

Government of Himachal Pradesh  
Department of Personnel  
Appointment-II

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No. 1-9/73-DP (Apptt.II.) Vol-II Dated Shimla-2, the

16 May, 2014

**OFFICE MEMORANDUM**

In continuation to this Department Office Memorandum No. 1-9/73-DP (Apptt.II), dated 07-10-1986, the undersigned is directed to send herewith a copy of the Government of India, Ministry of Personnel, Public Grievance & Pension Department of Personnel & Training, New Delhi's Office Memorandum No. 20011/1/2012-Estt. (D), dated 4<sup>th</sup> March, 2014, on the subject cited above whereunder the Government of India has slightly revised instructions regarding determination of inter se seniority of direct recruits and promotees in pursuance of Hon'ble Supreme Court of India Judgment on 27-11-2012 in Civil Appeal No. 7515/2005 in the case of N.R Parmar versus UOI & Ors.

The revised instructions of the Government of India as contained in the enclosed O.M referred to above are hereby adopted in the State of Himachal Pradesh and will be applicable to the employees of this State with immediate effect. However, O.M. No. 20011/1/2006-Estt. (D), dated 3-3-2008, O.M. No. 22011/9/98-Estt. (D), dated 8-9-98 and O.M. No. 22011/S/86-Estt. (D), dated April 10, 1989 of the Government of India have not been adopted in the State of Himachal Pradesh previously, thus, these are not applicable to the employees of this State. The cases of seniority already settled with reference to the applicable interpretation of the term available as contained in the Government of India, DoPT O.M. dated 07-02-1986, adopted by this Department vide O.M. dated 07-10-1986, shall not be re-opened.

  
(S.K.B.S Negi)

Principal Secretary (Personnel) to the  
Government of Himachal Pradesh.  
Tel. NO. 0177-2621897

To

- 1 All the Administrative Secretaries to the Government of Himachal Pradesh.
- 2 All Heads of Departments in Himachal Pradesh.
- 3 The Registrar, H.P. High Court, Shimla-171001.
- 4 The Divisional Commissioners, Shimla, Kangra and Mandi.
- 5 All the Deputy Commissioners in Himachal Pradesh.
- 6 All the Superintendents of Police in Himachal Pradesh.
- 7 All the Managing Directors/Registrars/Secretaries of the Boards, Corporations/University Public Sector Undertakings/Autonomous Bodies/Commissions and Authorities in Himachal Pradesh.
- 8 The Secretary, Himachal Pradesh Public Service Commission, Shimla-2.
- 9 The Secretary, Himachal Pradesh Subordinate Service Selection Board, Hamirpur.
- 10 Guard file.

**No. 20011/1/2012-Estt. (D)**  
**Government of India**  
**Ministry of Personnel, Public Grievances & Pension**  
**Department of Personnel & Training**

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North Block, New Delhi,  
Dated the 4<sup>th</sup> March, 2014

**OFFICE MEMORANDUM**

**Subject: Inter se seniority of direct recruits and promotees - instructions thereof**

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The undersigned is directed to refer to the subject mentioned above and to say that the fundamental principles of inter se seniority of direct recruits and promotees in Central Civil Services/posts were laid down in the Department of Personnel & Training (DOPT) O.M. No. 9/11/55-RPS dated 29.12.1959 which provided, inter alia, that the relative seniority of direct recruits and of promotees shall be determined according to the rotation of vacancies between direct recruits and promotees, which shall be based on the quotas of vacancies reserved for direct recruitment and promotion respectively, in the Recruitment Rules.

2. The carrying forward of unfilled slots of a vacancy year, for being filled up by direct recruits of later years, was dispensed with through modified instructions contained in DoPT O.M. No.35014/2/80-Estt.(D) dated 7.2.1986 which provides that rotation of quotas for purpose of determining seniority would take place only to the extent of the available direct recruits and the promotees. The unfilled direct recruitment/promotion quota vacancies would be carried forward and added to the corresponding direct recruitment/promotion quota vacancies of the next year (and to subsequent years where necessary) for taking action for the total number of direct recruitment/promotion according to the usual practice. Thereafter, in that year, while seniority will be determined between direct recruits and promotees, to the extent of the number of vacancies for direct recruits and promotees, as determined according to the quota for that year, the additional direct recruits/promotees selected against the carried forward vacancies of the previous year, would be placed en-bloc below the last promotee/direct recruit, as the case may be, in the seniority list, based on the rotation of vacancies for that year.

