

1. Back Ground on review of Seniority Rules.

Railway Board through order dated 4.10.2016 had decided to constitute an Expert Committee to examine the Report of 7th CPC with reference to Para No. 11.40.45 of the said Report. The Expert Committee constituted is as under :-

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|----|---|----------|
| 1. | Joint Secretary (Estt.)-II, Railway Board | Convener |
| 2. | Executive Director/E (GC), Railway Board | Member |
| 3. | Executive Director/E(IR), Railway Board | Member |
| 4. | Executive Director/Finance(GC), Railway Board | Member |
| 5. | Deputy Legal Adviser, Railway Board | Member |

The Terms of reference of the Expert Committee are be as under :

To examine the Report of 7th CPC with regard to :

- (a) The issue of fixation of seniority of promotee officers inducted in Grade 'A', based on connotation rule which is unique to Indian Railways, and
- (b) The entire issue of inter-seniority de-novo including judicial pronouncements in consultation with Federation (IRPOF and FROA).

Federation through letter dated 5.11.2016 had challenged the constitution of the Expert Committee in reference to recommendation of 7th CPC because Ministry of Finance (Department of Expenditure) resolution dated 28.2.2014, the principles of fixation of seniority were not included in the terms of reference and any recommendation beyond the terms of reference is not justified and need not be acted upon. Railway Board through letter dated 22.12.2016 conveyed the decision that there is no need for dissolution of the said committee as it finds mention in the 7th CPC report. Railway Board failed to mention the terms of reference issued by the Ministry of Finance under which Pay Commission has the powers to give such recommendations. However, number of recommendations related to Pay structure pertaining to railways have not been implemented by the Ministry for the reasons better known to them. Adopting such methodology is not appreciated, however, as desired by the committee in the last meeting held on 31.1.2017, Federation is giving its written submission for consideration of the committee. Despite our repeated requests during our meeting the committee has not provided any draft of proposed modifications so that specific views could be given.

2. Existing system of Career Progression.

100% posts in Group B are filled by promotion of Group 'C' employees by positive act of selection. For LDCE minimum eligibility is 5 years service in GP 4200. The staff promoted against 70% Quota are relatively of higher age hence Group B officers selected through LDCE are being analysed to have a clear and just picture.

On appointment in GP 4200 the average age of candidate is 28-30 years. He is eligible for Group B LDCE after 5 years and a detail analysis will show that average age for entry to Group B through LDCE is 36-38 years.

The stagnation level in Civil, Accounts and Personnel services is more than 15 years and in other services it is 8 to 11 years. Though Group B officer is eligible for Group A induction after completing 3 years of Group B service but due to erratic & faulty cadre management this has never happened and posts in Senior scale are filled on adhoc basis. Presently 1100-1200 adhoc officers are working in senior scale on Indian Railways in all the 8 organised services.

In view of the above a Group B officer is inducted into Group A on attaining the average age of 45-50 years having residual service of 10-15 years including weightage of 5 years provided in the rules. The elevation of Promotee Group A officer is maximum to Selection Grade and that too hardly for 40 % officers. There had been exception when few officers touched SAG at the fag end of their service and hardly worked for 6 months to 1 year. The data pertaining to Group 'A' promotion for year 2014-15 has been examined and details are as under.

ANALYSIS OF PANEL – 2014-15				
<u>SERVICE</u>	<u>Group 'A'</u>	<u>DITS</u>	<u>Av. Age on Promotion to Group 'A'</u>	<u>Residual Service in GR. 'A'</u>
IRSME	21.1.2016	<u>21.01.2011</u> <u>21.01.2012</u>	48	12
IRSSE	16.12.2015	16.12.2010	47	13
IRTS	16.12.2015	16.12.2010	49	11
IRSS	05.08.2015	05.08.2010	47	13
IRSE	08.01.2016	08.01.2011	47.5	12.5
IRAS	01.12.2015	01.12.2010	49.5	10.5
IRPS	04.08.2015	04.08.2010	49	11
IRSEE	18.02.2016	18.002.2011 (not issued)	45	15

From the above it is amply clear that even ante-dating of seniority (maximum of 5 years) has no detrimental impact on the career progression of Direct Group A officers. The average age on promotion to Group 'A' is 45-49.5 years thus having average residual service 10.5 – 15 years which shows that majority of Group 'B' officers on promotion to Group 'A' will retire upto Selection Grade and there can be few exception wherein 2-5 officers may touch SAG/NFSAG. The details of Panel pertaining to year 2015-16 are not available for all organized services as the DPCs are delayed which also severely impact the career progression of Group 'B' officers. DPC & DITS of IRAS for year 2015-16 has only been issued accordingly to which average age

on Group 'A' promotion is 51 years with residual service of 9 years only. Thus, their likelihood of even getting selection Grade is very less. The committee should look into this aspect of delay in conducting of DPCs which impact fixation of DITS and give undue advantage to Group 'A' officers directly recruited. The provision related to this aspect needs to be judiciously modified by the committee to safeguard the interest of Group 'B' officers.

