

No.14014/20/2005-AIS-I
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel and Training

North Block, New Delhi
Dated 30th August, 2017

ORDER

Whereas, this Department in the wake of Hon'ble High Court of Punjab and Haryana order dated 1.2.2010 in CWP No.15798/2009 in the case of Praveen Kumar, an State Civil Service officer of Punjab cadre Vs Union of India as confirmed by Hon'ble Supreme Court, issued notification dated 18.4.2012 for making amendment in the respective seniority regulations for IAS/IPS/IFoS. These amendments were however made applicable to the Select Lists prepared as per the ratio laid down in the case of Praveen Kumar and accordingly, seniority/year of allotment of the officers included in the said Select Lists were determined as per the amended seniority regulations.

2. Whereas Shri F.R. Jamadar an SCS officer of Karnataka Cadre was appointed by promotion to IAS of Karnataka cadre vide DOPT Notification No14015/02/2010-AIS (I) B dated 14.12.2011 from the Select List of 2009 prepared against the vacancies arisen between 1.1.2009 and 31.12.2009. As per amended seniority regulations, he was assigned 2003 as his seniority/year of allotment in IAS by DOPT order No.14014/04/2007-dated 6.2.2014.

3. Whereas, consequent upon dismissal of SLP No.4930-4931 of 2016 and Review Petition No. 001428 -001429/2017 filed by this Department in the case of F.R. Jamadar and other connected court cases filed by the Ministry of Home Affairs viz. CA No.4419 of 2016 – UOI Vs Kailash Chandra Agarwal & Ors, CA No.8199 of 2016 –UOI Vs Arvind Kumar Sharda & Ors, CA No.8200 of 2016 –UOI Vs Keval Krishna Indoria & Ors, CA No.1396 of 2016 –UOI Vs R.A. Sanjeev and WP (C) No. 301 of 2016 -N.K.S. Chauhan Vs UOI, it has now been decided to apply the amended seniority regulations prospectively i.e. w.e.f. 18.04.2012. Accordingly, seniority/year of allotment of the officers of three All India Services (IAS, IPS and IFoS) appointed during 1.2.2010 to 18.4.2012 from the Select Lists prepared as per ratio laid down in the Praveen Kumar case would need to be re-determined as per the pre-amended Seniority Regulations. Since it will have cascading effect, seniority/year of allotment of the officers appointed by later select lists will also require to be reviewed.

4. Whereas, Select List 2009-A and 2010 in respect of Meghalaya Segment of Joint Assam-Meghalaya Cadre have been prepared during the period from 1.2.2010 to 18.4.2012 as per the ratio laid down in the case of Praveen Kumar.

5. And therefore, the seniority /year of allotment of officers appointed by promotion to IAS of Meghalaya Segment of Joint Assam-Meghalaya Cadre from the said select lists prepared as per ratio laid down in the Praveen Kumar case has been reviewed and re-determined as under:-

Weightage Formula as per pre-amended Seniority Rules is as under:-

Completed years of qualifying service	Weightage in years
12	4
15	5
18	6
21	7
23	8
25	9
27	10(Maximum)



6.

Select List-2009-A

Sl. No.	Name of the Officer (S/Shri)	Date from which holding continuous service in SCS not below the rank of Deputy Collector.	Completed year of service rendered in the rank not below that of Deputy Collector or equivalent upto the 31 st December of the year immediately before the year for which the meeting of the committee to make selection was held to prepare the Select List on the basis of which the said officer(s) were appointed to IAS (Fractions if any, are to be ignored) i.e. 31.12.2008.	Total weightage in years in terms of the IAS (Regulation of Seniority) Rules, 1987 as amended from time to time, till date.	Year of allotment entitled	Name, year of SL and YOA of the officer in PQ (SCS), immediately senior to the one whose name is in column no. 02.	Year of Allotment assigned
1	2	3	4	5	6	7	8
1.	Shri Aldours Mawlong	10.04.1987	21	7	2002	Shri Silvester Kharlyngdoh allotted 2002 batch on the basis of SL of 2008.	2002
2	Shri Peter S. Dkhar	30.03.1987	21	7	2002	As at Sr. No. 1 in col.2	2002

6.1 As per Rule 4 of the IAS (Regulation of Seniority) Rules, 1987, officers at Sl. No. 1 to 2 in the Select List 2009-A shall be placed below Shri Silvester Kharlyngdoh, junior most promotee IAS officer of 2002 batch and above Shri Klasster W. Marbaniang, junior most promotee IAS officer (Non SCS category of SL of 2002 batch) of Meghalaya Cadre.

7.

Select List-2010

Sl. No.	Name of the Officer (S/Shri) (page 112/c)	Date from which holding continuous service in SCS not below the rank of Deputy Collector.	Completed year of service rendered in the rank not below that of Deputy Collector or equivalent upto the 31 st December of the year immediately before the year for which the meeting of the committee to make selection was held to prepare the Select List on the basis of which the said officer(s) were appointed to IAS (Fractions if any, are to be ignored) i.e. 31.12.2009.	Total weightage in years in terms of the IAS (Regulation of Seniority) Rules, 1987 as amended from time to time, till date.	Year of allotment entitled	Name, year of SL and YOA of the officer in PQ (SCS), immediately senior to the one whose name is in column no. 02.	Year of Allotment assigned
1	2	3	4	5	6	7	8
1.	Shri Wilfred Khyllap	30.3.1987	22	7	2003	Shri Peter.S. Dkhar allotted 2002 batch on the basis of SL of 2009-A.	2003

7.1 As per Rule 4 of the IAS (Regulation of Seniority) Rules, 1987, officers at Sl. No1 in the Select List 2010 shall be placed below Dr. Pratibandla Ashok Babu, junior most RR IAS officer of 2003 batch and above Shri Sanjay Goyal, senior most RR IAS officer of 2004 batch of Meghalaya Cadre.

8. This issues in supersession of this Department's order of even number dated 08.10.2012.

9. This is subject to outcome of any court case pending in any court of law.

Ordered accordingly.



(Udai Bhan Singh)

Under Secretary to the Government of India

Tel: 23094142

Copy to:-

1. The Chief Secretary, Government of Meghalaya, Personnel & A.R.(A) Department, Shillong, Meghalaya for onward transmission to the officers concerned. It is also requested that necessary steps may be taken to withdraw all the cases on the similar issue pending in any court of law.
2. Accountant General, Government of Meghalaya, Shillong
2. US(S-II)/AIS (III)
3. EO (PR)/RO (CM)
- ✓ 4. NIC, for uploading on the DOPT's website.