

LOK SABHA SECRETARIAT

PARLIAMENT HOUSE ANNEXE,
NEW DELHI - 110001.

Dated the 20th December, 2003
Agrahayana 29,1925 (Saka)

RECRUITMENT AND CONDITIONS OF SERVICE ORDERS **ORDER NO. PDA-1076/2003**

**Subject: Regulation of seniority of officers of the
Lok Sabha Secretariat.**

In exercise of the powers conferred by Rule 23 of the Lok Sabha Secretariat (Recruitment and Conditions of Service) Rules, 1955, the Speaker hereby makes the following order for determining the seniority of officers appointed/promoted to posts/grades in the Secretariat :-

ORDER

1. Short title and Commencement

1.1 This Order may be called the Lok Sabha Secretariat (Regulation of Seniority of Officers) Order, 2003.

1.2 It shall be deemed to have come into force with effect from 15th October, 1998.

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2. Direct Recruits

2.1 The relative seniority of all direct recruits shall be determined by the order of merit in which they are selected for such appointment if they join their duties within one month from the date of offer of appointment, subject to the provisions in Clauses 2.2 to 2.6 of this Order. Persons appointed from an earlier selection shall rank senior to those appointed as a result of a subsequent selection.

Provided that the reserve panel/select list of persons kept in the order of merit shall be treated as separate from the original panel/select list if the same is operated in exigencies for vacancies arising after the results are declared. The seniority of such persons appointed from the reserve panel/select list shall be determined with reference to their order of merit in the reserve panel/select list without regard to the seniority obtained in the original panel/select list.

Provided further that where persons recruited initially on temporary basis are confirmed subsequently in an order different from the order of merit indicated at the time of their appointment, seniority would be determined by the order indicated at the time of initial appointment and not according to the date of confirmation.

2.2 In the offer of appointment, it shall be clearly indicated that the offer would lapse if the candidate does not join within a specified period not exceeding one month.

2.3 If, however, within the period stipulated, a request is received from the candidates for extension of time, it may be considered by the Secretariat and an extension for a limited period may be granted but the total period granted including the extension during which the offer of appointment will be kept open, shall not ordinarily exceed a period of six months. The seniority of such candidates who join within the extended time shall be determined with reference to the date of joining *i.e.* the candidates joining earlier will rank senior to those joining later, unless the Secretary-General directs otherwise in exceptional circumstances. If two or more than two such candidates join on the same date, their *inter-se* seniority shall be determined on the basis of their merit obtained in the competitive examination.

2.4 If even after the extension(s), if any, granted by the Secretariat, a candidate does not join within the stipulated period (which shall not exceed six months), the offer of appointment shall lapse.

2.5 An offer of appointment which has lapsed, shall not ordinarily be revived later, except in exceptional circumstances and on grounds of public interest.

2.6 In a case where the offer of appointment is revived after it had lapsed, the seniority of the candidates concerned shall be fixed below those who have already joined the posts concerned within the prescribed period of six months, and if the candidate joins before the candidates of the next selection examination join, he shall be placed below all others of his batch. If, however, the candidate joins after some candidates of the next selection examination have joined, he shall be placed below such candidates of the next batch who have already joined before him.

3. Promotees

3.1.1 Where promotions are made on the basis of selection by a Departmental Promotion Committee (DPC), the seniority of such promotees shall be in the order in which they are recommended for such promotion by the Committee as per the guidelines/instructions issued by the Speaker from time to time.

3.1.2 Where, however, a person is considered unfit for promotion and is superseded by a junior, such person shall not, if he is subsequently found suitable and promoted, take seniority in the higher grade over the junior person who had superseded him.

3.1.3 A person belonging to the Scheduled Caste or the Scheduled Tribe promoted to an immediate higher post/grade against a reserved vacancy earlier than his senior General/OBC person who is promoted later to the said immediate higher post/grade, shall retain his seniority over such person belonging to General/OBC category. In other words, persons belonging to General/OBC category promoted later will be placed junior to the Scheduled Caste or the Scheduled Tribe persons promoted earlier even though by virtue of the rule of reservation.

