

Note on principles adopted in preparing the draft seniority list.

1. The Board has advised that the NR Parmar Decision is applicable only to the post of Inspectors, UDCs & Tax Assistants. Hence, the seniority in the cadres of LDCs & Stenographers is not revised. Secondly, it is felt that as the stenographer cadre does not have any promotion base for recruitment at entry level of Grade 3/Grade 2, the D.O.P.T Memorandum may not applicable at all as it deals with inter-se seniority issues between two streams of filling up of posts-direct recruits and promotees.

2. The principles applied for determination of seniority in the following modes of recruitment is given hereunder:

Sn	Cadre/Category	Reason/principle applied.
A	Sports Quota	<p>The applicable OM is DOPT O.M.No.14015/1/76 - Estt.(D) dated 4.8.1980.</p> <p>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.</p> <p>Where recruitment to a post is through a selection made by the Staff Selection Commission, whether by the competitive examination or otherwise, the sportsmen recruited in 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.</p>
B	Compassionate	<p>The applicable OM is DOPT O.M. No. 20011/1/2008-Estt.(D) dated 11.11.2010</p> <p>A person appointed on compassionate ground in a particular year is placed at the bottom of all the candidates recruited/appointed through direct recruitment, promotion etc. in that year, irrespective of date of joining of candidate on compassionate appointment.</p>

Sn	C	
Cadre/Category	Interchange	
Reason/principle applied.	The applicable Letter is Boards Jr. in F.No.A-22020/76/89-AD.VII dated 14.05.1990	<p>2(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.</p> <p>Further, the Board has advised to follow its Circular on interchange transfers.</p> <p>In case of an interchange transferee therefore, his slot and the year remains fixed. The occupants of the D.R slots above him will undergo change on application of the judgement in the case of N.R.Parmar.</p> <p>The interchange transferee would be aggrieved as the D.R persons who join along with him in that year would move ahead and the D.Rs who join after him in the next year may also be placed above him.</p> <p>For example, an interchange transferee may be placed in R.Y 1998-99 and by virtue of Parmar decision, it may happen that the D.Rs who join in 1998-99 may now move to R.Y 1997-98 leaving the interchange transferee behind if the requisition letter was sent in 1997-98. Further, the D.Rs who join in the year 1999-2000 or even 2000-01 may now come to R.Y 1998-99 if the requisition letter was sent in 1998-99.</p> <p>The interchange transferee's argument would be later than him as per the CBDT circular/instruction governing such transfers.</p>

The Interchange transferees' position is thus similar to those promotees who are already working in the cadre, yet become junior to those D.Rs who join later than him on implementing the Parmar decision.

However, the inter charge promotee's slot is fixed in the year 1998-99, in which he joins as per CBDT instruction in our example. Secondly, he therefore takes the vacancy of that recruitment year 1998-99 and the D.Rs who joined subsequently but who are now being moved into R.Y 198-99 in our example, are also of that R.Y.1998-99.

The committee also examined whether the inter charge transferees can be considered to be moved en block along with their peer officials to the R.Y 1997-98. This is not feasible for two reasons:-

(a) He would get seniority of year 1997-98 even though he was not in this charge at all and he was working elsewhere in the same period.

(b) He would also become senior to the promote officials already working in the charge even before he joined the charge. In other words, he would now become senior to promotees of R.Y 1998-99 by getting into R.Y 1997-98 even though he was not working in the charge and thus violate the instruction that he should be placed junior to all those working in the charge.

Finally, the Committee also considered the recent decision of the Hon'ble Supreme Court in the SLP filed in the case of Rajeev Mohan's decision rendered by the Allahabad High court. The Allahabad decision was in favour of interchange transferees and this decision was upheld by the Hon'ble Supreme Court when the SLP filed against the Allahabad high court decision was dismissed.

However, it is submitted that the Allahabad high

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5. The various documents/material used by the committee are enclosed as Annexure.
4. Financial Year, i.e., April to March has been adopted as Recruitment Year (RY) uniformly. The old RY mentioned is only for reference only and the same has been modified financial year wise.
3. The SSC rank has been adopted as the basis for seniority among Direct Recruits of the same exam, irrespective of date of receipt of dossiers. Accordingly, some corrections were made to the earlier seniority on this ground.

