

No.4/24/96-CS.I  
Government of India  
Department of Personnel & Training  
.....

New Delhi, dated the 3rd Dec., 1997

OFFICE MEMORANDUM

Sub: Common Seniority List. (CSL) of Section Officers.  
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The undersigned is directed to refer to this Department's O.M.No.4/24/96-CS.I dated 27.8.97 whereby a draft CSL of Section Officers was prepared in compliance with the Supreme Court's order dated 9.5.97 in SLPs No.23423-24 of 1996. In the said order of the Supreme Court dated 9.5.97 the earlier direction of the CAT, New Delhi, vide their order dated 22.3.95 in OA No.996/1993, 157/1994, 492/1994 and 629/1994 was reversed, to the extent narrated in following para.

2. In the order dated 22.3.95, the CAT, New Delhi, had held inter alia that as there was no specific provision in the CSS Rules for carrying forward of the unfilled vacancies in the direct recruitment quota from year to year during the period prior to 1.7.1984, the vacancies in that quota remaining unfilled were required to be diverted to the other stream i.e. promotee quota during the same recruitment year. Some directly recruited Section Officers, who were applicants in one of the Applications disposed of by the aforesaid order of the CAT, filed SLPs in the Supreme Court against the aforesaid ruling of the CAT. By its order dated 9.5.1997 in the aforesaid appeals, the Supreme Court allowed the petitions and set aside the said ruling of the CAT. In the judgement dated 9.5.1997 the Supreme Court also referred to its earlier judgement dated 13.7.1990 whereby it had specifically ordered that the amendment of CSS Rules, bringing about a limiting provision to the system of unlimited carrying forward of unfilled vacancies in any stream from year to year to a period of

two subsequent recruitment years only, should be made effective from 1.7.1984 instead of 1.7.1985, as originally notified. The Supreme Court also observed that the acceptance of the Tribunal that preceding the date of amendment, the Government was devoid of power to carry forward unfilled vacancies of direct recruits and all these vacancies are meant to be thrown open to promotees is misinterpretation of the rules. The Supreme Court, therefore, directed the Government to redo the CSL as per the law thus laid down by it on 9.5.97.

3. In compliance with the aforesaid order of the Supreme Court dated 9.5.97, first of all, a draft CSL of Section Officers was prepared and circulated through O.M. of even number dated 22.8.97 inviting objections, if any. The objections which have been received were broadly classified as follows:-

(i) Objections relating to the interpretation of the judgement of the Supreme Court dated 9.5.97;

(ii) Objections relating to the methodology of preparing the CSL, independent of the judgement of the Supreme Court dated 9.5.97; and

(iii) Objections relating to factual errors.

4(i). The main contention of those who objected on account of incorrect interpretation of the judgement of the Supreme Court dated 9.5.97 was that while the Supreme Court vide the judgement dated 9.5.97 had overruled the previous ruling of the CAT dated 22.3.95 to the effect that there should be no carrying forward of unfilled vacancies from year to year prior to the year 1984 and that unfilled vacancies in any mode should stand lapsed to the other mode of recruitment in the same year of recruitment, the said judgement of the Supreme Court did not give the direction that carrying forward of unfilled vacancies for the period 1962 to 1984 was without any limitation. In their opinion the Supreme Court in its

judgement dated 9.5.97 had meant to convey that, prior to 1984 also, unfilled vacancies in Direct Recruit quota should have been carried forward to two subsequent recruitment years. In other words, according to them, the Supreme Court meant to say that the amendment to CSS Rules, effected in 1984, whereby the power to carry forward unfilled vacancies in any stream was restricted to two subsequent recruitment years, should be given effect right from the inception of the CSS Rules, i.e. 1962.

The position regarding this objection is that the Supreme Court vide its judgement dated 9.5.97 has upheld the SLP filed by direct recruit Section Officers. In the SLP the DRs had prayed for staying the operation of the impugned judgement and the order dated 22.3.1995 passed by the Central Administrative Tribunal, Principal Bench, New Delhi in Original Application No.629 of 1994 to the extent it has held that prior to 1.7.1984, unfilled vacancies of direct recruits would be diverted to promotees in the very year of the shortfall and order dated 23rd May, 1996 in Review Application No.273 of 1995 during the pendency of the above special leave petition. The SLP was upheld by the Supreme Court and it set aside the order of the Tribunal as challenged by the petitioners.

Therefore, all such objections on grounds of incorrect interpretation of the Supreme Court's order have been found not valid.