3.2.1 Where promotions to a grade/post are made from more than one grade/post and separate quotas have been fixed for each of the feeder grade/post, the names of eligible persons shall be arranged in separate lists in the order of their relative seniority in their respective grade(s)/post(s). Thereafter, the DPC shall select persons for promotion from each list upto the prescribed quota and arrange all the persons selected from different lists in a consolidated list with reference to their date of eligibility in the respective feeder grade/post, maintaining their *inter-se* seniority in the respective grade(s)/post(s).

Provided that where the date of eligibility of two or more persons is the same, their *inter-se* seniority shall be determined with reference to their age *i.e.* the person older in age shall rank senior to the person younger in age.

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3.2.2 Where no quota has been earmarked for feeder grades/posts individually and where qualifying service has been prescribed with reference to one condition only, a consolidated common seniority list of persons from all the feeder grades/posts will be placed before the DPC. A combined seniority list of eligible persons shall be drawn up with reference to the date from which they became/become eligible for consideration for selection for promotion after rendering prescribed qualifying service in the feeder grade/post, maintaining their *inter-se* seniority in the respective grade/post.

Provided that where the date of eligibility of two or more persons is the same, their *inter-se* seniority shall be determined with reference to their age *i.e.* the person older in age shall rank senior to the person younger in age. '

3.2.3 Where separate quotas have not been fixed for each of the feeder grade/post and where qualifying service has been prescribed with reference to more than one condition, the order of eligibility of the persons for consideration for promotion shall be arranged with reference to the dates of their appointments in the respective feeder grade(s)/post(s) maintaining their *inter-se* seniority in their respective grade(s)/post(s).

Provided that where the date of the eligibility of two or more persons on the basis of their appointments in the respective feeder grade(s)/post(s) is the same, their *inter-se* seniority for consideration for promotion shall be determined with reference to

the order of their eligibility determined on the basis of second condition *i.e.* the condition prescribed other than the period of qualifying service as laid down in the feeder grade/post.

Provided further that where the date of eligibility of two or more persons determined on the basis of both the conditions of eligibility is the same, their *inter-se* seniority for consideration for promotion shall be determined with reference to their age *i.e.* the person older in age shall rank senior to the person younger in age.

4. Relative seniority of Promotees and Direct Recruits

4.1 The relative seniority of promotees and of direct recruits shall be determined according to the rotation of vacancies between promotees and direct recruits which shall be based on the quotas of vacancies reserved for promotion and direct recruitment respectively in the Recruitment Rules.

Illustration : Where 75% of the vacancies are reserved for promotion and 25% for direct recruitment, each direct recruit shall be ranked in seniority below 3 promotees. Where the quota are 50% each, every direct recruit shall be ranked below a promotee. If for any reason, a direct recruit or a promotee ceases to hold the appointment in the grade, the seniority list shall not be rearranged merely for the purpose of ensuring the proportion referred to above.

Clarification :- Subject to the provisions in Clause 2 of this Order, the rotation of vacancies between promotees and direct recruits shall also be with reference to the respective panel / select list available for the year and in such cases, the year in which the first

appointment/recruitment is made from the panel/select list will be the year (i.e. recruitment year) for purpose of reckoning *inter-se* seniority of the promotees or the direct recruits, as the case may be.

4.2 If adequate number of direct recruits do not become available in any particular year, rotation of quotas for the purpose of determining seniority would take place only to the extent of the available direct recruits and the promotees.

4.3 In other words, to the extent direct recruits are not available, the promotees will be bunched together at the bottom of the seniority list below the last position up to which it is possible to determine seniority, on the basis of rotation of quotas with reference to the actual number of direct recruits who become available. The unfilled direct recruitment quota of vacancies would, however, be carried forward and added to the corresponding direct recruitment vacancies of the next year (and to subsequent years where necessary) for taking action for direct recruitment for the total number according to the usual practice. Thereafter in that year while seniority will be determined between promotees and direct recruits, to the extent of the number of vacancies for promotees and direct recruits as determined according to the quota for that year, the additional direct recruits selected against the carried forward vacancies of the previous year would be placed *en bloc* below the last promotee or direct recruit, as the case may be, in the seniority list based on the rotation of vacancies for that year. The same principle holds good for determining seniority in the event of carry forward, if any, of direct recruitment or promotion quota vacancies, as the case may be, in the subsequent year.