3. Rules for fixation of Seniority of Group 'B' officers on promotion to Group 'A'.

As per recruitment rules the method of recruitment and appointment to the Junior Time Scale shall be 50% by direct recruitment through examination conducted by the commission and 50% by promotion, in accordance with the provisions.

The Group 'B' officers of Indian Railways are inducted to Group 'A' through a DPC conducted by UPSC. The date of induction is taken as the date of communication of the minutes of DPC meeting to Railways.

After the issue of notification the DOITS (Date of Increment in Time Scale) is calculated. The system of calculation of DOITS is in existence since inception of Group 'B' services for the past many decades. The existing rules are incorporated in para-334 of IREM, Volume-I.

The chronological sequence of evolution of Principle of fixing of seniority of Group 'B' officers on promotion to Group 'A' can be traced back to 1955 as under :

Ministry of Railways has been granting weightage for fixation of seniority after the declaration of the then Railway Minister late Shri Lal Bahadur Shastri while introducing the Railway Budget for year 1954-55. The weightage of seniority was to be calculated at half the continuous officiating and permanent service in Class II, subject to the maximum five years.

Railway Board letter No. E-54/SR-6/1/2 dated 10.3.1955 mentioned two principles to be adopted which are as under :

- (a) Year of service connoted by the initial pay on permanent promotion to class I service; or
- (b) Half the total number of years of continuous service in class II both officiating and permanent whichever is higher subject to a maximum weightage of five years.

The above provision was slightly modified with the approval of President (MR) through Board's letter No. E(O)I-72/SR-6/29 dated 30.11.1976. The amendment was to the effect that a new clause was added "whichever is higher, subject to a weightage of five years".

Further through Board's letter No. E(O)I-72/SR-6/29 dated 15.2.1980 Para two of instructions dated 30.11.1976 were amended "in cases not

covered by the principles indicated in the appendix to this letter, seniority of officers appointed to the services, shall be governed by such orders as may be issued by the government in consultation with UPSC, wherever is necessary”.

Railway Board through letter No. E(O)I-90/SR-6/9 dated 23.4.1991 further modified the instructions “whichever is more, subject to a maximum of five years; provided that the weightage so assigned does not exceed the total non fortuitous service rendered by the officer in Group ‘B’.

The provisions of fixation of seniority were further amended in IREM Vol. I through RBE No. 23/2003 “whichever is more subject to a maximum of five years; provided that the weightage so assigned does not exceed the total non fortuitous services rendered by the officer in Group ‘B’.

4. Why modification is needed : Any necessity

The relevant rules of seniority are envisaged in Para 328 to 341 of Indian Railways Establishment Manual Vol. I. As evident from above, the rules have been modified from time to time keeping in view the functional requirements. The committee should come forward with the specific changes warranted in the para and the reasons for such change should be spelt out and discussed in detail to arrive at justified conclusion. It is worth mentioning that Group ‘B’ officers are stagnated for more than 15 years in Personnel, Accounts and Civil Engg and they are entitled for only five years of weightage thus 10 years of Group B’ is drained out without any benefit.

Further DPCs are delayed for two to three years which cause loss of seniority and there is no safeguard in this regard in the rules which should be incorporated so that administrative delays in holding DPCs do not have detrimental effect on fixation of seniority. Each year delay in DPC benefits direct Group ‘A’ officers as their panels are enbloc placed above Group ‘B’ officers.

The existing rules contained in Para 327 to 341 of IREM are not violative of provisions of Article 14 & 16 of Constitution of India.

