

No. 14014/4/2012-AIS-I  
Government of India  
Ministry of Personnel, Public Grievances and Pensions  
Department of Personnel and Training

North Block, New Delhi  
Dated the 20<sup>th</sup> January 2014

**ORDER**

Whereas S/Shri Vijay Kumar Singh and Dharmeshwar Thakur were appointed to IAS on promotion from State Civil Service vide notification dated 10<sup>th</sup> October 2011 on the basis of inclusion of their names in the select list of 2006A prepared against the vacancies for the year of 2006;

and whereas having regard to their date of continuous appointment to the post of Deputy Collector or equivalent as furnished by Government of Bihar they were given weightage of 9 years for the purpose of fixation of seniority in IAS and were assigned year of allotment of 1997;

and whereas aggrieved by year of allotment of 1997 the above officers had filed OA No. 835/2012 stating that 10 SCS officers of 1978 batch were appointed to IAS on the basis of select list of 2006 were permitted weightage of 10 years and assigned year of allotment of 1996 in IAS;

and whereas they had further contended that they should also be assigned weightage of 10 years as was granted to their batch-mates appointed to IAS on the basis of select list of 2006;

and whereas Hon'ble Tribunal vide its order dated 4.10.2012 has disposed of the OA with the following directions:-

"Considering the submissions made by the parties, we dispose of this OA without expressing any opinion on the merit of the case, with a direction to respondent no. 3 namely Secretary, Department of Personnel, Government of India, New Delhi to consider the representations of the applicants treating this OA as additional representation, and decide the matter by passing a reasoned and speaking order, probably before the retirement of applicant no. 1 but not later than one month from the communication of this order.

The applicants are also directed to submit a copy of this order alongwith copy of their representations and the copy of this OA to respondent no. 3 within a period of one week from the date of receipt of this order. No costs. "



and whereas a copy of the said order has been received alongwith notice of contempt only on 2.1.2014.

and whereas in pursuance of directions of the Hon'ble Tribunal, the contentions of the above officers made in the OA have been considered and it has been observed that in pursuance of Punjab and Haryana High Court order dated 1.2.2010, and confirmed by Hon'ble Supreme Court vide order dated 31.5.2010 select lists came to be preponed by a year coinciding with the year of the occurrence of the vacancies;

and whereas due to preponement of select list by one year and weightage formula prevailing prior to decision of High Court/Supreme Court Praveen Kumar's case, the officers came to get additional year in their year of allotment in IAS which was neither the subject matter of the petition before Punjab and Haryana High Court/Supreme Court nor the same was granted by the Hon'ble High Court/Supreme Court;

and whereas in order to ensure that judgment in Praveen Kumar case the promotee IAS officers do not get additional year in their year of allotment in IAS vis-à-vis their seniors appointed on the basis of earlier select list(s) and direct recruits, in consultation with other CCAs viz MHA, M/o EF, State Governments, Department of Legal Affairs, it was decided to suitably amend the provisions of regulations of seniority rules with the approval of the competent authority.

and whereas notification in this regard was issued on 18.4.2004 with stipulation with the same would be applied for the purpose of fixation of seniority in respect of all those select lists which are prepared in accordance with the ratio laid down by Punjab and Haryana High Court and Supreme Court in the matter of Praveen.

and whereas in this case, select list of 2006A was prepared in accordance with the ration laid down in Praveen Kumar case meaning thereby it was styled with the year coinciding year of occurrence in vacancies and accordingly the officers who were appointed to IAS on the basis of this select list have been given weightage in accordance with amended rules.

and whereas, in case of the officers appointed to IAS on the basis of Select List of 2006 is concerned it has been observed that said select list was prepared against the vacancies of 2005 and thus not styled coinciding with the year of occurrence of vacancies.



and whereas in respect of officers appointed to IAS on the basis of select list of 2006 weightage was duly calculated in accordance with seniority rules prior to 18.4.2012. Whereas S/Shri Vijay Kumar Singh and Dharmeshwar Thakur have been appointed to IAS on the basis of inclusion of their names in the select list of 2006A prepared against vacancies of 2006, the ratio laid down in Praveen Kumar's case. However, the said officers have got the same year of allotment in IAS, what they would have got in prior to Praveen Kumar Case, as would be evident from the following table:-

**Fixation of seniority /year of allotment as per pre-amended Rules**

**Select list of 2007 as per pre-amended Rules(Against the vacancies of 2006)**

Sl.No.	Name of the Officer (S/Shri/Smt)	Date from which holding rank not below that of Dy Collector in SCS or equivalent	Year of select list	Completed year of service rendered in the rank not below that of Dy. Collector in SCS or equivalent till 31 <sup>st</sup> December of the previous 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) i.e. on 31.12.2006.	Total weightage in years in terms of the IAS (Regulation of Seniority) Rules, 1987 before amendment dated 18.4.2012.	Year of allotment entitled (2007-10=1997)	Year of Allotment assigned
1.	Vijay Kumar Singh	19.8.1978	2007	28	10	1997	1997
2.	Dharmeshwar Thakur	21.8.1978	2007	28	10	1997	1997

**Fixation of seniority /year of allotment as per amended Rules**

**Select list of 2006-A as per amended Rules**

Sl.No.	Name of the Officer (S/Shri/Smt)	Date from which holding rank not below that of Dy Collector in SCS or equivalent	Year of select list	Completed year of service rendered in the rank not below that of Dy. Collector in SCS or equivalent till 31 <sup>st</sup> December of the previous 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) i.e. on 31.12.2009.	Total weightage in years in terms of the IAS (Regulation of Seniority) Rules, 1987 before amendment dated 18.4.2012.	Year of allotment entitled (2006-9=1997)	Year of Allotment assigned
1.	Vijay Kumar Singh	19.8.1978	2006A	28	9	1997	1997
2.	Dharmeshwar Thakur	21.8.1978	2006A	28	9	1997	1997

and now therefore, in view of the above, the contention of the above officers has not been found to be acceptable and the representation is rejected by the Competent Authority.

  
(S.S. Shukla)

Under Secretary to the Government of India

1. The Chief Secretary, Government of Bihar for onward transmission to the officer concerned.
2. The Accountant General, Bihar, Patna.
3. US (S-I)/AIS (III)/EO (PR)/RO (CM)/ Guard File.
4. ✓ NIC, for uploading on the Ministry's website.