Illustration: Where the Recruitment Rules provide 50% of the vacancies of a grade to be filled by promotion and the remaining 50% by direct recruitment, and assuming there are 10 vacancies in the grade arising in each of the years 2001 & 2002 and that 2 vacancies intended for direct recruitment remain unfilled during 2001 and they could be filled during 2002, the seniority position of the promotees and direct recruits of these two years will be as under:-

<u>2001</u>	<u>2002</u>
1. PI	9. PI
2. D1	10. D1
3. P2	11. P2
4. D2	12. D2
5. P3	13. P3
6. D3	14. D3
7. P4	15. P4
8. P5	16. D4
	17. P5
	18. D5
	19. D6
	20. D7

[Note : P-Promotion
D-Direct Recruitment]

4.4 Where appointments are effected against specific quota on the basis of competitive departmental examination either within promotion quota or direct recruitment quota as per the Recruitment Rules, the relative seniority of such appointees shall

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be determined according to the rotation of the vacancies which shall be based on the quotas reserved for promotion, competitive departmental examination and direct recruitment, as the case may be, in the Recruitment Rules.

Illustration : Where the Recruitment Rules provide 50% of the vacancies of a grade / post to be filled by promotion, 25% by competitive departmental examination against promotion quota and the remaining 25% by direct recruitment and assuming that there are 8 vacancies in the grade say during the year 2002, the *inter-se* seniority of the appointees against the prescribed quota during the year will be as under :-

- | | |
|---------|---------|
| 1. PI | 5. P3 |
| 2. P2 | 6. P4 |
| 3. DCE1 | 7. DCE2 |
| 4. D1 | 8. D2 |

[Note : P-Promotion
D-Direct Recruitment
DCE-Departmental Competitive Examination]

5. **Seniority of persons appointed on permanent transfer basis**

5.1 The relative seniority of persons appointed by permanent transfer in the Secretariat shall be determined in accordance with the order of their selection for such transfer.

5.2 Where such transfers are effected against specific quotas prescribed in the Recruitment Rules, the relative seniority of such transferees *vis-à-vis* direct recruits or promotees shall be determined according to the rotation of vacancies which shall be based on the quotas reserved for promotion, direct recruitment and permanent transfer respectively in the Recruitment Rules. Where the vacancies in any quota(s) are carried forward, the provisions in Clauses 4.2 and 4.3 will apply, *mutatis mutandis* in determining *inter-se* seniority of the appointees.

5.3 In the case of a person who is initially taken on deputation on a grade/post and absorbed later in that grade/post, his seniority in the grade/post in which he is absorbed will be counted from the date of his initial appointment in that grade/post on which he is absorbed later.

5.4 The fixation of seniority of a transferee in accordance with the above principle will not, however, affect any regular promotions to the next higher grade/post made prior to the date of such absorption. In other words, it will be operative only in filling up of vacancies in higher grade/post taking place after such absorption.

5.5 In cases in which transfers are not in public interest, the transferred persons will be placed below all persons appointed regularly to the grade/post on the date of absorption.

6. **Ad-hoc appointees**

Persons appointed on *ad-hoc* basis on a grade/post are to be replaced by persons approved for regular appointment by direct recruitment, promotion or transfer, as the case may be. Until they are replaced, such persons will be shown in the order of their *ad-hoc* appointment and below all persons regularly appointed to the grade/post. The seniority list should clearly show that such a person appointed on *ad-hoc* basis is not eligible for promotion or confirmation. If at any stage an *ad-hoc* appointee gets regularised in the same grade/post, the seniority of such a person will count from the date of regularisation subject to the provisions in Clause 4.