The principles for determining seniority are not at all having any impact on promotional prospects of Directly recruited JTS Group A officers because:

- i) JTS officers are given preference for adhoc senior scale promotion over Group B officers as per Boards instructions dated 11.08.2016. Group A officers are promoted to adhoc senior scale on completion of 3 years service and posts are reserved & kept vacant if they are likely to complete 3 years of service in the vacancy year.
- ii) There is not a single case wherein JTS group A officers on completion of 4 years have not been promoted to senior scale on regular basis in any of the organized services due to induction of

- Group B officers and grant of weightage of 5 years on promotion to Group A.
- iii) Neither FROA nor the committee could provide the specific reasons what has prompted to revisit de-novo seniority rules and principle of fixing seniority. Simply 7CPC has recommended has no force if there are no convincing reasons supported by statistics which prove that career progression of direct recruits is hampered drastically.
 - iv) There are no judicial pronouncements against principles for fixing of seniority of seniority of Group B officers on promotion to Group A in Indian Railways.
 - v) Para 334 is under judicial scrutiny and FROA has challenged its validity in various OA but the cases are listed for final hearing and there is no administrative crisis hence, we should wait for judicial scrutiny of the rule and its validity. There is no necessity to take decision in hurry without any justification.
 - vi) The issue of fixing of seniority is for all the 8 organised services and while making a decision a holistic approach needs to be taken and not based on situation prevailing in one or two services. The Group B officers are worst affected in civil, personnel and accounts where they are retiring even without getting Group A induction after rendering Group B services of more than 10 years.

5. Issues raised and discussed with Railway Board.

The rules are in existence since 1955 and modified with changing conditions in the past on numerous occasions. The committee was asked to provide specific provisions which need to be modified but nothing has been informed. As per discussions held with MS and other officials in the past only two issues were discussed for which IRPOF had already given its view point. The issues raised were:

‘A’ The DITS fixed should not infringe the eligibility period of 3 years provided for induction to Group A.

As per instructions contained in para 209(B) of IREC Volume-I Appointments to the posts in the junior scale shall be made by selection on merit from amongst Group B officers of the departments concerned with not less than 3 years of non-fortuitous service in the grade.

The panels issued for Group A promotion can be critically examined and it will be noticed that all the Group B officers fulfilled the eligibility criteria of 3 years non-fortuitous service on the date of DPC/notification. Thus there should not be any doubt about infringing eligibility for promotion to Group A.

The DITS is fixed after notification based on provisions envisaged in para 334 of IREM Volume-I which reads as under:

“334. In the case of Group B officers permanently promoted to Junior Scale of group ‘A’ Services:

- 1) Officers of a particular department promoted from the earlier panel shall rank senior to officers promoted from the later panel,
- 2) If two or more than two officers are promoted on the same date, the following method shall be followed to determine their inter-se-seniority within the Railway:-
 - i) The Relative Seniority of officers of each Railway shall be in the order of their position in the panel for that Railway.
 - ii) The date of increment in the Time Scale (DITS) of the above officers, shall be determined by giving weightage based on:
 - a) The year of service connoted by the initial pay on permanent promotion to Group A service;
 - or
 - b) Half the total number of years of continuous service in Group B, both officiating and permanent whichever is more subject to a maximum of 5 years; provided that the weightage so assigned does not exceed the total non-fortuitous service rendered by the officer in Group B.”

From the above provisions it is clear that weightage of 5 years is permissible provided it do not exceed the total non-fortuitous service of Group B. In other words date of promotion to Group B and Group A DITS can be same date and it is not violative of any administrative instructions in force. This principle was upheld by Hon’ble Supreme Court in the case of Sh. A.K. Nigam Vs Sunil Mishra.

The contention that 3 years eligibility should not be infringed is a new concept floated by Direct Group A officers which has no relevance as the rules are well defined and there is no ambiguity. They have failed to put forth their argument with statistics prevailing in all

8 organised services. FROA raised the issue in the last meeting that in the cadre of IRSME officers are getting DITS on the date of Group 'B' which is factually incorrect and misleading. The last panel for year 2014-15 issued on 6.5.2016 comprises of 74 Group 'B' officers and their DITS fixed as 20.1.2011 for 67 officers and 20.1.2012 for 7 officers whereas all the 74 Group 'B' officers were promoted to Group 'B' in year 2007 or prior thus even after granting five years weightage in IRSME cadre none of the officer had infringed the three years eligibility period. Committee is supposed to consider the provisions with respect to 8 organised services and not with respect to exceptional circumstances prevailing in one service.

DOPT had issued model calendar through OM dated 8.9.1998 which was modified through OM dated 28.1.2015 according to which the panel for vacancy year 2014-15 should have been available on 1.4.2014. Non adherence of model calendar issued by DOPT for conducting DPCs has resulted in late fixation of DITS to the advantage of Group 'A' officers and blocking the career progression of Group 'B' officers.

