

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

Shastri Bhawan, New Delhi
Dated: 12.08.2015

OFFICE MEMORANDUM

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

Reference is invited to this Ministry's OM of even No. dated 10.02.2015 vide which Revised (recasted) provisional seniority list as on 01.01.2013 of officers of Junior Time Scale (JTS) in the Indian Corporate Law Service (ICLS) was circulated based on DoPT OM no. 20011/1/2012-Estt. (D) dated 4th March 2014 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consolidated by DoPT through a single OM dated 07.02.1986/ 03.07.1986 and treating OM dated 03.03.2008 as non-existent/ withdrawn *ab initio*.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 Direct Recruitment (DR) Quota Vacancies would 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. 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 selected against the carried forward vacancies of the previous year would be placed en-bloc below the last promotee (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 have been taken as vacancies for the vacancy year 2005-06 and the selected officers have been placed below the last promoted officer recommended by UPSC against vacancy year of 2004-05. Seniority of officers at Sl.No.3 to 14 has been fixed, accordingly.

4. Officers at Sl.No. 15,16 and 17 were promoted for vacancy year 2006-07 and no Direct Recruitment vacancies during the year 2006-07.

5. Seniority of officers at 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 Civil Services Examination (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 has been maintained in respect of officers recruited through CSE 2010 and CSE 2011 also.

7. Based on the criteria outlined in preceding paragraphs and in the light of DoPT OM dated 07.02.1986/ 03.07.1986, revised (recasted) provisional seniority list as on 01.01.2013 of officers of Junior Time Scale (JTS) in the Indian Corporate Law Service (ICLS) was circulated vide OM dated 10.02.2015.

8. On the seniority list circulated on 10.02.2015, the representations from following officers have been received:

- i.) Ms. Urmila P. Parmar;
- ii.) Ms. Kamna Sharma;
- iii.) Ms. Anshu Tandan;
- iv.) Sh. Animesh Bose;
- v.) Sh. Gopal Singh;
- vi.) Sh. Sanjaya Kumar Verma;
- vii.) Sh. Akshaya Kumar Sahoo;
- viii.) Sh. V.S. Hajare;
- ix.) Sh. Puneet Kumar Duggal;
- x.) Sh. Sudhir Kapoor;
- xi.) Sh. K.M.S. Narayanan; and
- xii.) Smt. Kaberi Sarkar

9. The issues raised in these representations on the Seniority List circulated vide aforesaid OM have been examined in the Ministry based on the following criteria:

- i. Vacancies in JTS of ICLS had arisen in 2001-2002, 2002-03, 2003-04 for which requisition was sent to UPSC on 20.10.2005 (i.e. in 2005-06).
- ii. Against these vacancies, UPSC had given a single panel of officers and they were considered for the vacancy year 2005-06. Accordingly, inter se seniority of DR & Departmental Promotee (DP) officers has been fixed in terms of DOPT OM dated 04.03.2014. DOPT has also been consulted in the matter.

10. In view of above mentioned facts, the twelve representations are disposed of as per details given below:

| Representation by | Issue raised | Disposal |
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| Ms. Urmila P. Parmar | DP candidate (at S.No. 3) has joined during 2009-10 whereas she has joined during 2008-09. She has stated that she is senior to S.No. 3 and he (S.No. 3) should be placed below her. | It is mentioned that S.No. 3 promoted for the vacancy year 2004-05 because he was recommended by DPC against vacancy year 2004-05. The vacancies under Direct Quota occurred during 2001-02 to 2003-04 and reported to UPSC on 20 th October 2005 taken as vacancies for the vacancy year 2005-06 and selected officers has been placed below the last promoted |

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| | | <p>officer recommended by UPSC against vacancy year of 2004-05. Seniority of officers at Sl.No.3 to 14 has been fixed, accordingly.</p> <p>Therefore her representation does not have merits.</p> |
| Ms. Kamna Sharma | <p>The provisional list of JTS circulated by the Ministry on 10.02.2015 is not accepted being the reason that Hon'ble Supreme Court vide its order dated 27.11.2012 in UOI Vs N.R. Parmar has not mentioned that the order will be retrospective. She has also requested that an opportunity of being heard may be given before finalizing the list of JTS without prejudice to her rights.</p> | <p>Details for circulation of JTS seniority as on 01.01.2013 already been given OM dated 10.02.2015. She was promoted against Vacancy Year 2009-10 and her inter-se-seniority has been fixed as per rotation of quota between DR and DP of 2009-10.</p> <p>Therefore her representation does not have merits.</p> |
| Ms. Anshu Tandon | <p>The provisional list of JTS circulated by the Ministry on vide OM dated 10.10.2014 may be restored.</p> | <p>She was promoted against Vacancy Year 2010-11 and her inter-se-seniority has been fixed with DR candidates joined through CSE, 2010 as above.</p> <p>Therefore her representation does not have merits.</p> |
| Sh. Animesh Bose | <p>The provisional list of JTS circulated by the Ministry on vide OM dated 10.10.2014 may be restored.</p> | <p>He was promoted against Vacancy Year 2010-11 and his inter-se-seniority has been fixed with DR candidates joined through CSE, 2010 as above.</p> <p>Therefore his representation does not have merits.</p> |
| Shri Gopal Singh | <p>The provisional list of JTS circulated by the Ministry on vide OM dated 10.10.2014 may be restored.</p> | <p>He was promoted against Vacancy Year 2010-11 and his inter-se-seniority has been fixed with DR candidates joined through CSE, 2010 as above.</p> <p>Therefore his representation does not have merits.</p> |
| Shri Sanjaya Kumar Verma | <p>The provisional list of JTS circulated by the Ministry on vide OM dated 10.10.2014 may be restored.</p> | <p>He was promoted against Vacancy Year 2010-11 and his inter-se-seniority has been fixed with DR candidates joined through CSE, 2010 as above.</p> <p>Therefore his representation does not have merits.</p> |
| Shri Akshaya Kumar Sahoo | <p>Departmental Promotees inter se seniority have been fixed based</p> | <p>In this regard, it is stated that the vacancies under Direct Quota occurred during 2001-</p> |

