

File No. 12011 / 02 / 2010 - SSS
Ministry of Statistics & Programme Implementation
(SSS Division)

Sardar Patel Bhawan,
Sansad Marg, New Delhi - 110001

Dated: 16th November 2017

Office Memorandum

Sub: Ad-hoc promotions as Senior Statistical Officer [Erstwhile Statistical Investigator Grade I] made prior to Revised RRs dated 31.05.2013 - - Regarding.

The undersigned is directed to refer to this Ministry orders vide which Junior Statistical Officers (erstwhile Statistical Investigator Grade II) [Grade Pay of Rs.4200, Group C Non-Gazetted] were promoted as Senior Statistical Officers (erstwhile Statistical Investigator Grade I) [Grade Pay of Rs.4600, Group B Gazetted] on Ad-hoc basis prior to revision of RRs dated 31.05.2013 under the impression that on account of merger of four grade structure in two grade in the light of 6th CPC, the extant RRs of SSS dated 12.02.2002 (Group B) had become unworkable for regular promotion purpose. The Hon'ble High Court of Delhi has examined in WP (C) 11660 / 2015 [UOI Vs. Jai Singh] has made the following observations:

13. In the present case, the petitioners have taken conscious decision to promote the respondent and several others on the existing post as per old RRs by issuing an ad-hoc promotion orders. The promotion as well as the terms and conditions of the employment of the respondent and others continued to be governed under the old RRs of 2002 till replaced by new RRs. Also, if the argument of the petitioner is accepted that there were no operative RRs after merger of posts as 6th CPC, it would mean, there were no RRs governing the parties and thus a vacuum existed, which cannot be filled. Thus, the contention of the petitioners has no merit. Also, RRs 2002 contains deeming provision. Note of Rule 12 reads as under:

Note:

For the purpose of these rules. "Regular basis" means.

(I) Where a person is appointed in accordance with the procedure laid down in sub-rule (2) against a regular vacancy, then he shall be deemed to have been appointed to any grade or post on a regular basis."

These rules define appointment on regular basis and include the employees who were:-

- (i) Appointed against a regular vacancy.
- (ii) Appointed as per procedure in sub-rule (2).

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14. If the appointment made fulfills these two conditions, the appointment so made is considered to have been made on regular basis. It is immaterial, if it is given the nomenclature of Ad-hoc, temporary or otherwise. We in the light of above, find that the direction of the Tribunal to consider to ad-hoc promotion of the respondent, if made, after following the procedure prescribed in the RRs in vogue, as regular promotion from the date of his ad-hoc promotion, to be in consonance with the RRs governing the parties. The petitioners, therefore, have failed to point out any illegality in the order of the Tribunal.

15. The petition has no merit and the same is dismissed.

02. The matter has been considered in consultation with DoPT and Ministry of Law & Justice and it has been decided to review all ad-hoc promotions by holding review DPC, as per the extant RRs of SSS dated 12.02.2002 (Group B) made against regular vacancies prior to revised RRs dated 31.05.2013. However, prior to undertaking this exercise, it is also brought into the notice of all concerned officers of SSS that absorptions as Statistical Investigator Grade III (Rs.5500-9000, Group C NFSG, Non Gazetted) would also be reviewed by holding Review Selection Committee as per Sub-rule (ii) of Rule 8 of SSS RRs dated 12.02.2002 (Group C) to avoid further complications in the matter.

03. All participating Ministries / Department / Organisations are requested to bring it to the notice of all concerned.

04. This issues with the approval of Secretary (S&PI)-cum-CCA of SSS.

Saraswathy

(K. Saraswathy)

**Under Secretary to the Govt. of India
Tel No. 011-23340888.**

To.

(i) All Participating Ministries of SSS for information.

(ii) Department of Personnel & Training [Kind Attention Sh. Rajesh Sharma, Under Secretary, (Estt-D)] North Block, New Delhi w.r.t. their ID Note No. 1245702 / 17 / CR dated 11.07.2017 and DoPT ID No. 1270848 / 17 / CR dated 04.10.2017 for information.

(iii) Ministry of Law & Justice, Department of Legal Affairs [Kind Attention Sh. R. K. Srivastava, Deputy Legal Adviser] w.r.t. their E.O.No. 286465 / Adv. B/ 2017 dated 16.10.2017 for information.

(iv) Sh. Maninder Singh, Additional Solicitor General of India w.r.t. their FTS No. 286465 / B / 17 - CAS Dy. No. 1848 / 2017 - ASG Dy. No. 1164 / 17 dated 17.10.2017 for information.

(v) Computer Centre with the request to place this order under miscellaneous link of SSS on MOS&PI website.

(vi) General Secretary AIASO w.r.t. their representations dated 03.11.2014 and 17.07.2014 for information.