<u>LOSS OF SENIORITY DUE TO DELAY IN DPCs-2014-15</u>				
SERVICE	PANEL ISSUED	DITS FIXED	PANEL AS PER MODEL CALENDAR	DITS AS PER MODEL CALENDAR
IRSME	21.1.2016	<u>21.01.2011</u> <u>21.01.2012</u>	01.04.2014	01.04.2009
IRSSE	16.12.2015	16.12.2010	01.04.2014	01.04.2009
IRTS	16.12.2015	16.12.2010	01.04.2014	01.04.2009
IRSS	05.08.2015	05.08.2010	01.04.2014	01.04.2009
IRSE	08.01.2016	08.01.2011	01.04.2014	01.04.2009
IRAS	01.12.2015	01.12.2010	01.04.2014	01.04.2009
IRPS	04.08.2015	04.08.2010	01.04.2014	01.04.2009
IRSEE	18.02.2016	18.002.2011 (not issued)	01.04.2014	01.04.2009

If the model calendar had been followed DITS would have been fixed as 1.4.2009 but due to delay in DPC loss of 1½-2 years has been suffered.

Keeping in view the above aspect and analysis of panels/DITS as shown therein it is not justified to make any modification in existing provisions related to fixing of seniority. Rather efforts should be made to implement model calendar for conducting DPCs issued by DOPT and any administrative failure should not result in loss of seniority to Group 'B' officers on promotion to Group 'A'. The provisions related to this aspect needs to be modified.

B. The rule of connotation of pay is being interpreted wrongly thus giving undue benefit in fixing DITS.

The above provision reads as under:

“The year of service connoted by the initial pay on permanent promotion to Group A service;”

There are no administrative instructions on how to calculate this but as per practice and if we go by the written rules the pay of Group B officer on promotion to Group A is compared with the initial pay of Group A to reckon the number of years of service connoted. It is worth mentioning that pay fixed on adhoc promotion to senior scale is ignored and not taken into consideration in order to arrive at judicious determination of DITS based on Group B pay.

This provision is in existence since 1955 and it was in existence even when Scale of Group B was higher than Group A. The problem arose after implementation of recommendations of 6 CPC report where in running scales were bifurcated into Pay Band and Grade Pay.

Board had taken a conscious decision to compare pay in Pay band while calculating the connotation of pay due to the reason that Grade pay of JTS Group A was 5400 and Group B officers promoted to Group A were also working in GP 5400 as they were entitled for 80% financial upgradation in Group B. Thus there was no patent error in ignoring Grade pay while computing connotation of Grade pay.

Further contention of FROA that while calculating equivalence of pay the pay on promotion to senior scale after 4 years should also form part of it is blatantly wrong interpretation because initial pay is to be calculated in GP 5400 in which seniority is to be reckoned. Moreover senior scale pay of Group B officers on adhoc basis is ignored then how can the pay of Group A officer promoted on regular basis in senior scale can be taken for comparison. This issue is also under consideration in cases filed by Group A officers in various courts and are yet to be decided.

After implementation of 7 CPC report the concept of Grade Pay has been abolished and levels have been introduced thus this controversy has met with natural death.

As per 7 CPC the level for comparison of pay for the purpose of connotation of pay should be the level reached after five years of service.

Service Rendered	Level 10- Initial Pay	Level-9 – Initial Pay	Level-8 – Initial Pay
NIL	56100	53100	47600
1 year	57800	54700	49000
2 year	59500	56300	50500
3 year	61300	58000	52000
4 year	63100	59700	53600
5 year	65000	61500	55200
6 year		63300	56900
7 year		65200	58600
8 year			60400
9 year			62200
10 year			64100
11 year			66000

SSE-GP 4600 Level-7	Initial pay	Group B (After 3 years)	80% (After 3 years Gr.'B')	Level 65000
	44900			
1 year	46200			
2 year	47600			
3 year	49000	50500	58000	7 th year

Above table is prepared hypothetically taking eligibility conditions as promotional eligibility although in reality it is a dream. Even then a directly recruited SSE gets Pay of Rs 65000 in 7th year and there is remote possibility of his being promoted to Group A in 7th year.

