

INDIAN ADMINISTRATIVE SERVICE (REGULATION OF SENIORITY) RULES, 1987

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INDIAN ADMINISTRATIVE SERVICE (REGULATION OF SENIORITY) RULES, 1987

¹1. Published in the Gazette of India, Extraordinary, ft. II, Sec. 3(i), dated 6th November, 1987. G.S.R. 896(E).-In exercise of powers conferred by sub-section (1) of Sec. 3 of the All India Services Act, 1951 (61 of 1951), the Central Government, after consultation with the Governments of States concerned, hereby makes the following rules, namely:-

1. Short title and commencement :-

- (1) These rules may be called the Indian Administrative Service (Regulation of Seniority) Rules, 1987.
- (2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions :-

In these rules, unless the context otherwise requires,-

- (a) 'cadre' means the Indian Administrative Service Cadre constituted in accordance with rule 3 of the Cadre Rules ;
- (b) 'Cadre Rules' means the Indian Administrative Service (Cadre) Rules, 1954;

- (c) 'Cadre Schedule' means the Schedule to the Indian Administrative Service (Fixation of Cadre Strength) Regulations, 1955;
- (d) 'Commission' means the Union Public Service Commission;
- (e) 'competitive examination' means the examination referred to in Rule 7 of the Recruitment Rules;
- (f) 'direct recruit officer' means an officer appointed to the service through a competitive examination in accordance with Rule 7 of the Recruitment Rules;
- (g) 'gradation list' means the gradation list prepared under Rule 5 of these rules;
- (h) 'officer' means a member of the Service;
- (i) 'Officer appointed by selection' means an officer appointed to the service in accordance with the provisions of the Indian Administrative Service (Appointment by Selection) Regulations, 1956;
- (j) 'promotee officer' means an officer appointed to the service in accordance with the provisions of the Indian Administrative Service (Appointment by Promotion) Regulations, 1955;
- (k) 'Recruitment Rules' means the Indian Administrative Service (Recruitment) Rules, 1954;
- (l) 'Select List' means the Select List prepared in accordance with the Indian Administrative Service (Appointment by Promotion) Regulations, 1955;
- (m) 'Senior post' means a post included and specified under item I of the cadre of each State in the Cadre Schedule and, when held on the senior scale of pay of the Service by a direct recruit officer, means a post specified under items 1, 2, and 5 of the said Schedule and also a post temporarily added to the cadre under the second proviso to sub-rule (2) of rule 4 of the Cadre Rules;
- (n) 'Service' means the Indian Administrative Service;
- (o) 'State Cadre' and 'Joint Cadre' have the meanings respectively assigned to them in the Cadre Rules;
- (p) 'State Deputation Reserve' means a deputation reserve specified in item 5 of each State in the Cadre Schedule;

(q) 'State Government concerned', in relation to a Joint Cadre, means the Joint Cadre Authority.

3. Assignment of year of allotment :-

(1) Every officer shall be assigned a year of allotment in accordance with the provisions hereinafter contained in these rules.

(2) The year of allotment of an Officer in Service at the commencement of these rules shall be the same as has been assigned to him or may be assigned to him by the Central Government in accordance with the orders and instructions in force immediately before the commencement of these rules.

(3) The year of allotment of an officer appointed to the Service after the commencement of these rules shall be as follows:-

(i) the year of allotment of a direct recruit officer shall be the year following the year in which the competitive examination was held. Provided that if a direct recruit officer is permitted to join probationary training under Rule 5(1) of the IAS (Probation) Rules, 1954, with direct recruit officer of a subsequent year of allotment, then he shall be assigned that subsequent year as the year of allotment.

