

310

No.4/21/2004-CS.I
Government of India
Ministry of Personnel, Public Grievances & Pensions
(Department of Personnel & Training)

1 1 MAR

Lok Nayak Bhavan, Khan Market,
New Delhi, dated the 11th March, 2005.

OFFICE MEMORANDUM

1 1 MAR 2005


Subject:-Implementation of the order dated 6.7.04 of the Central Administrative Tribunal in OA No.686 of 2000 (M.C. Arora & others Vs. Union of India & Others)

The undersigned is directed to refer to this Department's O.M. No.21/48/97-CS.I dated 6.8.99, upgrading 184 posts of Under Secretary to the level of Deputy Secretary and ordering in-situ promotions of officers of Central Secretariat Service (CSS) against the upgraded posts in the order in which they appeared in the Common Seniority List of Section Officers of CSS. A group of Under Secretaries of CSS had challenged before the Central Administrative Tribunal, Principal Bench, New Delhi, the criteria employed by the DoP&T for effecting these in-situ promotions to the posts of Deputy Secretary.

2. The Tribunal in its order dated 6.7.04, in O.A. No.686 of 2000 (M.C. Arora & Others Vs. Union of India & Others) with O.A. No. 1640/2003 (Piara Ram Vs. Union of India & Others), O.A.No.2024/2003 (G.C. Das Vs. Union of India & Others), O.A.No.2046/2003 (Ashok Chakrabati Vs. Union of India & Others), O.A.No.2047/2003 (S.K. Mukherjee Vs. Union of India & Others) and O.A.No.2057/2003 (D.R. Chattopadhyay Vs. Union of India & Others), while quashing the criteria employed for granting personal upgradation to the post of Deputy Secretary on the basis of seniority in the Section Officer's Grade has, inter-alia ordered that monetary benefits should be given to the senior Under Secretaries from the date it has been given to their juniors.

3. In compliance of the above order of the Tribunal it has been decided that all CSS officers who have been appointed as Under Secretary consequent upon their inclusion in the Select List of Grade-I (Under Secretary) of CSS for the years 1991, 1992, 1993, 1994 (issued vide DoP&T O.M.No.4/13/2001-CS.I dated 12.8.2002) and were in service on 9.8.99 shall draw their pay and allowances in the pay scale of Rs.12,000-375-16,500 with effect from 9.8.99 subject to the following:-

- (a) The pay of the officers in the higher scale (Rs.12,000-16,500) will be fixed following the principles spelt out in the DoP&T O.M.No.1/5/97-Estt.(Pay-I) dated 4.8.99.
- (b) The officers concerned will be entitled to draw arrears of pay w.e.f. 9.8.99.


11/8/05

811

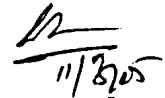
-: 2 :-

- (c) The drawal of pay in the higher scale will not entitle the incumbents to make any claim to seniority in or appointment, whether ad-hoc or regular, to the Selection Grade (Deputy Secretary) of the CSS.
- (d) The officers who were on leave on 9.8.99 shall be entitled to draw pay in the higher scale from the date of their return to duty from leave.
- (e) An officer who ceases to be a member of the CSS will not be entitled to the higher pay scale with effect from the date of such an eventuality.
- (f) An officer who is placed, for any reason, in a rank lower than that of an Under Secretary or its equivalent will not be entitled to the higher pay scale with effect from the date of such an eventuality.
- (g) The provisions of this Department's O.M. No. 21/34/2002-CS.I dated 23.9.2002 shall also be applicable in the case of an officer who is appointed to ex-cadre post on deputation while drawing pay in the higher scale of Rs. 12000-16500.
- (h) The officers to be given the benefit of pay as above should be clear from vigilance angle.

4. The above dispensation is subject to review should, for any reason including a judicial order, the select lists undergo a revision. Further, this dispensation owes itself to the order of the CAT and is, therefore, specific to and exclusively applicable to the CSS officers concerned.

5. This issues in consultation with and the concurrence of the Ministry of Finance (Department of Expenditure) vide their U.O.No.79/2/2005-IC dated 28.2.2005.

6. The Ministries/Departments are requested to take follow up action as indicated above in respect of officers concerned working/posted with them at present or were working/posted with them at the time of their retirement etc., as the case may be.


(Devki Nandan Gupta)

Deputy Secretary to the Govt. of India.

To

All the Ministries/Departments of the Government of India.