Further this is supported by the fact that the last man against UR category promoted to Group A/IRSME in year 2014-15 Sh. Chaman Singh Chaudhary if considered did not touch the Group 'B' date on fixing DITS as per details given below;

Name	DOB	Dt. Of Gr.B	Dt. Of Gr. A	DITS fixed
Chaman Singh Chaudhary	1.1.1962	31.10.2007	20.1.2016	20.1.2012
Note; 3 years eligibility not infringed				
Weightage of only 4 years given instead of maximum 5 years.				

The provisions are self regulatory and take care of all situations. Only in case of SC/ST there can be some exception which is not due to fixation of seniority/DITS but it is due to extended zone 5x in Group A promotion and non-filling of reserved vacancies as per roster in Group B well in time. These factors should not be the reason for revisiting the issue of principles of seniority but proper selections need to be done giving due reservation to SC/ST.

6. JUDICIAL PRONOUNCEMENTS ON THE ISSUE

1. Para 334 of IREM has never been struck down in any of the judicial pronouncements in CAT, High court or Supreme Court.
2. This Para is under challenge in OA before the Principal bench, CAT, New Delhi and CAT, Hyderabad and cases are in final stage of hearing hence, the committee should await the decision in the pending OAs. (list of pending cases enclosed)
3. The methodology of fixation of seniority was challenged in one case before Hon'ble Supreme Court in the case of A.K. Nigam Vs Sunil Mishra wherein it was observed as under :

The relevant Paras 17, 18, 19 & 20 are being quoted below:-

“17. It is settled law that the appointing authority or the appropriate Government can frame rules governing seniority which are reasonable keeping in mind the divergent claims that can be put forward by the various categories of the members of the service. It is, however, necessary that there should be no discrimination, that is, persons placed in the same group must be treated similarly and, further, that any principle which is made the basis of determination of seniority should, if applicable to others, be applied to them also. In other words, if seniority is to depend purely upon the date of confirmation or the date of appointment, that rule should be applicable to all; but if the promotees and special recruits are being given weightage, the principles applicable to the members of the service should be kept in mind while determining the weightage to be given or while laying down rules for determination of seniority.

18. In the case of Anand Prakash Saxena v. Union of India this Court considered the rules of seniority contained in the Regulation of Seniority Rules and the Special Recruitment Seniority Regulations, 1960 to be valid not offending Articles 14 and 16 of the Constitution. Under Rule 3(3)(b) of the Regulation of Seniority Rules the year of allotment of a promotee was to be determined by his continuously officiating on a senior scale post included in

the Indian Administrative Service. Under Regulation 3(3) of the Special Recruitment Seniority Regulations, 1960, the year of allotment of special recruits was to be determined by the formula. While upholding the validity of these rules and not regarding them to be arbitrary or discriminatory, it was observed that the promotees can claim that total length of service in the Provincial Civil Service be considered for determining seniority. On the other hand, the direct recruits can say that the seniority should depend upon their entry in the Indian Administrative Service. This Court took the view that the rule contained in clauses (b) and (c) of Rule 3(3) was a mean between these extreme views and was regarded to be just and fair. Similarly, the rule contained in Regulation 3(3) of the Special Recruitment Seniority Regulations, 1960 was considered to be fair and equitable.

19. There are similar principles for determination of seniority between promotees and direct recruits to the Indian Police Service. Those rules also contemplate an order of allotment being given to a promotee which may be much earlier to his actual induction in Indian Police Service when he was still in the Provincial Police Service and weightage was given to the year of allotment for purposes of seniority.

4. Para 334 of IREM is consistent with Article 14 & 16 of Constitution of *India*.
5. Principles of fixing seniority of the Direct Recruits and promotees issued by DOPT on 4.3.2014 in pursuant to Hon'ble Supreme Court order in NR Parmar Vs Union of India are not applicable in organized services on Indian Railways as Ministry of Railways have their own statutory rules for fixation of seniority.
6. Ministry of Railways has the power to frame the separate set of Rules for seniority of its employees and incorporate in the Manual, Ministry of Railways has been given its jurisdiction being authorized by Government of India (Allocation of Business), Rules, 1961 and Government of India (Transaction of Business) Rules, 1961 both issued by Rastrapati Bhawan, New Delhi on 14.1.1961.
7. CAT/Patna Bench through order dated 3.5.2016 in OA No. OA/050/00460/2015 in the case of R.K. Kushwaha Vs Union of India directed respondents to recast the seniority afresh and take necessary action to make correction in the IREM in the light of the aforesaid observation within a period of four months. The decision of CAT was based on the principles emerging from the Hon'ble Apex court judgement in N R Parmar case and DOPT instructions dated 4.3.2015. Hon'ble High Court Patna through

order dated 12.7.2017 in Civil Writ Jurisdiction case No. 10669 of 2016 granted Ad-interim stay of the operation of the impugned order dated 3.5.2016 passed in OA No. 50/00460 of 2015 by CAT, Patna bench. The case is still pending and during the court of hearing Hon'ble High court was convinced that the ratio of N R Parmar is not applicable as the Railways have got different set of rules for which Ministry is authorized to frame.

