

No. 5/18/2012-CS.I(U)  
Government of India  
Ministry of Personnel, Public Grievances and Pensions  
Department of Personnel and Training  
CS.I Division

2<sup>nd</sup> Floor, Lok Nayak Bhawan,  
Khan Market, New Delhi-110003

Dated the 16<sup>th</sup> April 2014

**OFFICE MEMORANDUM**

**Subject: Extension of CAT's order dated 30.11.2004 in OA No.991/2003 titled 'Vijay Kumar & others vs. Uol & others' - holding of review DPC for the respective USSSLs reg.**

The undersigned is directed to say that in terms of Rule 12(2) of then extant CSS Rules, 1962, eight years approved service in the grade of SO was required for promotion to US grade. However, in terms of third proviso to the said Rule, Section Officers belonging to SC/ST category with four years of approved service should be considered for promotion to the grade of Under Secretary if their juniors were being considered for promotion. This proviso was deleted vide Notification dated 8.3.1999 and thereafter, a uniform eligibility of eight years of approved service in the grade of Section Officer was applicable to all categories.

2. USSSLs from 1987 onwards were in arrears on account of prolonged litigation relating to inter-se seniority in the feeder grade of SO. On conclusion of the litigation, these Select Lists could be brought out in the year 2000 and thereafter only. As at the time of preparation of these USSSLs, the proviso of lesser eligibility service to senior SC/ST officers was deleted, the uniform eight years eligibility service was applied to all categories of officers i.e. amendment to the rules was given effect to USSSLs pertaining to period prior to amendment.

3. Aggrieved by the retrospective effect of Notification deleting the said proviso, Shri Vijay Kumar and four other DR SOs belonging to SC/ST category filed an O.A. No.991/2003 in CAT (PB), New Delhi challenging US SLs 1987 to 1994 that while preparing these Select Lists, DoPT applied amended Rules which was notified on 8.3.1999. The CAT vide their order dated 30.11.2004 directed this Department to prepare revised USSSLs by considering the applicants in accordance with the then extant third proviso which was in force in the relevant time and consider the claims of the applicants in accordance with the law.

4. This Department had filed an appeal against the order of CAT in the High Court of Delhi. There was no stay on the order of CAT dated 30.11.2004. DoPT implemented

the said order of CAT in respect of five applicant DR SOs vide order dated 28.10.2011 by holding review DPC and placed these officers in the respective earlier USSLS in terms of the then extant third proviso to Rule 12(2) of CSS Rules, 1962.

5. Subsequently, the Writ Petition filed by this Department was dismissed by HC, Delhi vide order dated 13.11.2013 and in view of this, order dated 30.11.2004 of CAT has attained finality.

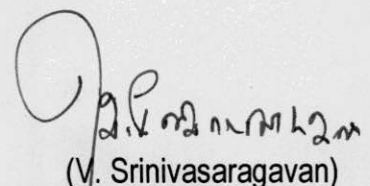
6. There are 27 SC/ST officers who are similarly placed as that of the five DR SOs (Annexure to this OM) who were applicants before CAT. Requests have been received from these officers for extension of benefit of CAT's order to them also as they are similarly placed. OA has also been filed by a few of these officers in CAT. Taking into consideration the facts and circumstances of the issue, it was decided to look into the matter afresh.

7. Extending the benefit to the similarly placed officers will alter USSLS 1991 to 2002 as these 27 SC/ST officers will move upward by a few SLs. Out of the 27 officers in consideration 15 are SC officers and 12 are ST Officers. The number of ST officers included in the respective USSLS was always much less than the number of vacancies earmarked for them for want of eligible officers.

8. Keeping in view the facts and circumstances of the case, MoS (PP) has approved that the order of CAT dated 30.11.2004 be extended to the similarly placed 27 officers (15 SC and 12 ST) who were non-applicants before CAT, PB. MoS (PP) has also approved that the SC officers may be accommodated against unfilled ST vacancies in the respective years.

9. In terms of the approval of MoS (PP), this Department is in the process of convening Review DPC in consultation with UPSC.

