

No.14014/2/2012-AIS-I
Government of India
Ministry of Personnel, Public Grievances and Pension
Department of Personnel and Training

North Block, New Delhi
Dated the 15th January 2013

ORDER

Whereas, Shri B.R. Verma, an SCS officer of Himachal Pradesh was appointed to IAS on promotion vide this department's notification dated 24.10.2003 on the basis of inclusion of his name in the select list of 2003;

Whereas, the Government of Himachal Pradesh vide their letter dated 27.6.2003 had inter-alia informed that the date of continuous appointment of Shri Verma in the State Civil Service not below the rank of Deputy Collector or equivalent was 6th January 1981 and had requested DOPT to fix seniority /year of allotment of Shri Verma also alongwith other appointed to IAS on the basis of Select list of 2003;

Whereas, the seniority /year of allotment of promotee IAS officers is governed by the Rule 3(3) (ii) of IAS (Regulation of Seniority) Rules, 1987 as amended from time to time which reads as under:-

(3)(ii) The year of allotment of a promotee officer shall be determined with reference to the [year for which] the meeting of the Committee to make selection, to prepare the Select List on the basis of which he was appointed to the Service, was held and with regard to the continuous service rendered by him in the State Civil Service not below the rank of a Deputy Collector or equivalent , upto the 31st day of 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 he was appointed to the Service, in the following manner:-

(a) for the service rendered by him upto twenty one years, he shall be given a weightage of one year for every completed three years of service, subject to a minimum of four years:

(b) He shall also be given a weightage of one year for every completed two years of service beyond the period of twenty one years, referred to in sub-clause (a), subject to a maximum of three years.

Explanation: For the purpose of calculation of weightage under this clause, fractions, if any, are to be ignored.



Provided that he 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.

Whereas, this department under Rule 3(3)(ii) of IAS (Regulation of Seniority) Rules, 1987 and other relevant rules computed the year of allotment of Shri Verma as under and vide order dated 16.2.2004 had assigned him year allotment 1996:-

Select list year 2003

Name (Shri)	Date of Appointment to IAS	Date of appointment to SCS in the post of Deputy Collector or equivalent	Completed years of service till 31.12.2002	Weightage admissible	Year entitled	YOA assigned
B.R. Verma	24.10.2003	06.01.1981	21	7	1996	1996

Whereas, subsequently while considering the representation of another promotee IAS officer of HP viz Shri Mohan Chahaun the State Government clarified that the actual date of appointment of Shri Verma in SCS in the post of Deputy Collector or equivalent was 1.8.1985 and the earlier date informed by them i.e. 6.1.1981 was his notional date of appointment;

Whereas, it was observed that year of allotment of Shri Verma was determined as 1996 erroneously on the basis his notional date of appointment in State Civil Service as against continuous service required under above mentioned rules, due to faulty proposal sent by the State Government;

Whereas, in view of the above, bonafide error crept in fixation of year of allotment of Shri Verma this department re-calculated the year of allotment on the basis of actual date of appointment i.e. 1.8.1985, as under and vide letter dated 14.2.2011 revised his year of allotment to 1998 from 1996:-

Name (Shri)	Date of Appointment to IAS	Date of appointment to SCS in the post of Deputy Collector or equivalent	Completed years of service till 31.12.2002	Weightage admissible	Year entitled	YOA assigned
B.R. Verma	24.10.2003	06.01.1985	17	5	1998	1998

Whereas, aggrieved by the revised year of allotment to 1998 from 1996 Shri Verma had filed the OA No. 131/HP/2011 before Hon'ble CAT, Chandigarh Bench contending that in past in the cases of many ex-service men officers such as S/Shri H.S. Atwal, H.L. Nausad, K.C. Verma, S.S. Chandel, N.C. Sood, K.S. Narang, J.P. Singh, Subhash Mehta and M.L. Sharma, benefit of notional services had been given by DOPT right from 1974 for the purpose of fixation of seniority/year of allotment;



Whereas, the Hon'ble Tribunal observed that the applicant Shri B.R. Verma had made precise averments in the course of Para 5(vi) of the OA that the grant of benefit of notional service had been indeed extended to a large number of similar circumstance officers from the Ex-servicemen category whose names had been indicated in the course of action. The Tribunal have further observed that in response to those averments the respondent number 1 i.e. DOPT had replied as under:-

"Those cases are very old but it has been possible to lay hands upon a few of them..... The matter is being checked from the State Government In case it comes to the notice that while calculating their seniority also, some notional service was taken account, further necessary action will be taken by this respondent in their cases also, as taken in the case of applicant herein."

Whereas, having considered the matter the Hon'ble Tribunal vide its order dated 20.7.2012 allowed the OA with following directions:-


"We would allow this OA and invalidate the impugned order Annexure-1. The applicant is held entitled to whatever service-related benefit may have come to be denied to him on account of change of year of slot."

Whereas, the order of the Hon'ble Tribunal has been examined in consultation with Department of Legal Affairs and it has been decided to implement the same.

Now, therefore, in pursuance of aforementioned order of Hon'ble Tribunal seniority /year of allotment of 1996 to Shri B.R. Verma fixed vide DOPT's letter of even number dated 16th February 2004 is restored.

This supersedes the letter of DOPT dated 14th February 2011.


(By and in the name of President of India)


(S.S. Shukla)

Under Secretary to the Government of India

1. The Chief Secretary, Government of Himachal Pradesh, Shimla.
2. Establishment Officer & Additional Secretary
3. Shri B.R. Verma, through Chief Secretary, Government of Himachal Pradesh, Shimla.
4. Joint Secretary (SM-I)
5. Internal Distribution: NIC/ US (S.I)/RO (CM)/US(S-III)/Guard File.

✓ for website.


(S.S. Shukla)

Under Secretary to the Government of India