

Guidelines for determining inter-se seniority

2137. SHRI RAMDAS AGARWAL: Will the PRIME MINISTER be pleased to state:

- (a) the rules/guidelines for determining the inter-se seniority of direct recruits and promotees in section officer grade in CSS;
- (b) whether direct recruit Section Officers are getting promotion as Under Secretary on their completing the prescribed 8 years services whereas promotees with 17 years of service could get only *insitu* promotions last year;
- (c) the factual position in respect of part (b) for the last three years;
- (d) whether Government view it as a discrepancy; and
- (e) if so, the corrective steps proposed?

THE MINISTER OF STATE OF DEPARTMENT OF PERSONNEL AND TRAINING AND DEPARTMENT OF PENSION AND PENSIONERS' WELFARE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS (SHRIMATI VASUNDHARA RAJE): (a) According to the relevant provisions of the Central Secretariat Service (CSS) Rules, 1962 and Regulations issued thereunder (as they stood immediately prior to 24.2.1999), the direct recruit Section Officers and the Section Officers who were promoted to the grade on regular basis against substantive vacancies were assigned *inter-se* seniority according to the quotas of substantive vacancies in the grade reserved for direct recruitment and promotion respectively.

(b) to (d) Owing to the protracted litigation in the CAT, Principal Bench, New Delhi as well as in the Supreme Court on *inter-se* seniority of direct recruits and promotee Section Officers, panels of CSS officers for promotion to the grade of Under Secretaries could not be finalised after 1986. Pursuant to the Supreme Court's order dated 20.9.1991, Section Officers were given *ad-hoc* promotions to the Under Secretaries grade on a centralised basis in December, 1991/January, 1992 and onwards. Following the Supreme Court's order dated 9.5.97, a Common Seniority List (CSL) of Section

Officers was issued on 3.12.1997. Subsequently, orders were issued in September, 1998 and August, 1999 to upgrade 'temporarily' a specified number of posts (915 in two batches) of Desk Officers⁷ Section Officers to the level of Under Secretaries for giving upgradations on a *ptxsonaVm-situ* basis to the eligible officers (having minimum prescribed 8 years service as Section Officer) as one-time measure. The direct recruits who are always appointed against substantive vacancies are assigned *inter-se* seniority with the promotees appointed against their quota of substantive vacancies prior to which they (promotees) might have rendered a number of years of service against temporary vacancies. This period of temporary service does not qualify for seniority.

The validity of the aforesaid CSL was challenged before the CAT in the matter of Amrit Lai & Ors. The CAT by its order dated 26.10.99 dismissed the case. The applicant filed a SLP No. 17952000 before, the Hon'ble Supreme Court. By its order 11.2.2000, the Hon'ble Supreme Court ordered that the SLP be treated as interlocutory application seeking clarification of its order dated 9.8.97 cited above. Accordingly, the CSL became *sub-judice*.

(e) Does not arise.

Officers imprisoned for contempt of court

2138. SHRI SATISH PRADHAN: Will the PRIME MINISTER be pleased to state:

(a) the details of Central Government, Semi Government (Central), PUC officers who have been sent to jail for contempt of court during last year; and

(b) what action Government propose to take in the matter?

THE MINISTER OF STATE OF DEPARTMENT OF PERSONNEL AND TRAINING AND DEPARTMENT OF PENSION AND PENSIONERS' WELFARE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS (SHRIMATI VASUNDHARA RAJE): (a) and (b) Information relating to officers who have been sent to jail for contempt of court is not centrally maintained. It is for the concerned disciplinary authorities to take appropriate departmental action against the