

No. 23011/7/2011-Ad.II
Government of India
Ministry of Corporate Affairs

Shastri Bhawan, New Delhi

Dated: 10th February, 2015

OFFICE MEMORANDUM

Sub: Revised (recasted) provisional seniority list as on 01.01.2013 of officers of Junior Time Scale (JTS) in the Indian Corporate Law Service (ICLS).

Vide this Ministry's OM of even No. dated 10.10.2014, a Provisional Seniority List of officers of Junior Time Scale in the Indian Corporate Law Service (ICLS) as on 01.01.2013 was issued. A large no. of representations were received from JTS Officers on the revised provisional seniority list drawn as on 01.01.2013. In most of the representation received, JTS officers has requested that in view of DoPT OM no. 20011/1/2012-Estt. (D) dated 4th March 2014 on the issue of seniority based on Supreme Court guideline, the Provisional Seniority List need to be revised considering instruction given in said DoPT OM. The said OM provide that all the existing instructions on seniority were consolidated by DoPT through a single OM dated 07.02.1986/ 03.07.1986 and treating OM dated 03.03.2008 as non-existent/ withdrawn *ab initio*.

2. DoPT OM dated 07.02.1986 inter-alia stipulates that the unfilled DR Quota 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 direct recruits and promotes, to the extent of the number of vacancies for direct recruits and promotes 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 promote (or direct recruitments as the case may be).

3. The vacancies under Direct Quota occurred during 2001-02 to 2003-04 and reported to UPSC on 20th October 2005 has been treated as carry forwarded vacancies for the vacancy year 2005-06 and selected officers has been placed below the last promoted officer recommended by UPSC against vacancy year of 2004-05. Accordingly, Seniority of officers at Sl.No.3 to 14 has been fixed.

4. Sl. No. 15.16 and 17 were selected for vacancy year 2006-07 and No Direct Recruitment vacancies during the year.

5. Seniority of Sl. No. 18 to 29 were fixed on the basis of rotation of quota of vacancies during the vacancy year 2007-08.

6. After November 2008, ICLS officers in JTS grade (DR) were recruited through CSE. First vacancies for CSE 2009 were reported in 2008 and these vacancies were confirmed to UPSC in January 2010. Hence inter-se seniority of officers selected through CSE 2009 were fixed with the promotee officers of vacancy year 2009-10. This inter-se seniority is continued in respect of officers recruited through CSE 2010 and CSE 2011 also.

7. Based on the above criteria, it was reconsidered in the light of DoPT OM dated 07.02.1986/ 03.07.1986 and also enquired the practices in other Ministry and decided to issue revised (recast) provisional seniority list as on 01.01.2013. Seniority list of JTS has been re-casted accordingly and being circulated.

8. The list may be circulated among all concerned officers under your administrative control. All concerned may go through it and send their comments/objections, if any, to Admn. -II section, Ministry of Corporate Affairs within 10 days from receipt of this OM.


(RAKESH KUMAR)

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To

1. All RDs --- for circulation.
2. Secretary, CLB --- for circulation.
3. Director, SFIO --- for circulation.
4. Officers Concerned posted in Hqrs.
5. E-gov. Cell for uploading on MCA website (Employee corner – under Seniority.)