

Government of Odisha

General Administration & Public Grievance Department

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No. 156 /Gen., Bhubaneswar, dated the 04<sup>th</sup> January, 2021

PT1-GAD-SC-GCS-0093-2020

To

Sri Pratap Das,

Advisor,

Odisha Karmachari Sangram Samiti,

Cuttack, Odisha

Sub:- Representation dated 08.06.2020, 04.07.2020, 07.08.2020, 17.08.2020, 14.09.2020, 30.09.2020, 20.11.2020 and 27.11.2020 filed by Sri Pratap Das, Advisor, Odisha Karmachari Sangram Samiti .

With reference to his above mentioned representations, he is informed that the matters as referred relate to the fixation of inter se seniority in the HOD Ministerial cadre between the officers appointed by way of recruitment (Direct recruitment and Promotional recruitment) and the officers appointed under the OCS (RA) Rules 1990.

Rule-13 of the OCS (RA) Rules 1990 regulates the fixation of seniority of officers appointed under the RA Rules vis a vis the officers appointed by way of recruitment(Direct recruitment and Promotional recruitment) which reads as follows:-

*"Seniority of persons appointed under these rules, in the grade or cadre of the service or posts in which the appointment is made shall be fixed below the persons **recruited and appointed** in that grade or cadre in that year as per the provisions of the relevant recruitment rules framed under Article 309, of the Constitution and in other cases according to their date of joining in the post."*

The above provisions make it clear that the fixation of seniority of officers appointed as per the RA Rules cannot be fixed taking into account the date of appointment alone of the recruited officers. A conjoint reading of both the words, **recruited and appointed**, would mean the recruitment year of the recruited officers and the RA appointees of that year are required to be assigned their position in the gradation list below the officers recruited in that particular year.

The above interpretation of the rule provisions were considered and the following principles were decided by the Government and communicated to the Home Department which are in consonance with the provisions of OCS (RA) Rules, 1990.



1. The direct recruits of a particular year of advertisement shall en-bloc be placed at the top of the gradation list.

2. The other recruits like recruits under rule 17A shall be placed in the gradation list as per the provisions of the cadre rules.


3. The RA appointees of the said year shall be treated as the recruits of that year and shall be placed at the bottom in the gradation list of that year.

4. In other years in which the advertisement was not published for direct recruitment and the RA candidates were appointed, they will be the only candidate of that year, in the gradation list.

5. The promotions already effected as per the gradation lists prepared according to the rules/instructions prevalent at that time may not be disturbed.

It is made clear that this Department have never advised the C & T (Commerce) Department to revert the officers from their present positions consequent upon the fixation of seniority.

Therefore, the allegations made in the above mentioned representations by Sri Pratap Das, Advisor, Odisha Karmachari Sangram Samiti is rejected, being devoid of merit.

  
04/01/2021  
Under Secretary to Government.