

No. 14014/22/2004-AIS-I
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel and Training

North Block, New Delhi
Dated the 15th February, 2016

ORDER

Whereas, Shri Alok Awasthi a Non State Civil Service officer of Chattisgarh was appointed by selection to IAS, Chattisgarh Cadre from the Select List of 2006, vide notification dated 14.03.2007.

And Whereas, after appointment to IAS, State Government of Chattisgarh vide their letter dated 09.07.2007 forwarded a proposal to this department for fixation of seniority/year of allotment of Shri Awasthi in IAS intimating his date of continuous appointment in the state service in a post equivalent to the post of Deputy Collector as 13.10.1993 in accordance with Regulation 3(3) (ii)(a) & (b) of the IAS (Regulation of Seniority) Rules, 1987.

And Whereas, based upon the above proposal furnished by the State Government of Chattisgarh, fixation of seniority /year of allotment in IAS of Shri Alok Awasthi was computed as 2006, vide this departments order dated 20.07.2007 as under:-

Non SCS category (Select List of 2006)

Sl. No.	Name of the Officer (S/Shri/Smt)	Date from which holding continuous service in a post equivalent to the post of Deputy Collector or higher post.	Completed year of continuous service in the rank of Dy. Collector or higher post in SCS till 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 officers were appointed to IAS (Fractions if any, are to be ignored)	Total weightage in years in terms of the IAS (Regulation of Seniority) Rules, 1987 as amended from time to time.	Year of allotment entitled	Year of Allotment assigned
1	2	3	4	5	6	8
1	Shri Alok Awasthi	13.10.1993	12	4	2002	2002

For the purpose of inter se seniority, Shri Alok Awasthi shall be placed below Dr. Rohit Yadav, IAS (RR: 2002) and below Shri Pradesh Siddhartha Komal, IAS (RR: 2003)."



And Whereas, the State Government of Chattisgarh, vide their letter dated 05.03.2008 forwarded a representation dated 28.07.2007 of Shri Alok Awasthi, requesting counting his services rendered as Assistant Director, Public Relations w.e.f. 05.02.1986 also while computing his seniority in IAS.

And Whereas, the State Government of Chhattisgarh vide this department's letter dated 22.05.2008 were requested to clarify as to whether Shri Awasthi was holding the post of Assistant Director, Public Relation w.e.f. 05.02.1986 and also whether the State Government has recommended that the said post was equivalent to that of Deputy Collector.

And Whereas in response, the State Government of Chattisgarh vide their letter dated 30.06.2008 informed that Shri Awasthi was holding the post of Assistant Director, Public Relation in the pay scale of Rs.8000-13500/- w.e.f. 05.02.1986 and the post of Deputy Director, Public Relation in the pay scale of Rs.10000-15200/- w.e.f. 13.10.1993.

And Whereas, the State Government vide their letter dated 14.10.2011 clarified that they have not retrospectively declared the post of Assistant Director, Public Relation equivalent to the post of Deputy Collector but after having examined Shri Awasthi's representation, decided to accept his contention that the post of Assistant Director, Public Relation be treated as equivalent to the post of Deputy Collector and forwarded his representation to the GOI for decision.

And Whereas, the matter was examined in this Department and it was observed that the State Government's decision to grant benefit to Sh. Alok Awasthi alone and not taking into account, in general, the nature of duties and responsibilities attached with that post was not appropriate. It was also observed that this decision had been taken without taking into account objections / interests of the directly recruited IAS officers of the Cadre whose seniority would be adversely affected. It was accordingly informed to the State Government vide this department's letter dated 14.11.2011 that no change can be affected in the seniority of Sh. Alok Awasthi already fixed by this department's letter dated 20.07.2007 as 2002.

And Whereas, aggrieved by above decision, Shri Alok Awasthi filed OA No. 3834/2010, before the CAT Principal Bench, New Delhi praying that the services rendered by him from 05.02.1986 in the post of Assistant Director, Public Relations should also be taken into account for the purpose of fixation of his year of allotment in IAS.

