

New Delhi, the 25th March, 88

CERTAIN MEMORANDUM

Subject:- Revision of guidelines for framing/amendment/
relaxation of recruitment rules- consideration
of seniors in cases where juniors are
considered.

The undersigned is directed to refer to para
3.1.2 of part.III in this Department's O.M. No.
AB 14017/12/87-Estt.(BR) dated 18th March, 1988 wherein
it was suggested that a suitable "Note" may be inserted
in the Recruitment Rules to the effect that seniors
who have completed the probation period may also be
considered for promotion when their juniors who have
completed the requisite service are being considered.

2. In the light of the Supreme Court judgement
in R.Prabha Devi and others versus Government of India
and others in Civil Appeals Nos. 2040-42 of 1987 decided
on March 8, 1988 on the judgement and order dated Feb.
11, 1986 of the Central Administrative Tribunal, New
Delhi and in continuation of O.M. of even No. dated
23.10.1988 Government have decided to amend para 3.1.2
of Part.III in this Department's O.M. No. AB 14017/12/87-
Estt.(BR) dated 18th March, 1988. Accordingly, the
last sentence of para 3.1.2 will stand amended to read
as under:-

"To avoid such a situation the following note
may be inserted below the relevant service rules/column
in the schedule to the Recruitment Rules."


Where juniors who have completed their qualifying/
eligibility service are being considered for promotion,
their seniors would also be considered provided they
are not short of the requisite qualifying /eligibility
service by more than half of such qualifying /eligibility

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service or two years, whichever is less, and have successfully completed their probation period for promotion to the next higher grade alongwith their juniors who have already completed such qualifying/eligibility service."

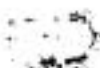
3. Consequently para 3.1.2 of this Department's O.M. No. AB 14012/10/87-Extt(PP) dated the 18th March, 1988 will also be amended with the addition of the following sentence after 2nd sentence of para 3.1.2 *ibid*.

"The administrative Ministries/Departments are also empowered to amend all the service rules/recruitment rules to incorporate the "Note" as amended above."



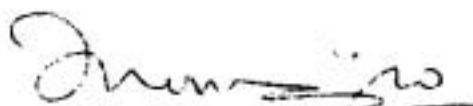
(T.O.Thomas)

Under Secretary to the Government of India

To

All Ministries/Depts. of Govt. of India

Copy to:-

1. Comptroller and Auditor General of India
10, Bahadur Shah Zafar Marg, New Delhi.
2. Union Public Service Commission, Bholpur House, Shahjahan Road, New Delhi with their No. P.1/1/93-S.II dated 27th Nov., 1995. The above decision has been taken with the approval of the competent authority.



(T.O.Thomas)

Under Secretary to the Government of India