

File No11024 / 12 / 2016 - SSS
Ministry of Statistics & Programme Implementation
Subordinate Statistical Service (SSS)

Room No. 528, S. P. Bhawan
Sardar Patel Bhawan, New Delhi - 110001.

Dated: 13.11.2017

Subject: Procedural lapses occurred at the time of absorption of Assistant Superintendents of NSSO (FOD) in Subordinate Statistical Service (SSS) - Regarding.

Reference is invited to this Ministry's OM No. 11011 / 01 / 2001 - SSS dated 30.01.2002 and subsequent Notification No. 98 (E) & 99 (E) dated 12.02.2002 (Group B & C) vide which Subordinate Statistical Service (SSS) was constituted in the light of the recommendations contained under Para 81.17 of 5th CPC by clubbing the Group "B" & "C" Statistical Function posts, which were offered by various participating Ministries for inclusion in Subordinate Statistical Service (SSS). The OM dated 30.01.2002 was issued with the approval of DOP&T, Ministry of Finance and Ministry of Law taking into account the decision taken in tripartite Meeting held on 13th December 2001 involving DOP&T, Ministry of Finance, NSSO (FOD) and MOS&PI.

02. At the time of constitution of Subordinate Statistical Service (SSS) vide OM dated 30.01.2002, all statistical function posts of NSSO (FOD) [i.e. Superintendents Rs.6500-10500 (Pre-revised Rs.1640-2900), Assistant Superintendents Rs.5500-9000 (Pre-revised Rs.1600-2660) and Investigator Rs.5000-8000 (Pre-revised Rs.1400-2300)] were restructured [In 40:60 Ratio], as per the decision taken under Para 5 of tripartite meeting dated 13.12.2001. Thus the cadre of Assistant Superintendent of NSSO (FOD) was restructured by up-grading 861 posts in the pay scale of Rs.6500-10500 and remaining 527 posts were downgraded in the pay scale of Rs.5000-8000. However, it was specifically decided in the said restructuring that none of the concerned officials shall be put in a hardship. Accordingly, these posts were included in Schedule I and III of SSS Notification dated 12.02.2002 (Group B and C). The number of posts offered for en-cadrement in SSS by other participating Ministries [Other than FOD] of SSS, which were in the pay scale of Rs.6500-10500 (Pre-revised Rs.1640-2900) and in the pay scale of Rs.5000-8000 (Pre-revised Rs.1400-2300) remained unchanged and these posts were also included in Schedule I & III of relevant Notifications of SSS dated 12.02.2002 & 04.04.2003. The revised allocation of posts in NSSO (FOD) was also notified vide SSS Notification dated 12.02.2002 and 04.04.2003 as under:

Sl. No.	Allocation in NSSO (FOD) before constitution of SSS		Allocation of posts in NSSO (FOD) after constitution of SSS vide OM dated 30.01.2002 and Notification dated 12.02.2002 & 04.04.2003.	
	Name of post	Number of posts	Name of post	Number of posts
1	Superintendents [(Group B, Gazetted, Rs.6500 - 10500 (Rs.1640-2900)]	357	Statistical Investigator Grade - II [Functional] [(Group B, Gazetted, Rs. 6500 - 10500) including 30 % SI Grade I (Rs.7450-11500) (NFSG).	1218 [357+861=1218]
2	Assistant Superintendents [(Group B, Non-Gazetted, Rs.5500 - 9000 + 75/- Special Pay (Rs.1600-2660)]	1388		
3	Investigator [(Group C, Non-Gazetted, Rs.5000 - 8000 (Rs.1400-2300)]	1482	Statistical Investigator Grade - IV [Functional] [(Group C, Non Gazetted, Rs.5000 - 8000) including 30% SI Grade III (Rs.5500 - 9000) (NFSG).	2009 [1482+527 = 2009]
	Total	3227		3227

