

02
No.5/11/2014-CS.I(U)
Government of India
Ministry of Personnel, Public Grievances & Pension
Department of Personnel & Training

2nd Floor, Lok Nayak Bhavan.
Khan Market, New Delhi.
Dated the 4th December, 2014.

OFFICE MEMORANDUM

Subject: Request for notional fixation of pay in respect of officers included in USSL from 2009 and thereafter - reg.

The undersigned is directed to say that representations have recently been received from serving officers and retired Section Officers of CSS who have been included in Under Secretary Select List (USSL) for the year 2009 and subsequent USSLS for grant of notional promotion and notional fixation of pay from 1st July of the Select List year in which they are included. A list of officers who have made representation for grant of notional promotion/notional fixation of pay is attached.

2. The issue raised in the representations has been examined by CS.I Division, DoPT in consultation with Establishment Division, DoPT who are the nodal Division for DPC related matters. In terms of DOPT's O.M. No. 22011/5/86-Estt(D) dated 10.4.1989 containing consolidated instructions on DPCs read with O.M.No.22011/4/98-Estt.(D) dated 12.10.1998, where the DPC could not be held in an year(s) for reasons beyond the control, the DPC that meets thereafter, retired officials who are within the zone of consideration/panel for that year are also to be considered for inclusion in the panel. This is considered imperative to identify the correct zone of consideration for the relevant years. Names of such retired officials are also to be included in the panel. Such retired officials would, however, have no right for actual promotion as pay and allowances attached to a post is admissible only from the date of assumption of the charge of the post.

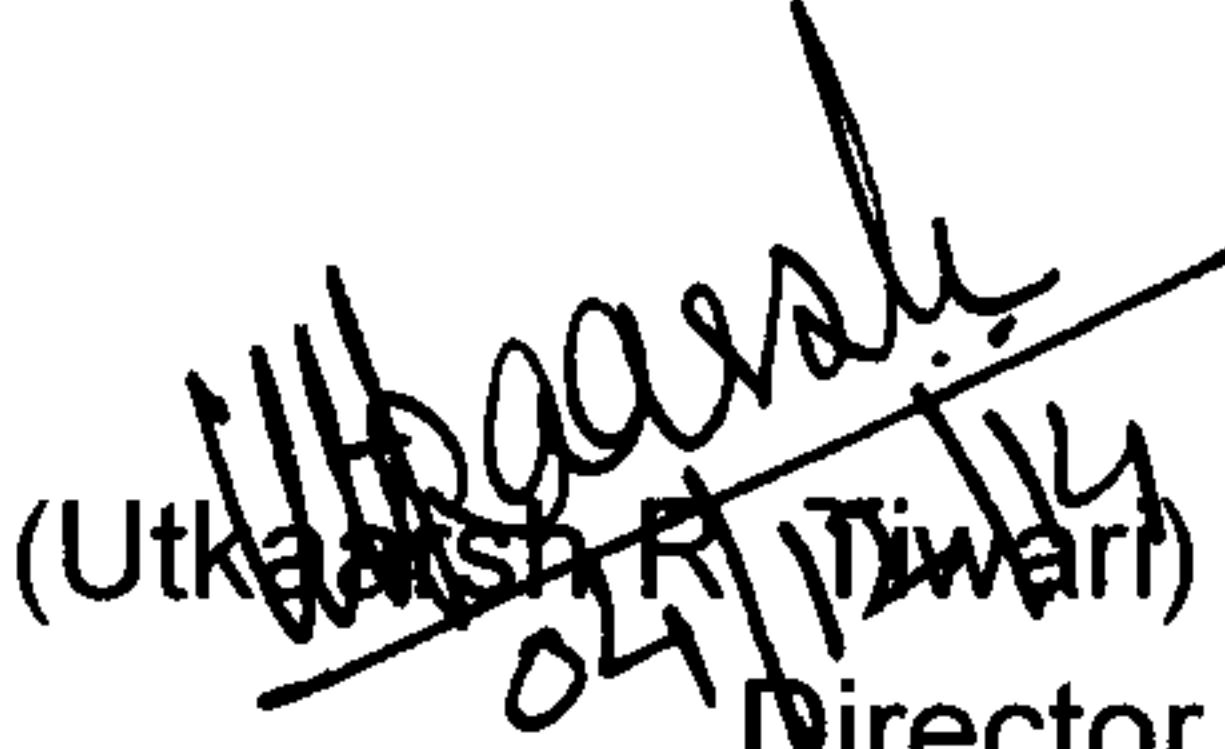
3. This Department had earlier allowed notional fixation of pay on account of inordinate delay in finalization of the panels due to protracted litigation. Subsequently, it was decided not to extend the benefit of notional promotion in any Grade of CSS on the ground of delayed holding of DPC as this is not

provided for in the extant instructions of DoPT. Accordingly, an O.M. No. 5/11/2011-CS.I(U) dated 27.2.2013 was issued for the guidance of all Ministries/ Departments.

4. In most of representations the officers have quoted the judgement of CAT in Shri P.G. Geroge case (O.A. No.1409 of 2009) and related judgements. The Hon'ble CAT (PB), New Delhi vide its judgement dated 22.04.2010 in the aforesaid O.A. observed that if a person junior to a retired employee is promoted with retrospective effect, from a date when the retired employee was also in service, such benefit cannot be denied to the retired employee. The Tribunal directed for grant of notional promotion to the applicants from the date the immediate juniors were promoted. However, in the instant cases, no officer junior to the representationists have been promoted retrospectively and allowed notional fixation of pay and hence their cases are not similar to that of Shri P.G. George case.

