

**No. A-23011/02/2016-Ad.II**  
**Government of India**  
**Ministry of Corporate Affairs**

Shastri Bhawan, New Delhi  
Dated: 13<sup>th</sup> May, 2016

**OFFICE MEMORANDUM**

**Sub: Seniority list of officers of Senior Time Scale (STS) in the Indian Corporate Law Service (ICLS) as on 01.04.2016.**

A seniority list of STS level officers of Indian Corporate Law Service (ICLS) as on 01.01.2013 was issued on 08.08.2013 in continuation of the provisional seniority list issued on 04.02.2013. This was based on the instructions contained in DOPT's OM dated 03.03.2008. However, in pursuance of Hon'ble Supreme Court judgement on 27.11.2012 in Civil Appeal No.7514-7515/2005 in the case of N.R. Parmar Vs UOI & Ors., DOPT has issued an OM dated 4<sup>th</sup> March, 2014 stating, inter alia, that its OM dated 03.03.2008 is to be treated as non-existent/withdrawn ab initio and that all existing instructions on seniority were consolidated by DOPT through its OM dated 03.07.1986 which need to be followed for determination of inter se seniority of Direct Recruits and Departmental Promotees against the vacancies of a recruitment years. Now, therefore, the Seniority List of STS level officers of ICLS as on 01.04.2015 is being issued in terms of DOPT's instructions contained in its OM dated 03.07.1986.

2. In this background, representation from a STS level officer as given below have been received on the issue of fixation of inter-se seniority between DPs and DRs and the same have been examined as per the extant instructions of DOPT and the relevant records and are hereby disposed of as follows.

**Representation dated 19.01.2016 and 07.12.2015 of Sh. Manoj Kumar Sahu, STS officer of ICLS:**

3. Sh. M.K. Sahu in his representation requested for revision of his placement in seniority list of STS Officers of ICLS. He has stated that seniority lists of STS grade with effect from financial year 2008, 2009 & 2010 needs to be corrected based on DOPT OM no. 20011/1/2012 Estt. (D) dated 04.03.2014 and his seniority may be fixed accordingly.

4. Sh. Sahu mentioned that DOPT vide OM no. 20011/1/2012- Estt.-(D) dated 04.03.2014 has treated its OM dated 03.03.2008 on inter-se seniority of DP & DR as non-existent/ withdrawn ab-initio in view of the Apex court's judgement on 27.11.2012 in Civil Appeal No. 7514-7515/2005 in the case of N.R. Parmar Vs UOI & Ors. He states that the Seniority list of STS grade officers needs review by Ministry on similar lines as done in

Seniority list of JAG officers of ICLS as on 01.04.2015 circulated vide this Ministry's OM dated 02.12.2015.

5. Sh. Sahu states that the *inter se* seniority of DPs and DRs of STS level officers appointed in the year 2008, 2009, 2010 has been fixed in terms of DoPT's OM dated 03.03.2008. Consequent upon the withdrawal of this OM by DoPT, seniority of DR Officers like him should be considered against the year of sending the requisition to UPSC. Accordingly, he has requested to re-verification of his seniority for his further promotion to JAG.

3. Since earlier seniority were issued based on DoPT OM dated 03.03.2008, the *inter se* seniority of STS officers of ICLS as on 1.4.2016 is determined on the basis of factual position and extant instructions of DOPT as given below.

- (i) It is seen that the *inter se* seniority of DPs and DRs of STS level officers of ICLS appointed up to the year 2007 has not been disputed as the same has been finalized before the issue of DOPT's OM dated 3.3.2008.
- (ii) In the seniority list of STS grade as on 01.01.2009 which was prepared immediately after merger of two branches of the then CCLS i.e. Accounts and Legal Branch, seniority of officers in this list are placed by interpolation of officers from the STS seniority lists of two branches of the service as on 01.01.2008 before notification of ICLS rules, 2008 and it appear to be drawn on the basis of OM dated 07.02.1986/03.07.1986. However, the placement of DR Officers in the bottom of these list apparently reflect the feature of DoPT OM dated 03.03.2008. This is because the seniority list has been prepared by placing STS officers based on the year of availability which is taken as the actual year of appointment (rather than the Panel Year recommended by DPC) in case of DP officers and the year of appointment in case of DR officers. Since DOPT vide OM no. 20011/1/2012-Estt.-(D) dated 04.03.2014 has treated its OM dated 03.03.2008 as non-existent/withdrawn ab-initio, therefore, the seniority list prepared based on OM dated 03.03.2008 needs to be reviewed. In order to understand the case properly, details of occurrence of vacancies and sending requisition for DR posts in STS are mentioned as under:

S.No.	Name of the Officer	Branch	Against the Vacancies occurred in year	Date of sending requisition to UPSC	VY in which requisition sent to UPSC	Date of interview held	Date of Letter of recommendation by UPSC	Date of appointment to the Grade
1	Sh. Santosh Kumar	Accounts	2001-02	22.11.2005	2005-06	19-21.06.2007	02.07.2007	30.08.2007
2	A.M. Sridharan	Accounts	2002-03	22.11.2005	2005-06	19-21.06.2007	02.07.2007	<del>01.11.2007</del>
3	Sh. Rajesh Kumar Dalmia	Accounts	2003-04	22.11.2005	2005-06	19-21.06.2007	02.07.2007	28.09.2007