7. **Fixation of seniority of a person reverted to a lower grade/post as a measure of penalty and subsequently promoted to a higher grade/post**

7.1 In cases where a person is reduced to a lower grade/post or to a lower time scale, the order imposing the penalty of reduction to a lower grade/post to a lower time scale may or may not specify the period of reduction. Where the order does not specify the period of reduction and there is coupled with it an order declaring the person permanently unfit for promotion, the question of re-promotion will, obviously, not arise. In other cases, where the period of reduction is not specified, the person should be deemed to be reduced for an indefinite period *i.e.* such date as,

on the basis of his performance subsequent to the order of reduction, he may be considered fit for promotion. On re-promotion, the seniority of such a person should be determined from the date of promotion. In all such cases, the person loses his original seniority in the higher grade/post in entirety. On re-promotion, the seniority of such a person shall be determined from the date of re-promotion without regard to the service rendered by him in such grade/post prior to his reduction.

7.2 An order imposing the penalty of reduction to a lower grade/post shall invariably specify:-

- (i) the period of reduction, unless the clear intention is that the reduction should be permanent or for an indefinite period;
- (ii) whether on such re-promotion, the person will regain his original seniority in the higher grade or post or higher time-scale which had been assigned to him prior to the imposition of penalty.

7.3 In cases where the reduction is for a specified period and is not to operate to postpone future increments, the seniority of the person may, unless the terms of the order of punishment provide otherwise, be fixed in the higher grade or post or the higher time-scale at what it would have been but for his reduction.

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7.4 Where the reduction is for a specified period and is to operate to postpone future increments, the seniority of the person on re-promotion may, unless the terms of the order of punishment provide otherwise, be fixed by giving credit for the period of service rendered by him in the higher grade or post or higher time-scale.

7.5 If the order of reduction is intended for an indefinite period, the order shall be framed as follows:-

"A is reduced to the lower post/ grade of X until he is found fit by the competent authority to be restored to higher post/grade of Y."

7.6 In cases where it is intended that the fitness of the person for re-promotion or restoration to his original position will be considered only after a specified period, the order should be made in the following form:-

"A is reduced to the lower post/grade of X until he is found fit, after a period of_____years from the date of this order, to be restored to the higher post of Y."

8. Seniority of a person under suspension, and of persons against whom enquiries are pending

8.1 A person under suspension, who on conclusion of the departmental proceedings against him, is completely exonerated, the suspension being held to be wholly unjustified, should be promoted in the first vacancy that could be made available for the purpose and his seniority in the next higher grade/post fixed as if he had been promoted in accordance with his position in the select list.

8.2 In such a case, the period during which a person junior to the suspended person concerned was promoted to the higher grade/post shall be reckoned towards the minimum period of service prescribed for purpose of eligibility for promotion to the highdr grade/post.

9. Seniority of permanent employees on reversion to the original post

Seniority of permanent employees of the Secretariat who apply in response to advertisements or circulation of vacancies, for posts in -

- (i) public sector undertakings, whether incorporated or not, which are wholly or substantially owned by the Government of India or the State Governments or in Autonomous Semi-Government Organisations, or

- (ii) other Government Departments/Offices or deputation abroad,

are entitled, in the event of reversion to the Lok Sabha Secretariat within the specified period, to the original seniority in the grade/post, from which they proceeded on foreign service/deputation to the public sector undertakings and autonomous bodies/deputation to other posts under Government or deputation abroad, as the case may be.

10. Determination of seniority of re-employed persons for promotion and confirmation

10.1 The question of determination of seniority of re-employed persons shall arise only in cases where the persons are re-employed before they attain the age of normal superannuation. Persons who are re-employed after normal age of superannuation shall not form part of the cadre at all and would be treated like contractual appointees. Consequently, they can neither be confirmed in the grade/post in which they are re-employed nor promoted to a higher grade/post. They may, if the Recruitment Rules permit, and in the exigencies of public service, be appointed to a higher grade/post again as freshly re-employed persons.

