

No. A-23020/1/2019-P&AR (GSW)
Government of Mizoram
Department of Personnel & Administrative Reforms
(General Service Wing)

Mizoram Secretariat, MINECO
Aizawl, the 4th January, 2024

OFFICE MEMORANDUM

Subject: Additional instructions relating to fixation of inter-se-seniority between direct recruits and promotees.

Attention is drawn to the sub-paragraphs of paragraph 4 of this department's OM No. A.23020/1/2019-P&AR(GSW) Dt 28.03.2023, and following the implementation of these revised instructions, it has been decided that the provisions of the sub-paragraphs of paragraph 4 shall be substituted, taking the broad contours of the DoPT office memorandum vide No. 20011/2/2019-Estt. (D) dt 13.08.2021, as follows:-

“4.

(i) Sub-para (1) to (10) of Para 5 of DP&AR (GSW) O.M No. A.32020/1/2019-P&AR dated 13.12.2019 in relation to fixation of inter-se-seniority between direct recruits and promotees is hereby withdrawn.

(ii) As the Order of the Supreme Court dated 19.11.2019 in CA No. 8833-35/2019 of K. Meghachandra Singh & Ors. Vs Ningam Siro & Ors is prospective, cases of inter-se-seniority of direct recruits and promotees already decided in terms of O.M No. A.32020/1/2019-P&AR dated 13.12.2019 shall not be disturbed. i.e., old cases are not to be reopened.

(iii) In the case of direct recruits and promotees appointed/joined during the period between 27.11.2012 and 18.11.2019 and in which case inter-se-seniority could not be finalized by 18.11.2019, shall also be governed by the provisions of OM No. A.32020/1/2019-P&AR dated 13.12.2019 unless where a different formulation/manner of determination of seniority has been decided by any Tribunal or Court or Service Rules/Recruitment Rules.

(iv) For cases where the recruitment process has been initiated by the administrative Department/Cadre Authority before 19.11.2019 and where some appointments have been made before 19.11.2019 and remaining on or after 19.11.2019, the inter-se-seniority of direct recruits and promotees, shall also be governed by the provisions of O.M. dated 13.12.2019 to ensure equal treatment of such appointees.

(v) For recruitments initiated on or after 19.11.2019 as well as for future recruitments, in addition to cases where the recruitment process has been initiated by the administrative Department/Cadre Authority before 19.11.2019, but where all appointments, subsequent to the initiation of the recruitment process, could be made only on or after 19.11.2019 i.e. date of order of Apex Court, the inter se seniority of direct recruits and promotees shall be determined in the following manner:-

a) The rotation of quota, based on the percentage of vacancies allocated to direct recruitment and promotion including limited departmental examination in the notified recruitment rules/ service rules, shall continue to operate for determining vacancies to be filled by the respective quotas in a recruitment year. The recruitment year would be reckoned as corresponding to the vacancy year (i.e. from 1st April of the year to 31st March of the next year) and not the calendar year.

b) Determination of inter-se-seniority between direct recruits and promotees, who are appointed against the vacancies of respective quota, would, however, be reckoned with reference to the year in which they are appointed i.e. the year in which they are borne in the cadre or formal appointment order is issued. In case, where the recruitment year is the same as the year of appointment, the appointees shall be given seniority of that year.

c) Where in case of promotees or direct recruits, the year of appointment is the next year or any year subsequent to the recruitment year, the seniority of such promotees and direct recruits would be determined with reference to the year of their actual joining/appointment to the post, since they were not able to join in the said recruitment year in which the vacancy arose. Thus, they would get seniority of the year in which they actually join the post/grade i.e. year in which formal appointment order is issued or they are borne in the service/cadre and that they shall not get seniority of any earlier year (viz. year of vacancy/panel or year in which recruitment process is initiated).

d) In terms of OM dated 13.12.2019, rotation between promotees and direct recruits for the purpose of determination of inter-se seniority, would be undertaken only to the extent of available direct recruits and promotees in a particular year. The term 'available direct recruits or promotees' appearing in this O.M, for the purpose of rotation of quota in fixation of inter-se seniority, shall mean the actual number of direct recruits and promotees appointed during the year after declaration of results/selection and completion of pre-appointment formalities as prescribed.

e) As per para (d) above, if adequate number of direct recruits or promotees do not become available in a particular year, the 'rotation of quotas' for the purpose of determining inter se seniority, would stop after the available direct recruits and promotees are assigned their slots on their appointment/joining in that year.

f) If no direct recruit is available in a particular year, available promotees would be bunched together in accordance with their position in the panel approved for promotion. Similarly, if no promotee is available in that year, available direct recruits would be bunched together, as per their position obtained in the selection process.

g) In case, where direct recruits or promotees, as the case may be, belonging to two or more selections/panels approved for promotion, join in the same year, then those who have been appointed/joined as a result of earlier selection/panel would be placed senior in the seniority list to those been appointed/joined as a result of a subsequent selection/panel.

3. These provisions will take effect on the date of the Apex Court's judgment/order in the case of K. Meghachandra Singh & Ors. vs Ningam Siro & Ors, which is November 19, 2019.

4. All Administrative Departments are requested to effectively communicate these instructions to all their subordinates and attached offices.

Sd/-R. LALRAMNGHAKA
Secretary to the Govt. of Mizoram

Memo No.A-23020/1/2019-P&AR (GSW) :

Aizawl, the 4th January, 2024

Copy to:-

1. Secretary to Governor.
2. Commissioner & Secretary to Chief Minister.
3. P.S. to Speaker/Ministers/Deputy Speaker/Ministers of State.
4. Sr. P.P.S. to Chief Secretary.
5. All Administrative Departments.
6. PS to all Principal Secretaries/Commissioners/Secretaries/Special Secretaries.

7. Secretary, MPSC/MIC/SEC/AMC/Lok Ayukta.
8. All Heads of Departments.
9. All Deputy Commissioners, Mizoram.
10. All wings of DP&AR.
11. Website manager, DP&AR for uploading in the official website.
12. Guard File.


(V. RUATSANGA)

Additional Secretary to the Govt. of Mizoram