

File No. 11024 / 13 / 2015 - SSS
Ministry of Statistics & Programme Implementation
(SSS Division)

Sardar Patel Bhawan,
Sansad Marg, New Delhi - 110001

Dated: 1st February 2018

Office Memorandum

Sub: Review of promotions as Senior Investigator from Junior Investigator in CSO - Regarding.

The undersigned is directed to refer to this Ministry's various Orders as mentioned in Para 04 of this OM vide which Junior Investigators [Rs.5000-8000 Group C Non-Gazetted] of CSO were promoted to Senior Investigators [Rs.6500-10500, Group B Non-Gazetted] in CSO with retrospective effect. Consequent to the advice of Hon'ble National Commission for Scheduled Tribes (NCST) dated 16.11.2017, these promotions have been reviewed by the Review DPC.

02. Following are the Observations of Review DPC:

- (i) 105 incumbents were holding the post of Senior Investigator (Rs.6500-10500) on regular basis, against the sanctioned strength of 97 posts (87 Non-plan+ 10 Plan post) and accorded seniority in the cadre of Senior Investigator vide Circular No. A-23011 / 01 / 2002 - Ad. II dated 15.05.2002 while the promotions ought to be restricted to clear and regular vacancies only.
- (ii) Sh. K. K. Chand was promoted on regular basis as Senior Investigator (Rs.6500-10500) vide Order No. A-32012 / 02 / 2000 - Ad- II w.e.f. 16.02.2001 against the vacancy of 2000-01 [which had arisen after 07.10.1999] in the cadre of Senior Investigator without ascertaining whether vacancy pertains to Direct Recruitment (DR) quota or promotion quota (PR). Apart from this, Sh. R.S. Verma, Sh. C. M. Meena, Smt. Biju Cyriac and Smt. G. Lalita were also promoted against the vacancy of 2000-2001 as Senior Investigator on ad-hoc basis w.e.f 25.01.2001, 18.01.2001, 11.01.2001 and 01.02.2001 respectively. The above promotions were made without taking into account the crucial date of eligibility prescribed vide DoPT OM No. 22011/09/1998-Estt.(D)Dated 08.09.1998 & 22011/03/1998- Estt.(D)Dated 17.09.1998.
- (iii). Consequent upon the meeting held on 13.12.2001, the structure of Subordinate Statistical Service (SSS) was finalized by clubbing all statistical function posts scattered in different central Ministries / Organizations including CSO and the SSS cadre was constituted vide MoSPI's OM No. 11011 / 01 / 2001 - SSS dated 30.01.2002 and the same was Notified vide Gazette Notification No. G. S. R. 98 (E) dated 12.02.2002. After SSS cadre comes into existence, the vacancies that arose in the cadre of Senior Investigators under the financial year 2001-02 could not be filled on the basis of old RRs dated 07.10.1994.

(iv) RRs of Senior Investigator dated 07.10.1994 was repealed vide rule 24 of SSS rules dated 12.02.2002 (Group B). Therefore, the regularization of ad-hoc promotions of Sh. R. S. Verma, Sh. C. M. Meena, Smt. Biju Cyriac and Smt. G. Lalita as Senior Investigator w.e.f. 24.12.2004 vide this Ministry Orders No. C-18013 / 05 / 2002 - Admin- I dated 06.03.2009 and 22.04.2009 under old RRs dated 07.10.1994 was against the new SSS Rules existing at that time. Consequently, their absorption as Statistical Investigator Grade II vide Orders No. C-18013/05/2004-Admin. I dated 9th March 2009 and 23rd April 2009 in Subordinate Statistical Service (SSS) w.e.f. 01.05.2005 is not in conformity with relevant instructions of DoPT.

03. In view of above, the Review DPC recommended that the promotion of officers as mentioned in Para 4 of this OM from Junior Investigator (JI) [Rs.5000-8000] to Senior Investigator (SI) [Rs.6500-10500] may be treated as null and void and their subsequent promotions, if any, may accordingly be reviewed, as per due process of law.

