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No. 2927/JSO/DGAQA/Admin-I

भारत सरकार /Government of India

वैमानिक गुणवत्ता महानिदेशालय

Directorate General of
Aeronautical Quality Assurance

रक्षा मंत्रालय ,एच ब्लॉक

Ministry of Defence `H' Block

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23 Feb 2021

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**DISPOSAL OF REPRESENTATION AGAINST DRAFT
SENIORITY ROLL OF JSO IN DGAQA ORGANISATION**

1. Reference this HQ letter of even no. dated 02.11.2020.
2. The Draft Seniority roll of officers in the grade of JSO in DGAQA was issued vide above referred letter with a request to check the particulars indicated against their name for accuracy and intimate the discrepancies within 30 days, if any. If no discrepancies are intimated within 30 days from date of issue of this letter, this draft seniority roll will be treated as final seniority roll.
3. A no. of observations/ representations, these representations have been received on the draft Seniority List. These representations, after due examination have been compartmentalised into two categories:
 - a) Common observations on the seniority raised by applicant
 - b) Requests for some minor corrections (i.e. related with Date of birth, Name of establishment, Qualification etc.)

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4. It was observed that that principle of fixation of seniority as adopted in the draft seniority roll may not be altered as it is appropriate. Accordingly, replies have been prepared against representations (**Annexure to this letter**), which may be forward to the concerned applicants.

5. The final seniority roll will be issued in due course.



(Nirmal Kumar)
Deputy Director (HR/P)
for DG, AQA

MoD/ D(HAL) : for info

Internal copy to:

- IT Group (dirit-dgaqa@gov.in) : For uploading on DGAQA Website.
- All technical groups at HQ.

Sl No.	Name	Common observation /subject matter raised by applicant against Seniority roll of JSO	Reply
01	Manikanta Kumar Manda Manoj Kumar Anoop P DS Gondane MVPK Sita Rmanjaneyulu Biswanath Gauda Rajesh Pandita	<p>The promotees against vacancy year 2012-13 and 2013-14 are bunched together without following the rota quota principle as set by DoP&T. The seniority roll published for JSO in 2014 where promotees of vacancy year 2012-13 and 2013-14 are placed en-bloc below the candidates of year 2011-12 should not be considered as final and are to be rotated amongst the DR candidates recruited against vacancy years 2012-13 and 2013-14. As per DoP&T OM dt 03.03.2014, inter-seniority of Dr recruits and promotees would be effective from 27.11.2012 and the case where, seniority was determined prior to this date are deemed settled. However in this case the seniority roll of JSO was published on 13.01.2014 i.e. after 27.11.2012. The seniority list published on 13 Jan 2014 without considering DR of respective vacancy year as per rota quota principles set by DoP&T vide OM dt 03.03.14, therefore it could not be considered as a settled case.</p>	<p>The promotees upto the vacancy year 2013-14 had become available in terms of DoP&T O.M. dt 03 Mar 2008. prior to issue of the revised guidelines for inter-se seniority between direct recruits and promotees issued by DoP&T OM dt 04.03.2014. Accordingly, their names were reflected in the seniority roll of 2014. Whereas, their counterpart direct recruits of vacancy year 2012-13 & 2013-14 became available after issuance of the aforesaid O.M. dt.04.03.2014. The first DR of 2012-13 and 2013-14 joined on 27 Dec 2014 and 20 Oct 2015 respectively. Accordingly, the direct recruits of these years were placed en-bloc below the finalised seniority of 2014.</p> <p>The seniority roll of JSO was last issued on 13.01.14 based on guidelines/ instructions in vogue at that time. Therefore, seniority roll issued by this HQr in 2014 was considered as settled case in terms of para 5 (i) of DoP&T O.M. 20011/1/2012-Estt(D) dated 04 Mar 2014.</p>
02	P Ravi SR Bhanarkar Dharmesh Kumar DS Gondane MVPK Sita Rmanjaneyulu Biswanath Gauda V R Datchnamoorthy Dharm Vir Yadav Shekhar Chakraborty	<p>Presently placed at lower position than those officer who have joined on later dates (in year 2015, 2016, 2017, 2018) in the Department. Seniority of JSO may be reviewed in the light of judgement of Hon'ble court dt 19.11.19 passed against Civil Appeal No. 8833-8835 of 2019 where it is stated that a direct recruit can claim the seniority only from the date of his regular appointment and cannot claim seniority from a date when he is not borne in the service.</p> <p>As per Para 38 of judgement of Hon'ble Supreme Court of India in Civil Appeal No. 8833-8835 of 2019, where in it was referred the OM dated 07.02.1986 and 03.07.1986 to made clear that the "seniority of direct of recruitment process."</p> <p>Further it is also clarified in the same para, "The illustration extracted in the N.R. Parmar (Supra) itself, makes it clear that the vacancies which were intended for the direct recruitment in a particular year (1986) which were filled in the next year (1987) could not in the seniority of 1986. In fact, this was indicated in the two OMs dated 07.02.1986 and 03.07.1987 and that is why the Government issued the subsequent OM on 03.03.2008 by way of clarification of the two earlier OMs"</p> <p>Seniority roll should revised accordingly.</p>	<p>In the draft seniority roll dated 02.11.2020 , Direct recruits of year 2014-15 and promotees of 2014-15 were rotated in the ratio 50 : 50 (as per the then prevailing Recruitment Rules of JSO) by maintaining inter-se seniority of direct recruits in the order of merit as communicated by the UPSC. Recruitment Rules for the post of JSO has got revised vide SRO 53 dated 10.12.2015 wherein the method of recruitment has been changed from 50% by promotion and 50% by direct recruitment to 'By promotion failing which by deputation'. After revision of RRs in 2015, only promotees got available in the vacancy year 2015-16, 2016-17, 2017-18, 2018-19 and 2019. Therefore these officers are placed en-bloc below the available DRs/promotees of the year 2014-15, in the order of date of issue of DPC panels .</p> <p>DoP&T is yet to issue orders regarding compliance of judgment given by Hon'ble Suupreme court of India in Civil Appeal No. 8833-8835 of 2019. The seniority list will be reviewed if required in the light of orders issued by DoP&T.</p>

