been decided that this power of termination of services for non-compliance of the condition(s) in the offer of compassionate appointment should vest only with the Secretary in the concerned administrative Ministry/Department not only in respect of persons working in the Ministry/Department proper but also in respect of Attached/Sub-ordinate offices under that Ministry/Department. **(O.M. No. 14014/19/2000-Estt(D) dated 24.11. 2000).**