5. In view of this, grant of notional promotion and notional pay fixation of pay to serving Under Secretaries and retired Section Officers included in USSL 2009 and subsequent select lists cannot be acceded to as not covered under extant instructions of this Department.

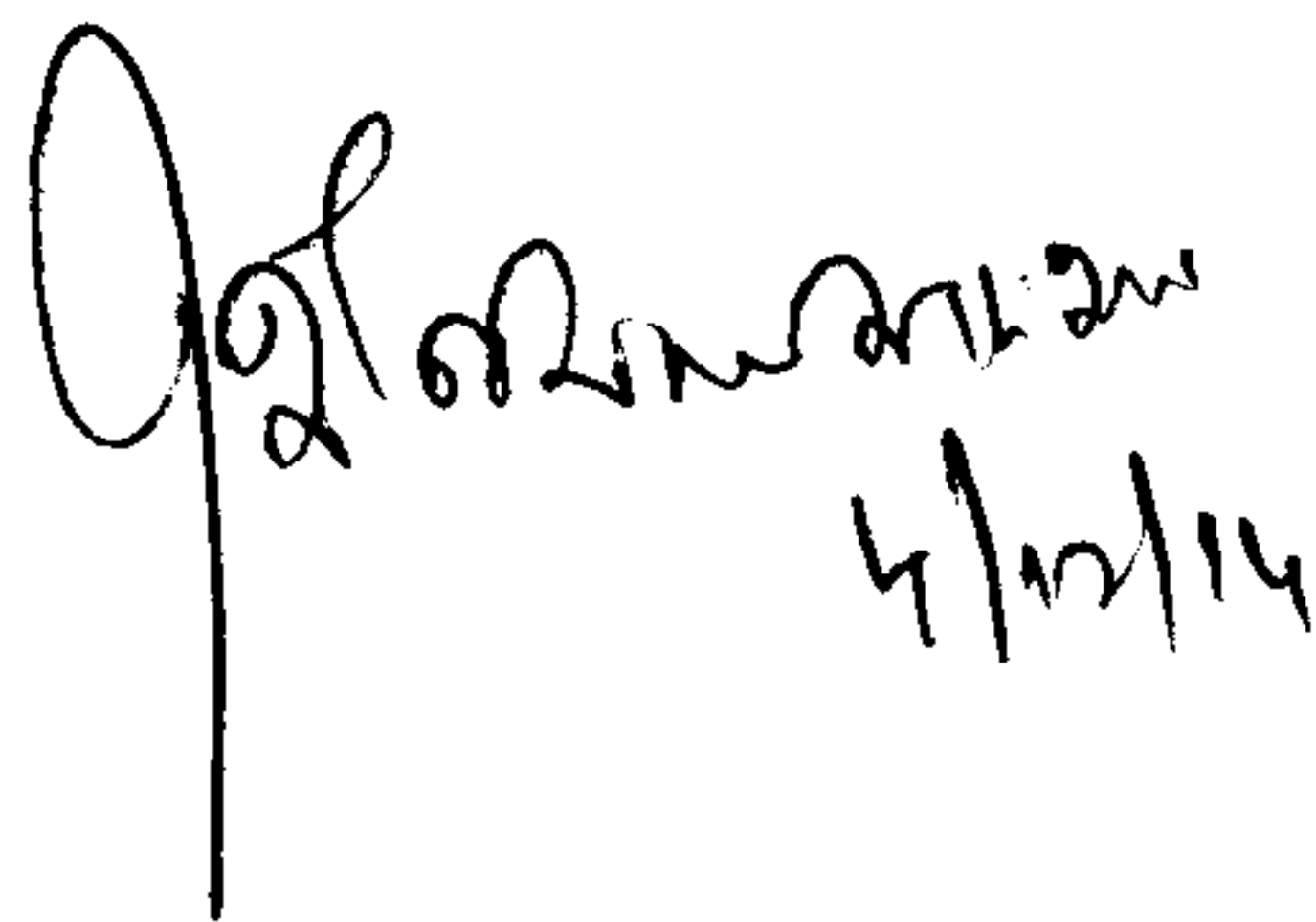
6. Ministries/ Departments are requested to dispose of representations for notional promotion/ notional fixation of pay, if any, received from CSS officers in the light of this O.M.


(Utkarsh R. Tiwari)
Director
Tele:24629411

All Ministries/ Departments

Annexure

S.No.	Name (S/Shri)/Designation	Select List	Remarks
1.	Narendra Singh, Under Secretary	2009	In service
2.	Surendra Singh, Under Secretary	2009	In service
3.	Rajnish Kawatra, Under Secretary	2009	In service
4.	Parveen Dudeja, Under Secretary	2009	In service
5.	Ashok Kumar, Under Secretary	2009	In service
6.	B. Senapati, Under Secretary	2009	In service
7.	Devendra Singh Gaur, Under Secretary	2009	In service
8.	Jitender Malik, Under Secretary	2009	In service
9.	Mrityunjay Jha, Under Secretary	2009	In service
10.	Joseph Antony, Under Secretary	2009	In service
11.	Sarvjit Singh, Under Secretary	2009	In service
12.	Prahlad Chand, Section Officer	2011	Retired
13.	Om Parkash Yadav, Section Officer	2011	Retired
14.	Chakresh Kumar Jain, Section Officer	2012	Retired
15.	Atul Saxena, Section Officer	2012	Retired
16.	R.N.Mishra, Section Officer	2012	Retired
17.	M.T.George, Section Officer	2012	Retired
18.	Sat Pal Budhiraja, Section Officer	2012	Retired
19.	S.L.Aggarwal, Section Officer	2012	Retired
20.	Raj Kumar Khera, Section Officer	2012	Retired


4/12/14