04. Accordingly, the excess promotions in respect of the following Junior Investigators have been reviewed, detailed as under:

Sl. No.	Name of Officers.	Date and Order No. of Ad-hoc promotion as SI.	Date of regular promotion as Senior Investigator (SI).
01	Sh. R. S. Singh (SC) [Retired on 30.09.2017]	Promoted as Senior Investigator w.e.f. 05.02.1998 on Ad-hoc basis vide Order No. A-32012 / 01 / 1997 - Ad. II dated 05.02.1998.	Regularized w.e.f. 05.02.1998 vide Order No. A- 46011 / 24 1999 - Ad. II dated 05.09.2000.
02	Sh. T. A. Khan	Promoted as Senior Investigator w.e.f. 05.02.1998 on Ad-hoc basis vide Order No. A-32012 / 01 / 1997 - Ad. II dated 05.02.1998.	Regularized w.e.f. 05.02.1998 vide Order No. A- 46011 / 24 1999 - Ad. II dated 05.09.2000.
03	Sh. O. P. Gupta	Promoted as Senior Investigator w.e.f. 05.02.1998 on Ad-hoc basis vide Order No. A-32012 / 01 / 1997 - Ad. II dated 05.02.1998.	Regularized w.e.f. 05.02.1998 vide Order No. A- 46011 / 24 1999 - Ad. II dated 05.09.2000.
04	Sh. V. Ravi	Promoted as Senior Investigator w.e.f. 05.02.1998 on Ad-hoc basis vide Order No. A-32012 / 01 / 1997 - Ad. II dated 05.02.1998.	Regularized w.e.f. 05.02.1998 vide Order No. A- 46011 / 24 1999 - Ad. II dated 05.09.2000.

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05	Sh. Atul Kumar Sharma	Promoted as Senior Investigator w.e.f. 06.01.1999 on Ad-hoc basis vide Order No. A-32012 / 01 / 1997 - Ad. II dated 07.01.1999	Regularized w.e.f. 06.01.1999 vide Order No. A- 46011 / 24 1999 - Ad. II dated 05.09.2000.
06	Sh. Ramkesh	Promoted as Senior Investigator w.e.f. 06.01.1999 on Ad-hoc basis vide Order No. A-32012 / 01 / 1997 - Ad. II dated 07.01.1999	Regularized w.e.f. 06.01.1999 vide Order No. A- 46011 / 24 1999 - Ad. II dated 05.09.2000.
07	Sh. R. P. S. Rathore	Promoted as Senior Investigator w.e.f. 07.01.1999 on Ad-hoc basis vide Order No. A-32012 / 01 / 1997 - Ad. II dated 07.01.1999.	Regularized w.e.f. 07.01.1999 vide Order No. A- 46011 / 24 1999 - Ad. II dated 05.09.2000.
08	Sh. Ram Rattan	Promoted as Senior Investigator w.e.f. 06.01.1999 on Ad-hoc basis vide Order No. A-32012 / 01 / 1997 - Ad. II dated 07.01.1999	Regularized w.e.f. 06.01.1999 vide Order No. A- 46011 / 24 1999 - Ad. II dated 05.09.2000.
09	Sh. K. K. Chand	N. A.	Promoted as Senior Investigator on regular basis w.e.f. 16.02.2001 vide order No. A-32012 / 02 / 2000 - Ad- II dated 16.02.2001.
10	Sh. R. S. Verma	Promoted as Senior Investigator w.e.f. 25.01.2001 on Ad-hoc basis vide Order No. A-32012 / 02 / 2000 - Ad. II dated 22.02.2001.	Regularized w.e.f. 24.12.2004 Order No. C-18013 / 05 / 2002 - Admin- I dated 06.03.2009.
11	Sh. C.M Meena (ST)	Promoted as Senior Investigator w.e.f. 18.01.2001 on Ad-hoc basis vide Order No. A-32012 / 02 / 2000 - Ad. II dated 22.02.2001.	Regularized w.e.f. 24.12.2004 Order No. C-18013 / 05 / 2002 - Admin- I dated 06.03.2009.
12	Smt. Biju Cyriac	Promoted as Senior Investigator w.e.f. 11.01.2001 on Ad-hoc basis vide Order No. A-32012 / 02 / 2000 - Ad. II dated 22.02.2001.	Regularized w.e.f. 24.12.2004 Order No. C-18013 / 05 / 2002 - Admin- I dated 06.03.2009.

