

F. No.14014/22/2006-AIS-1
Government of India
Ministry of Personnel, Public Grievances & Pensions
(Department of Personnel & Training)
All India Service Division

New Delhi dated the June 27th, 2013

With reference to State Government of Assam's letter no. AAI.7/2008/358 dated 13th July, 2012, and letter no. AAI.50/2012/114 dated 29th November, 2012, in pursuance of Hon'ble CAT, Guwahati Bench Order dated 09th November, 2012 in O.A. No.124/2012 in the matter of Shri Md. Sohrab Ali & Ors. Vs. UOI & Ors., the question of fixation of seniority/year of allotment of the applicants who were appointed to IAS by promotion from the Select Lists of 2008 vide this Ministry's notification No. 14015/03/2008-AIS(I)-B dated 27.02.2009 and No.14015/03/2008-AIS(I)-B dated 17.06.2009 has been considered. Having considered, the directions of the Hon'ble Tribunal in consultation with the D/o Legal Affairs, the following decision has been taken:-

"A Writ Petition in Guwahati High Court as advised by the D/O Legal Affairs (DOLA) should be filed. It was pointed out that even for RRs in AIS such notional benefits of service from a particular fixed date, irrespective of the actual date of joining are given. In view thereof, it was therefore decided that subject to the outcome of Writ Petition, the CAT order should be complied with to the extent that the notional service of the applicants (limited only to the petitioners in the CAT order) should be counted for calculating the seniority of the applicants and their year of allotment of IAS fixed accordingly. While fixing the seniority, CAT order that "applicants will not get the year of allotment earlier than the year of the allotment assigned to their senior" should be adhered to. Decision to declare a Select List according to the year of vacancy was resultant of decision in Parveen Kumar Case 2010, therefore, that decision cannot be applied retrospectively to this case and that benefit cannot be given."

2. In view of the above decision taken pursuant to the aforesaid directions of the CAT, the seniority/year of allotment of the applicants in the said O.A. namely S/Shri Md. Sohrab Ali, Preetom Saikia, Dilip Borthakur and Anupam Kumar Roy has been computed under Rule 3(3)(ii)



of IAS (Regulation of Seniority), Rules 1987, as amended from time to time. Details are as under:-

Select List of 2008 (Prepared against the vacancies arisen between 01.01.2007 to 31.12.2007)

Sl.No.	Name of the Officer (S/Shri/Smt)	Notional date from which holding rank not below that of Dy Collector in SCS or equivalent	Completed year of notional service rendered in the rank not below that of Dy. Collector in SCS or equivalent till 31 st December of the year immediately prior to the one 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) i.e. 31.12.2007.	Total weightage in years in terms of the IAS (Regulation of Seniority) Rules, 1987 as amended from time to time.	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.	Md. Sohrab Ali	01.01.1983	25	9	1999	Smt. Nilufar Alam Hazarika allotted 1999 batch on the basis of SL of 2007	1999
2.	Preetom Saikia	01.01.1983	25	9	1999	As at Sr. 1 in col. 2	1999
3.	Dilip Borthakur	01.01.1983	25	9	1999	As at Sr. 2 in col. 2	1999
4.	Anupam Kumar Roy	01.01.1983	25	9	1999	As at Sr. 3 in col. 2	1999

3. It has been observed that Shri Sankar Prasad Nandi and Smt. Rwititica Das Kalita were above the aforesaid 4 officers in the same Select List that i.e. SL of 2008 and based on their continuous appointment in the post of Dy. Collector w.e.f. 01.06.1983 have been assigned year of allotment of 2000 vide order dated 10.08.2009. Therefore, pursuant to above directions while assigning the year of allotment of 1999 to the above 4 officers, who are junior to Shri Sankar Prasad Nandi and Smt. Rwititica Das Kalita, it has been decided to assign 1999 batch to Shri Sankar Prasad Nandi and Smt. Rwititica Das Kalita also.


4. As per Rule 4 of the IAS (Regulation of Seniority) Rules, 1987, six (06) officers who have been appointed to IAS on the basis of SL of 2008 viz Shri Sankar Prasad Nandi and Smt. Rwititica Das Kalita, Md. Sohrab Ali, Preetom Saikia, Dilip Borthakur and Anupam Kumar Roy shall be placed ad seriatim enblock below Ms Nilufar Alam Hazarika, IAS the junior most promotee IAS officer (SCS) of 1999 batch and above Shri K.L.Tariang, the only promotee IAS officer(Non-SCS) of 1999 batch of Assam-Meghalaya joint cadre.

5. This order would be subject to outcome of W.P. to be filed by DOPT against CAT order dated 9th November, 2012 in O.A. No.124/2012.

K. S. Das

This order supersedes earlier orders of even number dated 10th August 2009 and 20th August 2009.

7. The order may be conveyed to the concerned officers.


(S.S. SHUKLA)

Under Secretary to the Government of India

Copy to:-

1. The Chief Secretary, Government of Assam, Dispur with 06 spare copies for onward transmission to the officer concerned.
2. The Chief Secretary, Government of Assam, Dispur.
3. The Accountant General, Assam, Dispur.
4. US(S-I)/AIS (III)/EO (PR)/RO (CM)/NIC/ Guard File.


(S.S. SHUKLA)

Under Secretary to the Government of India