E	Surplus Cell	<p>Though OM is available regarding fixation of inter-se seniority among Surplus Cell Officials, no rule is available regarding their seniority with reference to regular Officials.</p> <p>Hence, the criterion adopted for the inter charge officials is adopted here also.</p>
D	Inter Department	<p>There are instructions regarding fixation of seniority between two inter department candidates but no specific instructions regarding fixation of their seniority per se.</p> <p>Hence, the criterion adopted for the inter charge officials is adopted here also.</p>
		<p>court decision in the case of Sri Rajeev Mohan was based totally on the Gujarat High Court decision in the case of NR Parmar which was overturned by the Supreme Court.</p> <p>Thus honouring the decision of Allahabad high court decision would be dishonouring the subsequent supreme court decision in N.R Parmar case.</p> <p>In conclusion, the inter charge transferees remain in the year in which they joined and would be placed below the D.Rs of that recruitment year.</p>

UDC Exam	SSC Lr No.	Dept Lr. No.	No of req. sent to SSC	No. of Dossiers	Ref No.	Returned
1986	6/7/87-SR dt.27/03/1987	39/Estt./ITI s/87 dt. 13/03/1987		19	1986/1	5
1986	6/7/87-SR dt.09/04/1987	39/Estt./ITI s/87 dt. 13/03/1987		8	1986/2	
1986	6/7/87-SR dt.22/04/1987	39/Estt./ITI s/87 dt. 13/03/1987		3	1986/3	
1986	6/7/87-SR dt.11/05/1987	39/Estt./ITI s/87 dt. 13/03/1987		2	1986/4	
1986	6/7/87-SR dt.02/06/1987	39/Estt./ITI s/87 dt. 13/03/1987		1	1986/5	
1986	6/7/87-SR dt.25/08/1987	39/Estt./ITI s/87 dt. 13/03/1987		1	1986/6	
1986	6/7/87-SR dt.19/04/1988	39/Estt./ITI s/87 dt. 13/03/1987		1	1986/7	
1988	6/22/88-SR dt.30/03/1989	78/Estt./SSC/88 dt. 06/01/1989	14	5	1988/1	2
1988	6/22/88 SR dt. 21.07.1989	78/Estt./SSC/88 dt. 29/05/1989	14	2	1988/2	1
1988	6/22/88 SR dt. 08.08.1989	78/Estt./SSC/88 dt. 06/01/1989	14	1	1988/3	
1988	6/22/88 SR dt. 21.08.1989	78/Estt./SSC/88 dt. 06/01/1989 & 07.04.1989	14	2	1988/4	1
1988	6/22/88 SR dt. 08.09.1989	78/Estt./SSC/88 dt. 06/01/1989 & 07.04.1989	14	1	1988/5	
1988	6/22/88 SR dt. 16.01.1990	78/Estt./SSC/88 dt. 06/01/1989 & 07.04.1989	14	2	1988/6	
1988	6/1-7/90 SR dt. 13.07.1990	77/Estt./90 dt. 19/06/1990		2	1988/7	
1988	6/1-7/90 SR dt. 26.07.1990	77/Estt./90 dt. 19/06/1990		2	1988/8	
1988	6/22/88 SR dt. 13.02.1989	78/Estt./SSC/88 dt. 06/01/1989		5	1988/9	File No.49
1988	6/22/88 SR dt. 10.03.1989	78/Estt./SSC/88 dt. 06/01/1989		1	1988/10	File No.49
1989	6/22/89 SR dt. 30.01.1990	78/Estt./SSC/88 dt. 06/01/1989 & 07.04.1989		1	1989/1	
1990	6/24/91-SR dt.16/03/1992	CR.No.39/Estt./1990-91 dt.31/10/1991		3	1990/1	File No.53
1990	6/24/91-SR dt.06/03/1992	CR.No.39/Estt./1990-91 dt.31/10/1991		14	1990/2	File No.53
1990	6/24/91-SR dt.10/02/1992	CR.No.39/Estt./1990-91 dt.31/10/1991		18	1990/3	File No.53
1990	6/24/91-SR dt.24/12/1991	CR.No.78/Estt./SSC/91 dt.19/06/1991		8	1990/4	File No.53
1991	6/7/93-SR dt.01/03/1993	CR.78/SSC/1992-93 dt.02/04/1992		4	1991/1	File No.53
1991	6/7/93-SR dt.09/11/1993	CR.78/Estt./SSC/1993 dt.29/10/1993		1	1991/2	File No.53
1991	6/7/93-SR dt.15/10/1993	CR.78/Estt./SSC/1993-94 dt.15/04/1993		1	1991/3	File No.53
1991	6/7/93-SR dt.16/07/1993	CR.78/Estt./SSC/1993-94 dt.15/04/1993		1	1991/4	File No.53
1991	6/7/93-SR dt.04/06/1993	CR.78/Estt./SSC/1992-93 dt.31/10/1991, 02/04/1992 & 04/03/1993		9	1991/5	File No.51
1991	6/7/93-SR dt.19/04/1993	CR.78/Estt./SSC/1992-93 dt.04/03/1993 & 02/04/1992		8	1991/6	File No.51
1992		CR.No.78/Estt./SSC/93 dt.19/07/1993	75 vacancies			File No.51