10. This OM is issued for information of all concerned.



(V. Srinivasaragavan)

Under Secretary to the Government of India

Tele.: 24629412

To

All concerned (through website of this Department)

S. No.	CSL No.	Name of DR SC/ST SO/ Present Designation / Date of Birth	CAT	DR SO Batch	Approved Service in SO Count from	Present US SL	Name of immediate junior in SO grade with CSL No. and US SL	The earliest USSL in which the DR SO is required to be considered for inclusion
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1.	2513	R.K.Singh, Director (04.04.1955)	SC	1982	1.7.1983	1991	A.L.Takkar (2516)/1989	1989
2.	2518	Ramesh Kumar, Director (24.06.1954)	SC	1982	1.7.1983	1991	Safdar Ameer Siddiqui (2519)/1989	1989
3.	2523	B.B.Samaddar, Director (03.07.1954)	SC	1982	1.7.1983	1992	Baldev Raj Ilamwadi (2524)/1989	1989
4.	2543	LT Tluanga (since ret'd.), Director, (16.12.1952)	ST	1982	1.7.1983	1991	Shankar Banerjee (2545)/1989	1989
5.	2777	Smt. Santosh Kumari, Director, (30.01.1958)	SC	1984	1.7.1985	1993	G.P.Venkatachalam (2778)/1990	1990
6.	2802	S.L.Negi, Director (12.01.1956)	ST	1984	1.7.1985	1993	Gurdial Singh (2803)/1990	1990
7.	2807	B.S.Negi (since ret'd.), Director, (02.10.1952)	ST	1984	1.7.1985	1993	Sudesh Kr (2808)/1990	1990
8.	2913	K.M.Brahme, Director (11.09.1955)	SC	1985	1.7.1986	1994	T.P.Radhakrishnan (2914)/1990	1990
9.	2928	CPS Nonghulo, Director (20.02.1963)	ST	1985	1.7.1986	1994	R.K.Saigal (2929)/1990	1990
10.	2933	Ms.Kimbarang Kipgen, Director, (04.05.1962)	ST	1985	1.7.1986	1994	D.P.Singh (2935)/1990	1990
11.	2979	S.L.Meena, Director (25.01.1960)	ST	1986	1.7.1987	1995	Vimal Kr.Behl (2980)/1990	1990
12.	3116	Sweety Karta Ram, Director, (07.12.1963)	SC	1987	1.7.1988	1996	Lakhi Prasad (3137)/1992	1992



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(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
13.	3121	Visstali Peddanna, Diretor, (12.02.1957)	SC	1987	1.7.1988	1996	Lakhi Prasad (3137)/1992	1992
14.	3126	A. Ashali Chalai, Director (06.02.1965)	ST	1987	1.7.1988	1996	Lakhi Prasad (3137)/1992	1992
15.	3159	Vanraj A. Chavda, Director, (01.06.1959)	SC	1987	1.7.1988	1997	S.P.Suri (3254)/1992	1992
16.	3160	L.K.Meena, Director (26.02.1961)	ST	1987	1.7.1988	1996	S.P.Suri (3254)/1992	1992
17.	3205	Ashok Kumar, Director (09.07.1961)	SC	1988	1.7.1989	1997	Jose Thomes (3450)/1993	1993
18.	3230	Moti Lal, Director (12.12.1961)	SC	1988	1.7.1989	1997	Jose Thomes (3450)/1993	1993
19.	3320	Sagar Chand Mehra, Director, (15.06.1966)	SC	1989	1.7.1990	1998	Km. Rukmani Kurnakaran (3441)/1994	1994
20.	3422	Ms.Margaret Gangte, Director, (14.08.1964)	ST	1990	1.7.1991	1999	Subhash Chander (3597)/1995	1995
21.	3427	Daniel E Richards, Director, (26.10.1965)	ST	1990	1.7.1991	1999	Subhash Chander (3597)/1995	1995
22.	3457	V.Srinivas, Director (27.05.1961)	SC	1990	1.7.1991	1999	Subhash Chander (3597)/1995	1995
23.	3610	Konthang Touthang, Director, (06.06.1966)	ST	1991	1.7.1992	2000	Sewa Ram (3632)/1996	1996

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(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
24.	3640	Surinder Pal Singh, Director, (30.06.1966)	SC	1991	1.7.1992	2000	Darshan Lal (3643)/1996	1996
25.	3918A	Balmiki Prasad, Director (31.08.1962)	SC	1993	1.7.1994	2002	Surender Kr (3991)/1998	1998
26.	3922A	Lucas L Kamsuan, Director, (20.11.1970)	ST	1993	1.7.1994	2002	Surender Kr (3991)/1998	1998
27.	3962A	Rajiv Manjhi, Director (12.09.1968)	SC	1993	1.7.1994	2002	Surender Kr (3991)/1998	1998