

OFFICE MEMORANDUMBhubaneswar, the 29<sup>th</sup> May, 1984.SUBJECT:- CLAIMS OF PAY AND ALLOWANCES CONSEQUENT UPON  
RE-FIXATION OF SENIORITY.

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Promotion to the higher post is a service benefit available to the Government servants. The Recruitment Rules for various posts and services prescribe the method of filling of posts under the Government by way of promotion. The eligibility criteria for promotion have been laid down in the Recruitment Rules. Departmental Promotion Committees have been constituted to consider suitability of Government servants for promotion to the higher posts keeping in view the eligibility criteria as prescribed in the relevant Recruitment Rules. Two basic considerations for promotion are seniority and merit-cum-suitability. Normally senior officers in a particular cadre are taken up for consideration by the Departmental Promotion Committee for preparing a panel of names for promotion to the higher posts. While selecting the panel the number of vacancies in the higher cadre is kept in view.

2. Seniority of officers as fixed in a particular cadre at the time of consideration by the Departmental Promotion Committee sometimes undergoes change at a later stage. Consequently a junior officer whose case was not considered by the Departmental Promotion Committee for the higher post claims for promotion to the higher post as he was declared senior on re-fixation of seniority. Apart from claiming retrospective promotion to the higher post, he also claims all financial benefits as have been made available to his junior who was given promotion earlier on the basis of previous seniority. In such cases it may be clarified that mere fixation of seniority would not necessarily make the Government servant entitled to promotion to the higher post, unless he is specifically declared suitable for promotion to the higher post by Departmental Promotion Committee / O.P.S.C. wherever necessary, on the ground that he has fulfilled all the conditions of eligibility for promotion. The Administrative Department concerned should also certify that re-fixation of seniority is final. After these conditions are satisfied the claim of the senior officer for promotion to the higher post arises.

3. In such a case, the senior officer has a legitimate claim for promotion to the higher post and if his junior has already been promoted he should be promoted immediately. It may be clarified that no retrospective promotion should be made, and creation of a temporary post to accommodate him in the higher post for the past period may not, therefore, arise. However, the senior officer should immediately be promoted to the higher post against the available vacancy. If there is no vacancy, then the junior most officer in the cadre should be reverted to accommodate the senior in the higher post.

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41

4. Since the Government servant concerned after re-fixation of his seniority is not being given retrospective promotion, and he has not performed the duties of the higher post, no arrears financial benefits should be allowed to him. However, his pay in the higher post on the date of his promotion, should be fixed with the concurrence of Finance Department at the stage it would have been reached had he been promoted from the date the officer immediately below him was promoted under Rule 80 of the Orissa Service Code.

5. These orders are issued in partial modification of orders contained in Office Memorandum No. 37031/F., dated 4.7.78 and Office Memorandum No. 33458/F., dated 30.6.80.

Sd/- A. S. RAY  
ADDITIONAL SECRETARY TO GOVERNMENT

Memo No. 22316(320) F. Dated 29/5/84

Copy forwarded to all Departments of Government / All Heads of Departments / All Collectors / All Treasury and Sub-Treasury Officers / All. F.As., and A.F.As / Accountant General, Orissa, Bhubaneswar / Deputy Accountant General, Orissa, Puri / Principal, M.I A.F., Bhubaneswar / Principal, S.T.I. / Secretary to Governor / Secretary to Chief Minister / Private Secretaries to all Ministers for information.

*AW*  
29/5/84  
DEPUTY SECRETARY TO GOVERNMENT.

Memo No. 22317(120) F. Dated 29/5/84

Copy forwarded to all Officers and all Branches of Finance Department including L.F.A. and E.A.O. / Guard Files for information.

*J. P. Hanayak*  
SECTION OFFICER. 29/5/84

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28.5.84.