10.2 Persons re-employed after they had retired/been discharged, whether from Defence or Civil employment prior to the attainment

of the age of superannuation under the civil rules, will, if appointed in the Lok Sabha Secretariat under the provisions of the Recruitment Rules applicable to direct recruits, be treated as direct recruits and their seniority in the grade/post fixed accordingly.

11. Determination of seniority of persons appointed on compassionate grounds

Persons who are appointed on compassionate grounds as per the provisions of the Recruitment Rules applicable to direct recruits, shall be treated as direct recruits and their seniority in the grade/post shall be fixed accordingly. If such a person who is appointed to a grade/post subject to qualifying such test(s)/examination(s), as may be stipulated in his offer of appointment and/or orders of his appointment, the seniority shall be reckoned from the date he qualifies such test(s)/examination(s). If two or more than two such persons happen to qualify such test(s)/examination(s) on the same date, their *inter-se* seniority shall be determined on the basis of date of appointment in the grade/post provided they qualify the said test(s)/examination(s) within the prescribed period. Further, if the date of appointment of such persons in the grade/post happens to be the same, their *inter-se* seniority shall be determined on the basis of their age, *i.e.* the person older in age shall rank senior to the person younger in age.

12. Determination of seniority of persons selected for appointment to different disciplines in the same grade/post requiring different qualifications

In cases where persons are selected on the basis of competitive examination held by this Secretariat for appointment to different disciplines in the same grade/post with different qualifications (e.g.: posts of Parliamentary Interpreter Grade II in Tamil, Oriya, Malayalam etc. or posts of Personal Assistant, Stenographer or Junior Parliamentary Reporter in Hindi and English, etc.), the seniority of persons appointed to such grades/posts shall be determined on the following principles :-

- (i) Persons appointed as a result of an earlier selection shall rank senior to persons appointed as a result of subsequent selection.
- (ii) Where the date of two or more selections is the same, the *inter-se* seniority of the persons placed on these panels shall be determined in the order in which their names appear in the consolidated order of merit accorded in the recruitment process; and
- (iii) If two or more persons were accorded same merit position in the consolidated list, the seniority shall be reckoned with reference to their age *i.e.* the person older in age shall rank senior to the person younger in age.

While determining the seniority of such persons, the relevant provisions in Clauses 2 and 4 will also be observed, wherever applicable.

13. Gradation list

13.1 A gradation list consisting of officers in various grades/posts in the Organized Services of the Secretariat arranged in the order of seniority in accordance with this Order shall be prepared and circulated to all Officers/Branches. The names of the deputationists/*ad-hoc* appointees shall be shown separately under each grade/post with reference to their date(s) of appointment in the Secretariat.

13.2 The Secretary-General by order, from time to time, may prescribe the form in which such list or lists shall be issued and the period after which a list may be reviewed.

14. Interpretation

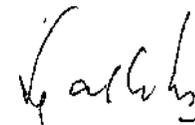
If any question arises in regard to the interpretation and/or inadequacies in this Order, the decision of the Secretary-General shall be final.

15. Cases of seniority already determined prior to the commencement of this Order will not be re-opened. However, all previous cases will continue to be determined on the basis of the principles which existed prior to the date of commencement of this Order.

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16. Repeal and Saving

Subject to provisions in Clause 15 above, R&CS Order No. 44 dated 09.03.1956 as amended vide R&CS Order No. 72 dated 04.07.1956, R&CS Order No. 150 dated 10.05.1957, Clause 4 of R&CS Order No. PDA-11/63 dated 29.05.1963, R&CS Order No. PDA-159/69 dated 30.06.1969, R&CS Order No. PDA-832/93 dated 09.02.1993 R&CS Order No. PDA-938/97 dated 11.09.1997 and other relevant orders issued on the subject stand superseded.



(G.C. MALHOTRA)
SECRETARY GENERAL
(F.No.24/1/94/AN-I)

To

All Officers.

All Branches (AN-I - 50 copies).