

No. 14014/01/2009-AIS(I)
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

New Delhi, the 16th June, 2010

To

The Chief Secretary,
Government of Punjab,
CHANDIGARH.

Subject - Fixation of seniority of Shri J.L. Jain appointed to the IAS against the Review Select List of 1996-97 and downward revision of seniority of S/Shri Kirandeep Singh, Sameer Kumar and Ashok Kumar -

Sir,

I am directed to refer to State Govt's endorsement No. 4/1/2009-IAS (7)/230 dated 9.2.2010 on the subject noted above and to say that Shri Joginder Lal Jain has been appointed to the IAS vide this Department's Order No. 22012/79/2009 -AIS(I)- B dated 15.10. 2009 notionally w.e.f. 4.12.2008 (i.e. the date on which his immediate junior Shri Kirandeep Singh was appointed to the IAS) against the Review Select List of 1996-97 in pursuance of the directions dated 14.7.2009 in O.A. No. 4-CH-2009. The name of Shri J.L. Jain has been included at Sl. No. 3 in the Review Select List of 1996-97. There are three officers namely S/Shri Kirandeep Singh, Sameer Kumar and Ashok Kumar junior to him in the said select list at sl. No. 4, 5 and 6 respectively.

2. The State Govt. of Punjab vide their letter No. 6/43/2007-IAS-7/80 dated 20.1.2009 has conveyed the date of continuous officiation of Shri J.L. Jain in the post of Deputy Collector or equivalent as 24.6.1983. The occurrence of vacancy has been intimated as 30.6.1997 vide State govt. letter No. 6/43/2007-IAS(7)/7142 dated 15.5.2009. The total completed years of service of Shri J.L. Jain in the deputy collector's grade comes out to 14 years. Therefore, he would be entitled for a weightage of minimum of 4 years as per provisions of Rule 3(3)(ii)(a) of the IAS (Regulation of Seniority) Rules, 1987 and assignment of 1993 as his year of allotment.

3. As per the proviso to Rule 3(3)(ii) of the IAS (Regulation of Seniority) Rules, 1987 it is provided that an SCS officer on his appointment to IAS, shall not be assigned a year of allotment earlier than the year of allotment assigned to an officer senior to him in that select list or appointed to the service on the basis of an earlier select list.

4. The aforesaid three officers, namely, S/Shri Kirandeep Singh, Sameer Kumar and Ashok Kumar on their appointment to IAS on the basis of original select list of 1996-97 had been assigned 1992 as their year of allotment. After inclusion of their names in the Review Select List of the said years their entitlement for the same year of allotment of 1992 was worked out and communicated to the State Govt.

5. Now after inclusion of name of Shri J.L. Jain in the Review Select List of 1996-97 above the names of said three officers namely, S/Shri Kirandeep Singh, Sameer Kumar and Ashok Kumar is having the effect of restricting their seniority in terms of proviso ibid to 1993 i.e. the entitlement of the year of allotment of Shri J.L. Jain.

6. As the year of allotment of the aforesaid three officers, namely, S/Shri Kirandeep Singh, Sameer Kumar and Ashok Kumar junior to Shri J.L. Jain would be restricted to that of Shri Jain i.e. 1993 in terms of the proviso ibid entailing downward revision of their year of allotment from 1992 to 1993, these three officers were issued show cause notice proposing as such for their reply within 15 days from the receipt of the notice dated 20.1.2010. Two of them namely, S/Shri Kirandeep Singh and Ashok Kumar vide their identical letters dated 19.2.2010 sought to know the basis of the calculation of year of allotment of Shri Jain. They seem under the impression that since Shri Jain had been placed senior to them in the review select list of 1996-97 his service in the State has been taken prior to 1981 which is the year from which they rendered the service in the SCS. The fact is not borne out from the record as Shri Jain as per the record made available by the State Govt. started officiating in the deputy collector or equivalent post w.e.f. 24.6.1983. It is, therefore, obvious that Shri Jain had superseded these two officers in the review select list of 1996-97. These two officers were vide this Department's letter dated 29.3.2010 were given another opportunity to submit their reply. However, no response from them has been received from them despite passage of nearly 2 ½ months. The third officer Shri Sameer Kumar has submitted a detailed reply dated 17.2.2010 to the show cause notice. In his reply no substantive point has been raised. He has stated inter alia that his seniority fixed earlier cannot be revised after such a long period. He has also stated that since he is senior to Shri Jain in the state service therefore, he is required to be continued with the year of allotment of 1992, which is earlier than the year of allotment of Shri Jain i.e. 1993. The contention is not tenable as after inclusion the name of Shri Jain at Sl. No. 3 in the Review Select List of 1996-97 he has become senior to Shri Sameer Kumar whose name finds place at Sl. No. 5 in the said select list. He has also stated that name of Shri Karam Singh, IAS has not been included in the proposed downward revision of seniority. It has been checked that the name of said Shri Karam Singh does not find place in the Review Select List of 1996-97, therefore, there cannot be any ground for downward revision of his seniority as called by Shri Sameer Kumar. He has also referred to the representation pending with the

State Govt. for revision of his seniority in the State Civil Service. This is the matter concerning the State Govt. and would have hardly any effect even if his representation is accepted by the State Govt.

7. Now after careful consideration of the replies of aforesaid three officers namely S/Shri Kirandeep Singh, Sameer Kumar and Ashok Kumar it has been decided to fix the year of allotment of Shri J.L. Jain at 1993 as per his entitlement taking into account his service rendered in the deputy collector's grade and downward revise the seniority of S/Shri Kirandeep Singh, Sameer Kumar and Ashok Kumar from 1992 to 1993 i.e. restricting their seniority to that of Shri Jain by operation of the proviso to Rule 3(3)(ii) of the IAS (Regulation of Seniority) Rules, 1987.

Yours faithfully,



(R.K. Gupta)

Under Secretary to the Govt. of India
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