And whereas, the Hon'ble Tribunal vide its order dated 28.1.2014 directed as under:

"... In the circumstances, the Original Application is disposed of with a direction to the official respondents to verify whether the duty of the Post of Assistant Director, Public Relations was comparable with that of Deputy Collector and whether the service rendered in junior grade i.e. in the pay scale of Rs 8000-13500/- is taken into account for the purpose of giving weightage in fixing the year of allotment of a promotee IAS. They would also ascertain whether any one appointed as IAS in terms of the Indian



Administrative Service (Appointment by Selection) Regulation 1997 is given the benefit of service rendered by him in the pay scale of Rs 8000-13500/- for the purpose of Regulation of 3(3)(ii)(a)(b) of the Indian Administrative Service (Regulation of Seniority) Rules, 1987, even when the duty of the post held by him in the said grade was not comparable with that of Deputy Collector. In case it is found that the service rendered by Promotee in Junior grade of Rs 8000-13500/- is considered equivalent to the rank of Deputy Collector irrespective of the fact that the duty of the post was not comparable with that of Deputy Collector, or it is found that the duty of the post of Assistant Director, Public Relations held by the applicant for the relevant period is comparable with that of Deputy Collector, the official respondent would take into account the service rendered by the applicant from 5.2.1986 to 13.10.1993 for the purpose of fixing his year of allotment in terms of Regulation 3(3) (ii)(a) & (b) of the IAS (Regulation of Seniority) Rules, 1987. No Cost."

And whereas, the Government of Chhattisgarh and Madhya Pradesh (where Shri Awasthi had been posted as Assistant Director Public Relations, were requested to clarify as to whether the post of Assistant Director Public Relations was declared equivalent to the post of Deputy Collector of SCS.

And whereas, in the meanwhile Shri Alok Awasthi filed the Contempt Petition No. 524/2015 in OA No. 3834/2014.

And whereas, the Government of Chhattisgarh and Madhya Pradesh were repeatedly requested to clarify as to whether the notification dated 22.5.2010 could be applied in the case of Shri Awasthi respectively and whether any officer holding the post of Assistant Director Public Relation or other equivalent post in the scale of pay of Rs 8000-13500/-, has been granted benefit of seniority prior to and after the issue of notification. They were also requested to clarify as to whether other officers holding the post of Assistant Director Public Relation or equivalent have been considered at the time of promotion of Shri Alok Awasthi to IAS.

And whereas, the Government of Madhya Pradesh has now intimated that the post of Assistant Director Public Relations has been declared equivalent to the post of Deputy Collector in their State only w.e.f. 22.5.2010 by way of a notification and therefore application of its notification dated 22.5.2010 retrospectively in the case of Shri Awasthi is to be considered at the end of this Department.

And whereas, the State Government of Chhattisgarh has informed that at the time of selection of Shri Alok Awasthi to IAS, the post of Deputy Director, Public Relation was declared to be equivalent to the post of Deputy Collector vide provision of IAS (Appointment by Selection) Regulation, 1997, Rule 3, hence the seniority was declared from the post Deputy Director. Further, the State has never declared the post of Assistant Director as being equivalent to the post of Deputy Collector. Even if, the Government of Madhya Pradesh notification dated 22.5.2010 is taken into consideration, the services rendered by Shri Awasthi as Assistant Director cannot be treated equivalent to the post of Deputy Collector retrospectively. The benefit can accrue only to such non SCS officers of the rank of Assistant Director Public Relation who considered due for promotion to IAS in the year 2010 and beyond. In response to the query whether there have been any cases where benefit of such



seniority has been given to the other officers, the State Government has indicated that no cases of this nature have arisen in that state to date.

Now therefore, in compliance of the order dated 28.1.2014 of Hon'ble CAT Principal Bench in OA No. 3834 of 2014 in the matter of Alok Awasthi Vs Union of India and others, it has been ascertained and verified that service rendered by Shri Alok Awasthi in the post of Assistant Director, Public Relation wef 5.2.1986 to 13.10.1993 cannot be treated as equivalent to be the post of Deputy Collector.

In view of the above facts, the claim of Shri Alok Awasthi to fix his seniority by taking into account the date 05.02.1986 i.e. the date from which he is holding the post of Assistant Director Public Relation is hereby rejected in accordance with the regulation IAS (Regulation of Seniority) Rules, 1987.

Ordered accordingly.


(Parraj Gangwar)
Under Secretary to the Government of India

1. The Chief Secretary, Government of Chhattisgarh, Raipur.
2. The Chief Secretary, Government of Madhya Pradesh, Bhopal.
3. Shri Alok Awasthi, Joint Secretary, Government of Chhattisgarh, D1/1, Government Officers Colony, Devendra Nagar, Raipur-492001.
4. US (S-II)/AIS (III)
5. EO (PR)/RO (CM)
6. NIC, for uploading on the DoPT's website.