8. The issue of seniority of direct recruits and promotees has been dealt in High Court and several times in Supreme Court and it is not justified to apply the principles enunciated on Indian Railways because the circumstances, recruitment rules, fixation of seniority of direct recruits and promotees, necessity of the services etc are altogether different in other Ministries compared to Ministry of Railways thus, we should wait for judicial pronouncement by High Court Patna and Principle Bench, New Delhi wherein Para 334 has been challenged by direct recruits and this is for the first time that this para is under scrutiny by Court. None of the court had ever declared provisions of Para 334 of IREM as arbitrary or violative of Article 14 & 16 of Constitution of India wherein cases of fixation of DITS in organized services of Indian Railways were challenged. This goes to prove that Para 334 is in consonance with the needs of the services required in Indian Railways wherein experienced promotee officers having less residual service in Group 'A' have been given weightage of seniority based on the commitment of Government of India in year 1955.

7. FEDERATION'S PROPOSAL FOR AMENDMENTS IN SENIORITY RULES

Para 334 of IREM Vol. I is constitutionally valid and no change in the existing provisions is required as regards principles for fixation of seniority of Group 'B' officers on promotion to Group 'A' are concerned. There is no ambiguity in the rule and weightage of five years subject to maximum to the limit of Group 'B' service is justified and no reason or ground exist to make any amendment.

As already mentioned above, DPCs are delayed for promotion to Group 'A' on administrative account which has deterrent impact on fixing of DITS to the advantage of Group 'A' officers. Model calendar issued by DOPT for conducting DPCs has never been followed since 1998 which speaks of the efficiency of administration. The DPC for 2015-16 is badly delayed. The panels should have been available on 1.4.2015 which is yet to be processed and will delay fixation of DITS by more than two years for which there are no provisions to compensate the loss of seniority which is directly attributable to administrative fault.

Federation proposes under noted amendment to safeguard the interest of fixation of DITS of Group 'B' officers on promotion to Group 'A'.

PARA	EXISTING PROVISIONS	PROPOSED
334 (2)(ii)	The DOITS of the above officers, shall be determined by giving weightage based on - - - -	The DOITS of the above officers shall be determined from 1 st April of Vacancy year by giving weightage based on - - -
334 (2)(ii)(d)	Whichever is more, subject to a maximum of five years	Whichever is more, subject to a maximum of eight years.
336	-----shall be placed below or above a particular batch of direct recruits according as their DITS are earlier or later than the earliest date on which any one of the direct recruits in a particular batch joins service.	- - -officers shall be placed at appropriate place as per DITS fixed compared with DITS of directly recruited officer.

Conclusion

The recommendations of 7th CPC was beyond their jurisdiction as the terms of reference did not contain the issue of fixation of seniority rule. The committee did not frame the issues for which modification was to be done and no proposal was provided hence, based on informal discussion with MS and other officials only two issues as mentioned above were under discussion with the Federation and the committee should confine itself on these two issues only and if any other modification is being considered then that should be intimated to the Federation to submit our detailed views on that. The amendments proposed by the Federation should be considered because number of court cases have been decided in favour of Group 'B' officers and DITS was revised as per court order by the Board which was due to delay in DPC on administrative account. Federation is ready for discussion and present data if required to prove that weightage of seniority in existing form has no impact on the career progression of directly recruited Group 'A' officers because more than 60% of Group 'B' officers promoted to Group 'A' retire before reaching Selection Grade and remaining retire in Selection Grade with an exception of one or two officers touching SAG/NFSAG. Thus there is no comparison in the career progression of directly Group 'A' officers and Group 'B' officers promoted to Group 'A' because they quit services on superannuation by the time they reach Selection Grade.

In view of the above the existing provisions should continue in the existing form and the amendments proposed by the Federation should be considered sympathetically to safeguard the interest of Group 'B' officers who have to face loss of seniority due to delay in DPCs .