

to 1996-1997. He further states that the Government is taking expeditious steps for finalisation of the seniority list of the remaining officers as also the finalisation of the post based reservation roster for promotion to the next higher post of Assistant Commissioners, Deputy Commissioners and Joint Commissioners. He submits that the finalisation of post based reservation roster should be completed by 31.08.2013 and the process of calculating the year wise vacancies, drawing of eligibility lists, scrutiny of ACR folders, vigilance and integrity status etc. in consultation with the Commissionerates across the country for the vacancy years 1997-1998 to 2001-02 shall be completed by 31.09.2013. Similarly action in regard to the vacancies for the years 2002-2003, 2003-2004 shall be completed by 31.03.2014 and for years 2004-2005 to 2008-2009 by 31.06.2014. For the years 2009-2010 to 2013-2014 the process shall be completed latest by 30.09.2014.

Mr. Khanna further points out that DPC for promotion from Assistant Commissioners to Deputy Commissioners 1990-1991 to 2001-2002 has already been held and that DPC for promotion from the cadre of Assistant Commissioners to Deputy Commissioners 2002-2003 to 2006-2007 shall be completed within three months after the meeting of DPC for Assistant Commissioners for the year 1997-98 to 2001-2002. Mr. Khanna has filed a chart indicating the broad time frame within which the steps required to finalise the seniority and promotion at different levels and other related tasks shall be completed. He submits that the Government of India are keen to finalise the entire process to avoid further litigation in the matter and to ensure that those who are entitled to consideration and consequent promotion to the next higher post get their due without undue delay.

The statement of Mr. Khanna is recorded with the observation that the Government shall expedite the process and complete the same by the dates indicated in the chart filed before us. The status report in regard to all the steps required to be taken shall be set out in an additional affidavit which the Government would file on or before the final hearing of the SLP.

Mr. Khanna at this stage submits that as per the DOPT directions dated 09.04.1996 contained in para 6.4.4 of the consolidated instructions under the CCS and CCA Rules, the promotion can only be prospective even when the vacancies relate to earlier years. He urged that in the present case officers have been promoted on Ad-hoc basis and certain directions issued by the Madras High Court have been affirmed by this Court directing that officers be given benefit of continuous officiation subject to the availability of vacancies in their quota. He submits that in order to facilitate the implementation of the said directions, this court could clarify that in the peculiar facts and circumstances of the case, the bar imposed by para 6.4.4 (supra) will not apply and the officers can be given seniority w.e.f. the year the vacancies became available in their respective cadres.

Mr. A. Sharan, learned senior counsel for the respondent has no objection to such a clarification being granted by this Court.

In the circumstances we clarify that in the facts and circumstances of the case para 6.4.4 supra shall not prevent the Government from giving to the officers seniority from the year the vacancies became available. We make it clear that this direction is issued by us at the request made by the Government of India and on the concession of Mr. Sharan, learned senior counsel for the respondent which shall not operate as a precedent in future.

(Shashi Sareen)
Court Master

(Veena Khara)
Court Master