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13	Smt. G. Lalita	Promoted as Senior Investigator w.e.f. 01.02.2001 on Ad-hoc basis vide Order No. A-32012 / 02 / 2000 - Ad. II dated 22.02.2001.	Regularized w.e.f. 24.12.2004 Order No. C-18013 / 05 / 2002 - Admin- I dated 22.04.2009.
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05. Sh. Ram Rattan was promoted as ad-hoc Senior Investigator against ad-hoc vacancies w.e.f. 06.01.1999 vide order No. A-32012 / 01 / 1997 - Ad- II and 07.01.1999 and regularized as Senior Investigator with retrospective effect i.e w.e.f. 7.01.1999 vide order No. A-46011 / 24 / 1999 - Ad- II dated 05.09.2000. Sh. K. K. Chand was promoted, on regular basis, as Senior Investigator (Rs.6500-10500) vide Order No. A-32012 / 02 / 2000 - Ad- II w.e.f. 16.02.2001 against the chain vacancy of 2000-01 [arisen after 07.10.1999] in the cadre of Senior Investigator without ascertaining whether the vacancy pertains to Direct Recruitment (DR) quota or Promotion quota (PR). Moreover, the above promotions were made without taking into account the crucial date of eligibility prescribed vide DoPT OM No. 22011/09/1998- Estt.(D) Dated 08.09.1998 & 22011/03/1998- Estt. (D)Dated 17.09.1998.

06. In pursuance to the judgment of Hon'ble CAT in OA No. 621 / 2004 (Ram Rattan & OrsVs UOI) dated 30.06.2005, notices were served to them vide Memorandum No. C-18013 / 05 / 2004 - Ad. I dated 24.04.2006 and they were directed to furnish their representations as to why they should not be reverted to Junior Investigator in CSO. Accordingly they had furnished their representation dated 15.05.2006 and desired clarifications were also issued to them vide this ministry OM dated 22.01.2007. However, these officers were inadvertently absorbed and appointed into SSS as Statistical Investigator Grade I (Rs.7450-11500) with retrospective effect i.e. w.e.f. 01.04.2004 vide Order No. C-18013 / 05 / 2004 - Admin- II dated 5th March 2009. Their absorption as Statistical Investigator Grade I were against the provision of sub-rule (ii) of Rule 8, sub-rule (ii) of Rule 9 and provisions contained in Schedule III of Group B Rule of SSS dated 12.02.2002. Therefore, their promotion as Senior Investigator in CSO as well as their absorption as Statistical Investigator Grade I (Rs.7450-11500) into Subordinate Statistical Service (SSS) was erroneous.

07. Recommendation of Review DPC has been examined and it has been decided that the promotion of officers as mentioned in Para 4 above from Junior Investigator (Rs.5000-8000, Group C Non-Gazetted) to Senior Investigator (Rs.6500-10500, Group B Non-Gazetted) shall be treated as null and void and their subsequent promotions, if any, shall be reviewed as per due process of law.

08. The concerned officers may submit their representations, if any, in the matter within 20 (twenty) days from the date of receipt of this Memorandum. In case no representation is received within the stipulated time limit, it would be presumed that they have nothing to say in the matter and action as appropriate would be taken accordingly.

Smt

09. All the concerned Ministries are hereby requested to provide a copy of the above OM to the concerned officers with proper acknowledgement under intimation to this Ministry.

10. This issues with the approval of Competent Authority.

Saraswathy

(K. Saraswathy)

Under Secretary to the Govt. of India

Tel No. 011-23340888.

To.

(i) All concerned officers through their Administrative Ministry / Department.

Copy to:

(i) Director (ISS) for information.

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