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Seniority in the State Services
Principles regarding the determination of - in the case of direct recruits and promoted officers.

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GOVERNMENT OF MAHARASHTRA
General Administration Department
Resolution No. SRV-1163-D,
Sachivalaya, Bombay-32 BR, the 29th July 1963.
SRAVANA 9, 1885.

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R E S O L U T I O N

The rules prescribed in Government Resolution, Political and Ser. Department No. 4283/34, dated the 21st November 1941 for regulating the seniority of direct recruits and promoted officers in the State Services, except those in the Maharashtra Service of Engineers Class I, provide that the seniority of direct recruits appointed substantively on probation should be determined with reference to the date of their appointment on probation, while that of the officers promoted to substantive vacancies should be determined with reference to the date of their promotion to the substantive vacancies provided there has been no break in service prior to their confirmation in those vacancies. Though by their wording, these rules appear to be restricted in their application to cases of officers appointed or promoted to substantive vacancies, they have in practice been applied to cases of officers appointed or promoted to temporary vacancies also as, with the expansion of cadres and creation of a large number of temporary posts, a number of appointments of direct recruits on probation and of promotion of officers from the lower cadre are made in temporary vacancies. Government had, therefore, under consideration for some time past the question of revising these rules suitably so as to make the position in this respect clear. Government is accordingly pleased to direct that the following principles should be observed in supersession of those in Government Resolution, Political and Services Department, No. 4283/34, dated the 21st November, 1941, in determining the seniority of direct recruits and promoted officers:

- (A) The seniority of direct recruits and promoted officers in the State Services should be determined according to the date of appointment on probation in the case of direct recruits, and according to the date of promotion to officiate continuously in the case of those appointed by promotion, irrespective of whether the appointments are made in temporary or in permanent vacancies, subject to the provisions of the following clauses:-

(1) The inter-seniority of direct recruits selected at the same time should be determined according to their ranks in the order of preference arranged by the State Public Service Commission if the appointment is taken up by the officer within the prescribed joining time and according to the date of joining if it is taken up after that date, vide Government Resolution, Political and Services Department No. SRV-1453, dated the 9th October, 1953.

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(ii) The inter-se seniority of officers promoted from the select lists prepared in consultation with the State Public Service Commission should be determined in accordance with the ranks in the select list.

(iii) The period during which an officer holds a post on appointment by promotion as purely fortuitous arrangement should be excluded in computing continuous service in the post, or in the cadre in which it is included, for purposes of determining seniority. Thus, for example, when a junior officer is promoted earlier than officers senior to him, either in the interests of administration or as a purely local arrangement, he should take his rank according to the order of seniority in the lower cadre or that in the Select List, as the case may be. Similarly, in a case where an officer is appointed to a higher post or service by promotion as a temporary arrangement pending recruitment to the post by nomination and is subsequently appointed to it by nomination, then unless he was due to be promoted in order of seniority, the date to be taken into account for determining his seniority should be the date of his appointment by nomination. In order to remove doubt regarding the fortuitous nature of an appointment by promotion, the authority ordering such appointment should certify in the papers relating to the promotion itself that the appointment in question is fortuitous; or if the giving of such a certificate is not feasible, should bring to the notice of the State Public Service Commission the position in this respect at the time of communicating the appointment to them.

(iv) In a case where an appointment to a post in a cadre is made by transfer of an officer holding a post in another cadre with due regard to the criteria prescribed in Government Resolution, Political and Services Department, No.5027/46 dated the 4th May, 1950, the seniority of such an officer in the cadre of the new post should be determined in consultation with the State Public Service Commission on an ad-hoc basis at the time of such transfer.

(v) For the purposes of computing continuous service, the temporary service rendered in an equivalent post in another cadre or in a higher post should not constitute a break provided the officer would have continued in his original post but for his appointment to the latter.

(B) A list of Services in respect of which special orders for fixation of seniority are in force and to which these orders will not apply will be issued in due course.

2. It has also been noticed that there is considerable delay in making appointments in vacancies earmarked for being filled by direct recruitment with the result that direct recruits are placed at a disadvantage vis-a-vis promoted officers. Government is, therefore, pleased to direct that such delays should be avoided and the following steps should be taken by the Departments of the Secretariat.

(a) The strength of permanent and temporary cadres of each Service should be determined with due regard to the administrative needs; and the position should be reviewed from time to time. Adequate provision should be made for leave reserves. Posts expected to

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continue for a reasonably long time should be made permanent as soon as possible with due regard to the normal criteria adopted for the conversion of temporary posts into permanent ones.

- (b) In each Service, the ratio for appointments to posts by direct recruitment and by promotion should be fixed where this has not already been done, and once fixed, it should be strictly adhered to. Special measures should also be devised to ensure that direct recruitment takes place in good time e.g. by fixing an annual quota, and by setting a periodical date-line for sending a requisition for adequate direct recruitment for each separate Service.
- (c) Confirmation of officers should be made as and when due and should not be delayed. The position in this respect should be reviewed annually by a fixed date, say 1st January.

By order and in the name of the Governor of Maharashtra,

K. P. MADKARNI,
Deputy Secretary to Government.

To

The Secretary to the Governor
The Private Secretary to the Chief Minister,
The Secretary, Maharashtra Public Service Commission,
Bombay,
*The Prothonotary and Senior Master, High Court, Bombay,
*The Registrar, High Court (Appellate Side), Bombay,
All other Heads of Departments and Heads of Offices
under the several Departments of the Secretariat,
All Departments of the Secretariat.

*By letter.

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Marathwada.