4(ii) Regarding the objections relating to the general methodology, mainly arising out of inadequate and full data, it was observed that those were all gone into earlier when the draft CSL was circulated and objections invited in pursuance of the CAT's judgement dated 22.3.1995 were examined. It is a fact that although most of the records were available, some of the records pertaining to the period prior to 1970 and 1974, that were required to prepare a flawless CSL, were not

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available. Therefore, efforts were made at that time to draw up the CSL with 1970 as the base year keeping in view the constraint of non-availability of full records. However, as objections were received at that time also as to why 1970 was taken as the base year the matter was placed before the CAT by the Govt. in a Misc. Petition seeking orders in this regard. The CAT held that non-availability of full records should not stand in the way of the Government from preparing the CSL from the date it should have been prepared as per the CSS Rules. Therefore, the matter was re-examined and a fairly accurate CSL, with 1962 as the base year, could be prepared with the records and data that were available. This was done and the CSL was issued on 15.5.1996. Therefore, these objections are not new. Moreover, the present exercise of redoing the CSL is in pursuance of the Supreme Court's judgement dated 9.5.97, in which only on one aspect has the Supreme Court given direction, and that is relating to the carrying forward of unfilled vacancies from year to year for the period prior to 1984. No other aspect of the CSL issued on 15.5.96 was challenged by any party in the Supreme Court and the Supreme Court has also not commented on any other aspect of the CSL. Therefore, objections against the CSL on grounds which were not covered by the Supreme Court's judgement dated 9.5.97, have not been found valid.

4(iii) The third set of objections related to factual errors. Within the ambit of the judgement of the Supreme Court dated 9.5.97, all factual errors (like incorrect date of birth, incorrect spelling of names/surnames, etc., inter-se seniority between one or two persons in any batch, which were not connected with the general dispute arising out of the rota quota principle) pointed out, were taken note of and corrections made.

5. Thus, after disposing of and attending to some of the relevant objections as mentioned above, the final CSL has been drawn up (copy enclosed). After complying with the Supreme Court's order dated 9.5.97 the salient

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features and the methodology that was finally relied upon in preparing the CSL is mentioned below:-

(i) The CSL has been drawn upon starting from 1.10.1962 - the date from which the CSS Rules, 1962 came into force.

(ii) The Civil List of Section Officers as on 1.10.62, which contains the list of permanent as well as officiating Section Officers of the CSS, has been taken as the starting point. The Section Officers directly recruited upto the recruitment year 1961 are shown in that list. The list also includes all permanent and officiating Section Officers, as on 1.10.1962. The inter-se seniority of permanent SOs in this list stood finalised as on the appointed day, i.e. 1.10.1962 and, therefore, their names have not been brought into the present CSL. The officiating SOs included in the Civil List and those appointed subsequently under the promotion quota have been interpolated with the direct recruit Section Officers appointed after 1961 in accordance with the ratio prescribed under the rules in force during the relevant period.

(iii) To prepare an accurate CSL, information relating to the number of DR officers who joined in various years right from 1962, as well as the particulars of promotee officers who were included in the various select lists from 1962 onwards, was necessary. However, as no CSL of SOs was being prepared earlier and promotion to the grade of Under Secretary was being done by drawing up a common eligibility list of SOs/PSSs from time to time, the select lists for the SOs for the earlier periods, which were not considered as permanent records, were not maintained properly. As a result, when this exercise of preparing the CSL right from 1962 was taken up, the select lists of SOs from 1962 to 1969 were not available. The CAT was approached

mentioning this difficulty and suggesting preparation of the CSL from 1970 instead. The CAT by its order dazed 29.3.96, however, held that non-availability of full records cannot be accepted as a justification for not preparing the CSL for the period prior up to 1970. Therefore, the common eligibility lists of SOs, for the relevant period which were available, were made use of in culling out the particulars of the direct recruit officers appointed and promotee officers included in the select lists for the period 1962 to 1969.

It may be relevant here to point out that the annual administrative reports were also seen to find out whether information available there could be of any use or not. It was found that though the number of direct recruit and promotee Section Officers appointed in various recruitment years was furnished in the same reports, in the annual reports of this Department, the number of vacancies reported for direct recruitment with its break-up into current and backlog elements was not furnished. Consequently, the figures given in the Reports could not be made use of for any further accurate calculation of current vacancies of various years.

(iv) The slots of the promotee officers have been restricted to 4 times the number of DR vacancies for the post-1989 period upto the year 1991.

(v) The names of promotee officers who had retired on superannuation by the time they could be appointed substantively/interpolated with the DRs have been dropped from the CSL. For this, as the DRs take normally one year to join from the date their results are declared, the crucial date has been taken as 1st July of the year after the year in which the results of the Civil Services Examination are declared. For example, a direct recruit of 1980 batch has been taken as substantively joining on 1.7.1981 and, according-ly, on that date, if a

promotee officer had already retired, such promotee officer has not been interpolated with such direct recruit officer and, thus, such promotee officer is not included in the CSL, because the CSL is a list of only such officers who are substantively appointed.