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| | <p>on vacancy year without any consideration to the recruitment year as mandate in DOPT OM dated 04.03.2014. He has requested to allot Recruitment Year to DPs based on the date on which proposal for convening DPC and to fix the inter se seniority based on Recruitment year of the JTS appointed thereto. He has requested that their appointment under DR quota was against vacancies occurred during 2001-02 to 2003-04. Hence the promotion under DP of the said officers be considered as AD-HOC PROMTIONS as per the provisions of para 2.4.4 of O.M. No. 22011/7/86-Estt(D) dated 03.07.1986.</p> | <p>02 to 2003-04 and reported to UPSC on 20th October 2005 taken as 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.</p> <p>Therefore his representation does not have merits.</p> |
| Sh. V.S. Hajare | <p>He was promoted w.e.f. 12.08.2009 and therefore his date of seniority may be counted w.e.f. 12.08.2009 and not from 25.08.2009 as it the date of joining only. He has requested to consider his seniority equal to the officers joined duties on 17.08.2009 to 24.08.2009 and shown at Sl. No. 15 to 17 of the seniority list and his name may be placed at Sr. No. 18.</p> | <p>In this regard, it is stated that Sl. No. 15, 16 and 17 were promoted against the vacancy year 2006-07 and no Direct Recruitment vacancies during the year 20067-07. Sh. V.S. Hajare was promoted to JTS against the vacancy year 2008-09 and his inter se seniority has been fixed with candidates appointed through CSE, 2009.</p> <p>Therefore his representation does not have merits.</p> |
| Shri Puneet Duggal | <p>One officer junior to him have been placed above to him by wrong interpretation of DOPT OM No. 35014/2/80-Estt(D) dated 07.02.1986 and DOPT OM dated 22011/7/1986-Estt (D) dated 03.07.1986.</p> | <p>It is stated that S.No. 3 promoted for the vacancy year 2004-05. The vacancies under Direct Quota occurred during 2001-02 to 2003-04 and reported to UPSC on 20th October 2005 taken as 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. Seniority of officers at Sl.No.3 to 14 has been fixed, accordingly.</p> <p>Therefore his representation does not have merits.</p> |
| Sh. Sudhir Kapoor | <p>One officer junior to him have been placed above to him by wrong interpretation of DOPT OM No. 35014/2/80-Estt(D) dated 07.02.1986 and DOPT OM</p> | <p>It is stated that S.No. 3 promoted for the vacancy year 2004-05. The vacancies under Direct Quota occurred during 2001-02 to 2003-04 and reported to UPSC on 20th October 2005 taken as vacancies for</p> |

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| | dated 22011/7/1986-Estt (D) dated 03.07.1986 | 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. Seniority of officers at Sl.No.3 to 14 has been fixed, accordingly. Hence his representation does not have merits. |
| Shri K.M. S. Narayanan | The position of 10.10.2014 may be restored back to the extent that the seniority of all those officers appointed upto 26.11.2012 are disturbed and meet the adequate justification of seniority of officers and opportunity of hearing may be given. The change in seniority, if any, should be effective for those officers appointed on and after 27.11.2012 as per orders of the Hon'ble Supreme Court. | He was promoted to JTS against the vacancy year 2012-13 and his inter se seniority has been fixed with the candidates appointed through CSE, 2012. Therefore his representation does not have merits. |
| Smt. Kaberi Sarkar | Two DR candidates Shri Ramesh Kumar and Ms. Pritibha has been put into at S.No. 77 and 78 between Sh. Animesh Bose (S.No. 76) and her (S.No. 79). Whereas in ealier lists her name was immediate below to Sh. Animesh Bose | Officers of DP and DR appointed against the vacancy year 2010-11 have been placed at S.No. 56 to 82 and the inter se seniority between DP and DR has been fixed in ratio of 40 and 60 by placing access DP officers enbloc at S. No. 79 to 82. Therefore her representation does not have merits. |

11. Seniority list of JTS officers of ICLS as on 01.01.2013 is **annexed**.

12. This issues with the approval of Competent Authority.

Rakesh Kumar

(Rakesh Kumar)

Under Secretary to the Government of India

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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