

F.No. 5/9/2006-CS-I
Government of India
Ministry of Personnel, PG & Pensions
Department of Personnel & Training

2nd Floor, Loknayak Bhavan, Khan Market
Dated the 10th July 2008

OFFICE MEMORANDUM

Subject: Section Officers' Grade of CSS-Addition to the Select List (Seniority Quota) for the year 1980.- Correction of inter-se position in the All Secretariat Select List of Section Officer and in the CSL of SOs issued vide OM dt.3.12.97.

The undersigned is directed to refer to this Department's OM No. 5/30/88-CS.I dated 14.8.2006 and OM No. 5/9/2006-CS.I dated 18.8.2006 and 7.9.2006 on the subject cited above. The entire matter has been reviewed/re-examined in detail keeping in view of the following facts:-

1. The grades of Section Officer (SO) and Assistant of Central Secretariat Service (CSS) were decentralised. All the cadres maintained separate Common Seniority List (CSL) of all the Assistants in their respective cadres. For promotion to the grade of SO, a zone of promotion was specified by this Department and the cadre authorities were requested to send the names of eligible Assistants, covered under the zone, thus fixed, for inclusion in the Select List. The Assistants covered within the zone and found fit by the Departmental Promotion Committee were promoted against the then existing seniority quota vacancies in the respective cadres and included in the Select List (SL) of SOs for that year in the respective cadres. The remaining surplus/unadjusted Assistants were included in the central panel maintained by the DoP&T for allocation to other cadres where there was shortfall of vacancies. Accordingly, all such persons who had been included in the central panel were allocated to other cadres strictly in the order of their seniority on All Secretariat basis. Therefore, it so happened that while an Assistant who might be junior as per the CSL was promoted as SO due to the availability of vacancy to retain him/her within his/her cadre, on the other hand, a senior Assistant could not be promoted as SO due to non-availability of sufficient vacancies to retain him/her in his/her own cadre or allocation to other cadres from the central panel. The non-inclusion of 10 officers, who figure in the OM dt. 18.8.2006, in the SL of 1980 were not by mistake/oversight by any authority but as a result of zonal scheme of promotion prevalent at that time.

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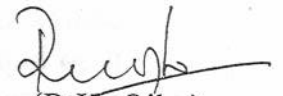
2. Common Seniority List (CSL) of SOs was finalized in 1997 after a protracted litigation culminating in the judgement of Supreme Court dt. 9.5.1997 in SLPs 23423-24 of 1996. The draft CSL, thus prepared, was circulated to all the cadres inviting objections, if any. These officers also had the opportunity for making their objections at that time. Thus, the final CSL was drawn up in compliance with the Supreme Court order dt. 9.5.1997 after disposing of and attending to the relevant objections received then. Any attempt to change the well-settled seniority based on the judgement of the Hon'ble Supreme Court may lead to the contempt of that Court.

3. Some of the similarly placed officials of 1982 and 1983 SL of SOs had filed applications before the Hon'ble CAT, Principal Bench, New Delhi on the same grounds. The Hon'ble CAT dismissed the OA No. 2050/2002 and OA No. 497/2003 vide their order dt 6.11.2003 as they were time barred. Another such OA No. 585/2003 was also dismissed by the Hon'ble CAT, Principal Bench, New Delhi vide their order dt. 31.12.2003 on the same ground.

4. This Deptt. after careful examination of the above facts brought out in the instant case, is of the view that the OMs No. 5/30/88-CS.I dated 14.8.2006 and O.M No.5/9/2006-CS.I dt. 18.8.2006 issued earlier need to be reviewed. Accordingly, after satisfying itself from all administrative & legal grounds, the Competent Authority has decided to rescind OMs No. 5/30/88-CS.I dt. 14.8.2006 & OM No. 5/9/2006-CS.I dated 18.8.2006.

5. The contents of this OM may be brought to the notice of all those who figure in this Department's OM of even No. dt. 18/8/2006 and working in your Ministry/Department. Objections if any may be forwarded to this Department within a period of 15 days, which shall be examined on merits. While forwarding the representation, it may also be confirmed from the affected officers that they had never approached any court of law with regard to this issue of refixation of seniority in the past.

6. This issues with the approval of Secretary (P).



(R.K. Ojha)

Deputy Secretary to the Govt. of India
Tele No. 24629411

To

All officers concerned
All Cadre Controlling Authorities

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