(vi) In accordance with the judgement of the Supreme Court dated 9.5.1997, the unfilled vacancies in DR quota have been allowed to be carried forward from year to year without any limitation till 1983, and accordingly the slots for promotees and direct recruits have undergone a change (compared to the CSL dated 15.5.96), the slots for promotee/DRs which are now calculated for the purpose of this CSL are as under:-

Recruitment Year	Total DR vacancies	Current DR vacancies	No. of DRs who joined	Unfilled DR vacancies	No. of slots for SL appointees
1	2	3	4	5	6
1962	14	14	14	-	42
1963	10	10	07	3	30
1964	13	10	13	-	30
1965	07	07	07	-	21
1966	15	15	06	9	45
1967	17	08	03	14	24
1968	19	05	04	15	15
1969	15	-	04	11	00
1970	56	45	18	38	225
1971	53	15	15	38	75
1972	50	12	20	30	60
1973	44	29	20	09	145
1974	65	29	43	00	145
1975	22	20	12	08	100
1976	47	37	33	04	185
1977	50	39	34	05	195
1978	66	31	38	00	155
1979	66	32	24	08	160
1980	51	23	26	00	115
1981	48	45	19	26	225
1982	84	39	38	01	156
1983	51	34	19	15	136

The slots for promotees for the years 1984 to 1991 are as under:-

Year	DR vacancies current	DR vacancies in third year of brought forward	No. of DR who joined	Slots for SL appointees
1	2	3	4	5
1984	30	-	21	120
1985	18	-	19	72
1986	27	14	15	122
1987	16	07	18	71
1988	20	-	25	80
1989	23	-	13	99
1990	39	-	17	156
1991	45	-	18	180

\*Figures in column 2 & 3 for the years 1963 and 1964 show the total number of DRs who joined/ were assigned seniority in these years including ECOs/SSCOs.

\*Figures in column 2 for total DR vacancies have been taken from UPSC's letter No.F.20/2/95-E.I(B) dated 2.6.1995 and P.9/1/96-E.I(B) dated 4.4.1996.

\*Figures in column 4 for 1974 and onwards have been taken from DR Register, which gives the number of DRs who joined. For 1962-73, their number has been deduced from the relevant eligibility lists prepared for promotion to grade I of CSS as the DR Register or any other authentic document containing the requisite information is not available for this period. The figures for 1973-84 are a little higher (except in 1973 and 1981 when they are equal) than the figures given in the affidavit etc. to the Supreme Court/CAT because that statement was compiled for only 30 out of 33 cadres, whereas the figures above are for 33 cadres, arrived at by applying a correction factor of 33/30.



\*For the period from 1973 onwards, an exercise had been undertaken in 1988 at the time of filing an affidavit before the CAT in Amrit Lal's case and, after referring to the vacancy rosters of 30 out of 33 cadres, a statement giving the DR vacancies from 1973 to 1984 was included in the affidavit. This statement has been relied upon for drawing up the list. However, since the figures were only for 30 cadres, a correction factor of 33/30 has been applied to these figures. Consequently, the figures against column 3 are marginally higher than the ones indicated in the affidavit.

\*Till 1989, the figures in columns 2, 3 and 4 have been taken from the O.M.No.4/28/92-CS.I dated 29.1.1993 vide which the earlier CSL was circulated. However, against column 4 for 1988, the records show 25 names whereas the aforesaid O.M. showed 24. The figure of 25 has been adopted. After 1989, the figures in these columns have been taken from the concerned files.

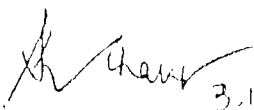
(vii) The inter-se seniority of Direct Recruits (DR) and Departmental Promotees (DPs) has been determined on the basis of their respective quotas, which was 1:3 from 1962 to 1969, 1:5 from 1970 to 9.2.1982 and 1:4 thereafter.

(viii) Since now the unfilled vacancies for DR quota have been allowed to be carried forward from year to year upto 1983, the slots for promotion from 1962 to 1983 have been calculated as follows:-

- From 1962 to 1969:(Current DR vacancies x 3)
- From 1970 to 1981:(Current DR vacancies x 5)
- For 1982 and 1983:(Current DR vacancies x 4)

(ix) After 1.7.84 till 1.7.91, the unfilled DR vacancies have been carried forward for two years and, in the third year, they have been diverted to the promotion quota. If a DR continues to officiate till that time against an unfilled DR vacancy, he has been deemed to be substantively appointed from that later date and has been interpolated with the DRs as such.

4. DRs upto 1991 CSE have been interpolated with the promotees, ending with S.No.3640 in the present CSL. The names of 108 promotees from S.No.3641 upto 3748 will be bunched against the remaining slots earmarked for them against recruitment year 1991. The names of promotees after that till S.No.5600 of the list are provisional as the corresponding direct recruits are yet to be interpolated as per rules.

  
3.12.97  
(S.K.Chakrabarti)  
Director(CS)

To

All Cadre Authorities of CSS.