

**Ministry of Home Affairs O.M. No.9/45/60-Estt.(D),  
dated the 20<sup>th</sup> April, 1961, to all Ministries/Departments, etc.**

**Subject :—**General principles for determining seniority of various categories of persons employed in Central Services. Interpretation of—relating to Seniority of direct recruits who are confirmed in an order different from the original order of merit, including those belonging to Scheduled Castes/Tribes.

The undersigned is directed to invite reference to paragraphs 3 and 4 of the annexure to this Ministry's Office Memorandum No. 9/1/55-RPS dated the 22nd December, 1959, on the subject noted above, which provide that permanent officers of each grade shall be ranked senior to persons who are officiating in that grade and that notwithstanding this provision 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 recommendations of the Union Public Service Commission 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. Enquiries have been received in this Ministry from time to time whether after confirmation in accordance with the special representation orders Scheduled Castes/Scheduled Tribes candidates should be treated senior to other temporary/officiating officers of the grade concerned even though the latter might have been recruited earlier to that grade or secured a higher order of merit in the same selection than the former.

2. Ordinarily, the order of confirmation is determined by the position occupied by a candidate in the merit list, but where a departure is made from the normal rule and one occupying a lower position is given preference for confirmation, he would legitimately expect exceptional treatment also in the matter of seniority. It is with this view that a provision has been added to para 4 of the annexure referred to above which provides that where persons recruited/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. This means that seniority accompanies confirmation.

Apart from the position stated above, grant of permanency, following a period to temporary appointment stands on the same footing as a permanent appointment made *ab initio* and the fact that a person belonging to a Scheduled Caste or a Scheduled Tribe had a temporary appointment before he was made permanent would not justify treating him less favourably than if he had been appointed permanently to a reserved vacancy straightaway. It often happens that 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. If such candidates are appointed in the following year they are not entitled to higher seniority on the ground that in the previous year they had obtained a higher position in the merit list. The position is not basically different when the initial appointments are made from the same list and at the same time on a temporary basis, and the Scheduled Caste or the Scheduled Tribe employee is, in spite of his lower position in the merit list, made permanent earlier in accordance with the special representation orders.

3. In the light of the position explained above it is clarified that 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. It is requested that the above clarification may kindly be brought to the notice of all concerned in the Ministries including their Attached and Subordinate Offices for information and guidance.