

**THE UTTARAKHAND GOVERNMENT SERVANTS  
SENIORITY RULES, 2002**

In pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the governor is pleased to order the publication of the following English translation of notification no. 195/ karmic-2/2002 dated August 13, 2002 for general information.

**NOTIFICATION**

No. 195/Karmik-2/2002

Dated Dehradun, August 13, 2002

In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor is pleased to make the following rules for determination of seniority of persons appointed to the services under the State Government :-

**PART I – PRELIMINARY**

1. **Short title and commencement** – (1) These rules may be called the Uttarakhand Government Servants Seniority Rules, 2002.  
(2) They shall come into force at once.
2. **Application** – These rules shall apply to all Government servants in respect of whose recruitment and conditions of service, rules may be or have been made by the Government under the proviso to Article 309 of the Constitution.
3. **Over-riding effect** - These rule shall have effect notwithstanding anything to the contrary contained in any other service rules made here to before.
4. **Definitions** – In these rules, unless there is anything repugnant in the subject or context, the expression.
  - (a) “Appointing Authority” in relation to any service means the authority empowered to make appointment to such service under the relevant service rules.
  - (b) “Cadre means the strength of the service, or part of the service sanctioned as a separate unit.”
  - (c) “Commission” means the Uttarakhand Public Service Commission;
  - (d) “Committee” means the Committee constituted to make selections for appointment to the service under the relevant service rules.
  - (e) “Feeding cadre” means the cadre of service from amongst the members whereof, promotion is made to a higher service or post under the relevant service rules.
  - (f) “Service” means the service in which the seniority of the member of the service has to be determined;
  - (g) “Service rules” means the rules made under the proviso of Article 309 of the Constitution and where are no such rules, the executive

instructions issued by the Government, regulating the recruitment and conditions of service of persons appointed, to the relevant service.

- (h) “Substantive appointment” means an appointment not being an ad hoc appointment, on a post in the cadre of the service, made after selection in accordance with the service rules relating to that service.
- (i) “Year” means a period of twelve months commencing from the first day of July of a calendar year.

## **PART II – DETERMINATION OF SENIORITY**

- 5. Seniority where appointment by direct recruitment only** – Where according to the service rules appointments are to be made only by the direct recruitment the seniority inter se of the persons appointed on the result of any one selection, shall be the same as it is shown in the merit list prepared by the commission or the committee, as the case may be :-

Provided that a candidate recruited directly may lose his seniority, if he fails to join without valid reasons when vacancy is offered to him, the decision of the appointing authority as to the validity of reasons, shall be final.

Provided further that persons appointed on the result of a subsequent selection shall be junior to the persons appointed on the result of a previous selection.

Explanation – Where in the same year separate selection for regular and emergency recruitment, are made, the selection for regular recruitment shall be deemed to be previous selection.

- 6. Seniority where appointment by promotion only from a single feeding cadre** – Where according to the service rules, appointments are to be made only by promotion from a single feeding cadre, the seniority inter se of persons so appointed shall be the same as it was in the feeding cadre.

Explanation – A person senior in the feeding cadre shall even though promoted after the promotion of a person junior to him in the feeding cadre shall, in the cadre to which they are promoted, regain the seniority as it was in the feeding cadre.

- 7. Seniority where appointment by promotion only from several feeding cadres** – Where according to the service rules, appointments are to be made only by promotion but from more than one feeding cadres, the seniority inter se of persons appointed on the result of any one selection shall be determined according to the date of the order of their substantive appointment in their respective feeding cadres.

Explanation – Where the order of the substantive appointment in the feeding cadre specifies a particular back date with effect from which a person is substantively appointed, that date will be deemed to be the date of order of substantive appointment and, in other cases it will mean the date of issuance of the order.

Provided that where the pay scales of the feeding cadres are different, the persons promoted from the feeding cadre having higher pay scale shall be senior to the persons promoted from the feeding cadre having lower pay scale.

Provided further that the persons appointed on the result of a subsequent selection shall be junior to the persons appointed on the result of a previous selection.

**8. Seniority where appointments by promotion only from and direct recruitment –**

(1) Where according to the service rules appointments are made both by promotion and by direct recruitment, the seniority of persons appointed shall, subject to the provisions of the following sub-rules, be determined from the date of the order of their substantive appointments and if two or more persons are appointed together, in the order in which their names are arranged in the appointment order.

Provided that if the appointment order specified a particular back date, with effect from which a person is substantively appointed, that date will be deemed to be the date of order of substantive appointment and, in other cases, it will mean the date of order.

Provided further that a candidate recruited directly may lose his seniority, if he fails to join without valid reasons, when vacancy is offered to him the decision of the appointing authority as to the validity of reasons, shall be final.

- (2) The seniority inter se of persons appointed on the result of any one selection –
- (a) through direct recruitment, shall be the same as it is shown in the merit list prepared by the Commission or by the Committee, as the case may be.
- (b) by promotion, shall be as determined in accordance with the principles laid down in rule 6 or rule 7, as the case may be, according as the promotion are to be made from a single feeding cadre or several feeding cadres.
- (3) Where appointments are made both by promotion and direct recruitment on the result of any one selection the seniority of promotes vis a vis direct recruits shall be determined in a cyclic order the first being a promote as far as may be, in accordance with the quota prescribed for the two sources.

**Illustrations** – (1) Where the quota of promotes and direct recruits is in the proportion 1:1 the seniority shall be in the following order;

First	-----	Promotee
Second	-----	Direct recruits and so on

(2) Where the said quota is in the proportion of 1:3 the seniority shall be in the following order :-

First	-----	Promotee
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Second to fourth	-----	Direct Recruits
Fifth	-----	Promotee
Sixty to eight	-----	Direct recruits and so on

Provided that –

- (i) Where appointments from any source are made in excess of the prescribed quota, the persons appointed in excess of quota shall be pushed down, for seniority, to subsequent year in which there are vacancies in accordance with the quota.
- (ii) Where appointments from any source fall short of the prescribed quota an appointment against such unfilled vacancies are made in subsequent year or years, the persons so appointed shall not get seniority of any earlier year but shall get the seniority of the year in which their appointments are made, so however, that their names shall be placed at the top followed by the names, in the cyclic order of the other appointees;
- (iii) Where in accordance with the service rules the unfilled vacancies from any source could, in the circumstances mentioned in the relevant service rules be filled from the other source and appointment in excess of quota are so may, the persons so appointed shall get the seniority of that very year as if they are appointed against the vacancies of their quota.

### **PART III – SENIORITY LIST**

- 9. Preparation of seniority list** – (1) As soon as may be after appointments are made to a service, the appointing authority shall prepare a tentative seniority list of the persons appointed substantively to the service in accordance with the provisions of these rules.
  - (2) The tentative seniority list shall be circulated amongst the persons concerned inviting objections, by a notice of reasonable period, which shall not be less than seven days from the date of circulation of the tentative seniority list.
  - (3) No objections against the vires or validity of these rules shall be entertainable.
  - (4) The appointing authority shall, after disposing of the objection by a reasoned order, issue a final seniority list.
  - (5) It shall not be necessary to prepare a seniority list of the cadre to which appointments are made only by promotion from a single feeding cadre.