1 (ii) The year of allotment of a promotee officer shall be determined with reference to the year in which the meeting of the Committee to make selection, to prepare the select list on the basis of which he was appointed to the Service, was held and with regard to the continuous service rendered by him in the State Civil Service not below the rank of a Deputy Collector or equivalent, up to the 31st day of December of the year immediately before the year in which meeting of the Committee to make selection was held to prepare the select list on the basis of which he was appointed to the Service, in the following manner:-

(a) for the service rendered by him up to twenty one years, he shall be given a weightage of one year for every completed three years of service, subject to a minimum of four years;

(b) he shall also be given a weightage of one year for every completed two years of service beyond the period of twenty one years, referred to in sub-clause (a), subject to a maximum of three years. Explanation.-For the purpose of calculation of the weightage under this clause, the fractions, if any, are to be ignored: Provided

that he shall not be assigned a year of allotment earlier than the year of allotment assigned to an officer senior to him in that select list or appointed to the service on the basis of an earlier select list :

(iii) the year of allotment of an officer appointed by selection shall be determined with reference to the year in which the meeting of the Committee to make the selection to prepare the select list, on the basis of which he was appointed to the Service, was held and with regard to the continuous service rendered by him in a post equivalent to the post of Deputy Collector or a higher post, up to the 31st day of December of the year immediately before the year in which the meeting of the Committee to make the selection was held to prepare the select list on the basis of which he was appointed to the service, in the following manner:-

(a) for the service rendered by him up to twenty one years, he shall be given a weightage of one year for every completed three years .of service, subject to a minimum of four years;

(b) he shall also be given a weightage of one year for every completed two years of service beyond the period of twenty one years, referred to in sub-clause (a), subject to a maximum of three years. Explanation.-For the purpose of calculation of the weightage under this clause, the fractions, if any, shall be ignored : Provided that he shall not be assigned a year of allotment earlier than the year of allotment assigned to an officer senior to him in that select list or appointed to the service on the basis of an earlier select list : Provided further that he shall not be allotted a year earlier than the year of allotment assigned to an officer already appointed to the service in accordance with sub-rule (1) of Rule 8 of the Recruitment Rules, whose length of Class I continuous service in the State Civil Service is equal to or more than the length of Class I continuous service of the former in connection with the affairs of the State. Explanation.-The length of the relevant Class I continuous service in either case shall be with reference to the 31st day of December of the year immediately before the year in which the meeting of the Committee to make selection was held to prepare the select list on the basis of which appointment were made in the respective cases.

[(4)* * *] Relaxation of cadre rules not possible under Rule 2.-By rule 3 the Central Government were conferred power to relax the rules and regulations regulating the conditions of service appointed to an All India Service, in any particular case, on the ground

"undue hardship", as they may consider it necessary for a dealing with the case in a just and equitable manner. A doubt was-raised whether the power of relaxing rules was intended to be applicable to "Recruitment Rules" also. The Government of India have held that the "Recruitment Rules" cannot be relaxed under rule 3.

1. Substituted for " 1 [(ii) The year of allotment of a promotee officer shall be determined in the following manner:- (a) For the service rendered by him in the State Civil Service upto twelve years, in the rank not below that of a Deputy Collector or equivalent, he shall be given a weightage of four years towards fixation of the year of allotment; (b) he shall also be given a weightage of one year for every completed three years of service beyond the period of twelve years, referred to in sub- clause (a), subject to a maximum weightage of five years. In this calculation, fractions are to be ignored; (c) the weightage mentioned in sub-clause (b), shall be calculated with effect from the year in which the officer is appointed to the service: Provided that he shall not be assigned a year of allotment earlier than the year of allotment assigned to an officer senior to him in that Select List of appointment to the service on the basis of an earlier Select List.] 1 [(iii) The year of allotment of an officer appointed by selection shall be determined in the following manner :- (a) for the first 12 years of gazetted service, he shall be given a weightage of 4 years towards fixation of the year of allotment; (b) he shall also be given a weightage of one year for every completed 3 years of service beyond the period of 12 years, referred to in sub-clause (a), subject to a maximum weightage of 5 years. In this calculation, fractions are to be ignored; (c) the weightage mentioned in sub-clause (b) shall be calculated with effect from the year in which the officer is appointed to the service : Provided that he shall be not become senior to another non State Civil Service officer already appointed to the service: Provided further that he shall not be allotted a year earlier than the year of allotment assigned to an officer already appointed to the service in accordance with sub-rule (1) of rule 8 of the Recruitment Rules, whose length of class I continuous service in the State Civil Service is equal to or more than the length of Class I continuous service of the former in connection with the affairs of the State.] ", vide " INDIAN ADMINISTRATIVE SERVICE (REGULATION OF SENIORITY) RULES, 1987" Dt.31st December, 1997 Published in Ministry of Personnel, P.G. and Pensions (Deptt. of Personnel and Training), Noti. No. G.S.R. 736(E), dated December 31, 1997, published in the Gazette of India, Extra., Part II, Section 3(i), dated 31st December, 1997, pp. 28-29, No. 511 [File No. 14015/54/96- AIS(1)-A] [L]