3. All the existing instructions on seniority were consolidated by DoPT through a single O.M. No. 22011/7/86-Estt(D) dated 03.07.1986.

4. In view of divergent stance taken by different Ministries/Departments on interpretation of 'available direct recruits and promotees' in the context of OM dated 7.2.86, the DoPT had issued O.M. No. 20011/1/2006-Estt.(D) dated 3.3.2008 which provided that the actual year of appointment, both in the case of direct

recruits and promotees, would be reckoned as the year of availability for the purpose of rotation and fixation of inter se seniority.

5. The matter has been examined in pursuance of Hon'ble Supreme Court Judgment on 27.11.2012, in Civil Appeal No. 7514-7515/2005 in the case of N.R. Parmar vs. UOI & Ors in consultation with the Department of Legal Affairs and it has been decided, that the manner of determination of inter-se-seniority of direct recruits and promotes would be as under:

- a) DoPT OM No. 20011/1/2006-Estt.(D) dated 3.3.2008 is treated as non-existent/withdrawn *ab initio*;
- b) The rotation of quota based on the available direct recruits and promotees appointed against the vacancies of a Recruitment Year, as provided in DOPT O.M. dated 7.2.1986/3.07.1986, would continue to operate for determination of *inter se* seniority between direct recruits and promotees;
- c) The available direct recruits and promotees, for assignment of *inter se* seniority, would refer to the direct recruits and promotees who are appointed against the vacancies of a Recruitment Year;
- d) Recruitment Year would be the year of initiating the recruitment process against a vacancy year;
- e) Initiation of recruitment process against a vacancy year would be the date of sending of requisition for filling up of vacancies to the recruiting agency in the case of direct recruits; in the case of promotees the date on which a proposal, complete in all respects, is sent to UPSC/Chairman-DPC for convening of DPC to fill up the vacancies through promotion would be the relevant date.
- f) The initiation of recruitment process for any of the modes viz. direct recruitment or promotion would be deemed to be the initiation of recruitment process for the other mode as well;
- g) Carry forward of vacancies against direct recruitment or promotion quota would be determined from the appointments made against the first attempt for filling up of the vacancies for a Recruitment Year;
- h) The above principles for determination of *inter se* seniority of direct recruits and promotees would be effective from 27.11.2012, the date of Supreme Court Judgment in Civil Appeal No. 7514-7515/2005 in the case of N.R. Parmar Vs. UOI & Ors

- i) The cases of seniority already settled with reference to the applicable interpretation of the term availability, as contained in DoPT O.M. dated 7.2.86/3.7.86 may not be reopened.

7. As the conferment of seniority would be against the Recruitment Year in which the recruitment process is initiated for filling up of the vacancies, it is incumbent upon all administrative authorities to ensure that the recruitment process is initiated during the vacancy year itself. While requisition for filling up the vacancies for direct recruitment should be sent to the recruiting agency, complete in all respects, during the vacancy year itself, the timelines specified in the Model Calendar for DPCs contained in DoPT O.M. No.22011/9/98-Estt(D) dated 8.9.98 and the Consolidated Instructions on DPCs contained in O.M. No.22011/S/86-Estt(D) dated April 10, 1989 should be scrupulously adhered to, for filling up the vacancies against promotion quota.



(Mukta Goel)  
Director

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All Ministries/Departments of the Government of India

Copy to:-

1. The President's Secretariat, New Delhi.
2. The Vice-President's Sectt, New Delhi
3. The Prime Minister's Office, New Delhi.
4. The Cabinet Secretariat, New Delhi.
5. The Rajya Sabha Secretariat, New Delhi.
6. The Lok Sabha Secretariat, New Delhi.
7. The Comptroller and Audit General of India, New Delhi.
8. The Secretary, Union Public Service Commission, New Delhi
9. The Secretary, Staff Selection Commission, New Delhi.
10. All attached offices under the Ministry of Personnel, Public Grievances and Pensions.
11. All Officers and Sections in the Department of Personnel and Training.
12. Establishment(D) Section, DoP&T (10 copies)
13. NIC for updation on the website.



(Mukta Goel)  
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