UDC Exam	SSC Lr No.	Dept Lr. No.	No of req. sent to SSC	No. of Dossiers	Ref No.	Returned
1992	6/8/94-SR DT.12/08/1994	78/Estt./SSC/94-95 dt. 28/07/1994		1	1992/1	
1992	6/8/94-SR DT.07/11/1994	78/Estt./SSC/94-95 dt. 25/08/1994		1	1992/2	
1993	6/8/94-SR DT.23/04/1995	78/Estt./SSC/94-95 dt. 25/08/1994 & 15/11/1994		11	1993/1	
1993	6/9/95-SR DT.27/06/1995	78/Estt./SSC/94-95 dt. 19/05/1995		1	1993/2	Check RY
1993	6/9/95-SR DT.10/07/1995	78/Estt./SSC/94-95 dt. 19/05/1995		7	1993/3	
1993	6/9/95-SR DT.25/07/1995	78/Estt./SSC/94-95 dt. 19/05/1995		1	1993/4	
1993	6/9/95-SR DT.17/08/1995	78/Estt./SSC/94-95 dt. 19/05/1995		5	1993/5	
1993	6/9/95-SR DT.04/09/1995	78/Estt./SSC/94-95 dt. 19/05/1995		1	1993/6	
1994	6/21/95-SR dt. 08/12/1995	78/Estt./SSC/94-95 dt. 19/05/1995	20	5	1994/1	
1994	6/21/95-SR dt. 05/01/1996	78/Estt./SSC/94-95 dt. 19/05/1995	20	2	1994/2	2
1994	6/21/95-SR dt. 22/02/1996	78/Estt./SSC/94-95 dt. 19/05/1995	20	2	1994/3	1
1994	6/21/95-SR dt. 24/04/1996	78/Estt./SSC/94-95 dt. 19/05/1995 & 22/02/96	20	1	1994/4	1
1995	6/4/97-SR DT.07/11/1997	77/Estt./SSC/96 dt. 24/10/1996		7	1995/1	
1995	6/4/97-SR DT.26/11/1997	77/Estt./SSC/96 dt. 24/10/1996		5	1995/2	
1995	6/4/97-SR DT.10/12/1997	77/Estt./SSC/96 dt. 24/10/1996		1	1995/3	
1995	6/4/97-SR DT.24/12/1997	77/Estt./SSC/96 dt. 16/04/1996 & 24/10/1997		4	1995/4	
1995	6/4/97-SR DT.01/01/1998	77/Estt./SSC/96 dt. 24/10/1996		1	1995/5	
1995	6/4/97-SR DT.24/03/1998	77/Estt./SSC/96 dt. 24/10/1996		1	1995/6	
1995	6/4/97-SR DT.23/01/1998	77/Estt./SSC/96 dt. 24/10/1996		2	1995/7	
1999		CCAP/34(15)/Estt./99 dt.04/10/1999	108 vacancies			File No.57
1999		CCAP/34(15)/Estt./99 dt.30/08/2000	42 vacancies			File No.57
1999		CCAP/34(15)/Estt./99 dt.30/11/2000	42 vacancies			File No.57
1999		CCAP/34(15)/Estt./99 dt.24/01/2001	48 vacancies			File No.57
Surplus	4(194)/87-CS-III dt. 04/12/1987	39/Estt./ITI s/87 dt. 13/03/1987	Surplus Cell	2	Sur/1	
Surplus	4(79)/88-CS-III dt. 22/02/1988	3(A)/Estt./ITI/88 dt. 03/02/88	Surplus Cell	3	Sur/2	
Surplus	4(202)/87-CS-III dt.18/04/1988	CR.78/Estt./Surplus Cell/87 dt.06/10/1987	Surplus Cell	1	Sur/3	

UDC Exam	JSC Lr No.	Dept Lr. No.	No of req. sent to SSC	No. of Dossiers	Ref No.	Returned
Surplus	4(96)/88-CS-III dt.05/05/1988	3(A)/Estt./ITI/88 dt.19/04/1988	Surplus Cell	9	Sur/4	
Surplus	4(79)/88-CS.III dt. 02/06/1988	267/Estt./88 dt.08/04/1988	Surplus Cell	1	Sur/5	
Surplus	4(120)/88/CS.III dt. 22/07/1988	3(A)/Estt./ITI/88 dt.19/04/1988	Surplus Cell	1	Sur/6	
Surplus	4(120)/88/CS.III dt. 11/08/1988	3(A)/Estt./ITI/88 dt.19/04/1988	Surplus Cell	4	Sur/7	
Surplus	4/2/89-CS.III dt. 23/01/1989	CR.78/Estt./Surplus Cell/87 dt.19/12/1988	Surplus Cell	3	Sur/8	