4. Inter-se seniority of the officers who are assigned the same year of allotment :-

The inter-se seniority of the officers appointed to the Service shall

be in the following order and in each category the inter-se seniority shall be determined in the following manner-

(i) direct recruit officers shall be ranked inter-se in the order of merit as determined in accordance with rule 10 of the Indian Administrative Service (Probation) Rules, 1954;

(ii) promotee officer shall be ranked inter-se in the order of their dates of appointment to the Service:

(iii) officers appointed by selection shall be ranked inter-se in the order in which their names are arranged by the Commission for the purpose of appointment to the Service by selection.

5. Gradation List :-

There shall be prepared every year for each State Cadre and Joint Cadre a gradation list consisting of the names of all officers borne on that cadre arranged in order of seniority.

6. Fixation of the Seniority of officers transferred to another cadre :-

(1) If a direct recruit officer is transferred from one cadre to another in public interest, his year of allotment shall remain unchanged and his inter-se position among the direct recruits having the same year of allotment in the cadre to which he is transferred shall remain the same as determined, in accordance with rule 10 of Indian Administrative Service (Probation) Rules, 1954.

(2) If a promotee officer or officer appointed by selection is transferred from one cadre to another in public interest, his year of allotment shall remain unchanged and he shall be ranked inter-se with promotee officers or officers appointed by selection, as the case may be, having the same year of allotment in the cadre to which he is transferred with reference to the date on the basis of which he was assigned the year of allotment under these rules.

(3) If an officer is transferred from one cadre to another at his request, he shall be assigned a position in the gradation list of the cadre to which he is transferred below all the officers of his category borne on that cadre who have the same year of allotment:

Provided that in the case of a direct recruit officer transferred from one cadre to another at his request, his seniority in the list prepared under rule 10 of the Indian Administrative Service

(Probation) Rules, 1954 shall remain unaffected for the purposes of the said list.

7. Seniority of officers appointed under sub-rule (3) of rule 4 of the Indian Administrative Service (Recruitment) Rules, 1954 :-

Notwithstanding anything contained in any of the provisions of these rules, the seniority of officers appointed to the service in accordance with the provision of sub-rule (3) of rule 4 of the Indian Administrative Service (Recruitment) Rules, 1954 shall be determined in accordance with such principles as the Central Government may, after consultation with the State Governments and the Commission, from time to time, determine.

8. Interpretation :-

If any question arises as to the interpretation of these rules, it shall be referred to the Central Government for decision.

9. Repeal and Saving :-

(1) The Indian Administrative Service (Regulation of Seniority) Rules, 1954 and all other rules corresponding to the said rules in force immediately before the commencement of these rules are hereby repealed.

(2) The seniority of the officers appointed to the Service prior to the coming into force of these rules shall be determined in accordance with the Indian Administrative Service (Regulation of Seniority) Rules, 1954 in force on the date of their appointment to the service: Provided that any order made or action taken under the rules so repealed shall be deemed to have been made or taken under the corresponding provisions of these rules.