03. In view of above restructuring of NSSO (FOD), the Assistant Superintendents were required to be upgraded in the pay scale of Rs.6500-10500 and subsequently ought to be placed in the integrated eligibility list of Rs.6500-10500 as per their inter-se-seniority, before absorbing them, as Statistical Investigator Grade II (Rs.6500-10500) in SSS at the time of operationalization. However, on the recommendation of Selection Committee, they were absorbed as Statistical Investigator Grade II in Subordinate Statistical Service (SSS) w.e.f. 01.04.2004 vide order No. 11011 /01 / 2004 – SSS (II) dated 01.04.2004 from the pay scale of Rs.5500-9000 (Pre-revised Rs.1600-2660, Group B), which was not in conformity with the DOP&T OM No. 20011 / 01 /2000 – Estt. (D) Dated 27.03.2001. Further, remaining Assistant Superintendents were absorbed as Statistical Investigator Grade II vide order No.12016 / 03 / 2006 – SSS dated 12.08.2008 without due recommendation of the Selection Committee as well as DoPT OM dated 27.03.2001. These orders are required to be reviewed as per sub-para (i) of Para 3 of DoPT OM No. 18 / 26 / 2011 – Estt. (Pay-I) dated 6th February 2014 and DoPT OM No. 18 / 03 / 2015 – Estt. (Pay-I) dated 2nd March 2016. These orders of DoPT were issued by DoPT on the basis of judgment of the Hon^{ble} Supreme Court in Chandi Prasad Uniyal And Ors Vs. State of Uttarakhand And Ors, 2012 AIR SCW 4742, (2012) 8 SCC 417 decided on dated 17.08.2012. According to the extant instructions of DoPT on absorption without being on deputation, the absorption has to be in **same or equivalent** grades; however these provisions were skipped by Selection Committee, while recommending the Assistant Superintendent (Rs.5500-9000, Pre-revised Rs.1600-2660) for absorption as Statistical Investigator Grade II (Rs.6500-10500) in Subordinate Statistical Service (SSS). As per existing instructions of DoPT, if DPC (Screening Committee in case of SSS) has not taken all material facts into consideration or if there have been grave errors in the procedure followed by DPC, in that situation it is necessary to convene Review DPC to rectify certain unintentional mistakes.

04. Now, therefore a decision, has been taken in consultation with DoPT and Ministry of Finance to rectify the inadvertent procedural errors crept in at the time of absorption of Assistant Superintendents of NSSO (FOD) in SSS by adopting the following procedures to avoid any further administrative difficulties:

(i) Review Selection Committee meeting would be held as per RRs of SSS (Group B) dated 12.02.2002 (Group B) to review the earlier recommendation in the light of RRs of SSS and DOP&T OM dated 27.03.2001 in respect of Assistant Superintendents of NSSO (FOD). Accordingly, the absorption Order dated 01.04.2004 and 12.08.2008 stand withdrawn.

(ii) On account of the restructuring, the post of Assistant superintendents of NSSO (FOD) stood upgraded from the pay scale of Rs.5500-9000 (Pre-revised Rs.1600-2660) to Rs.6500-10500 and en-cadred in Schedule I and III in Group B Service of SSS dated 12.02.2002 and would be effective on operationalization of SSS. Therefore the incumbents (Assistant Superintendents), as per their inter-se-seniority, would be placed in the integrated eligibility lists of Rs.6500-10500 before absorbing them against the combined strength of SI Grade I & II of SSS. As per the decision of DoPT, MoF and MoSPI in the tripartite meeting, as far as possible none of the individual officials of NSSO (FOD) would be put under any hardship. Therefore, they would be treated as departmental candidates of Group “B” Service in the light of sub-rule (c) of Rule 2 of SSS dated 12.02.2002. However, the actual financial benefits would be applicable to them only after absorption in SSS as Statistical Investigator grade II (Rs.6500-10500) and joining as Statistical Investigator Grade II of SSS.

(iii) Accordingly, Assistant Superintendents would be absorbed and appointed as SI Grade II (Rs.6500-10500) in SSS w.e.f the same date vide which they were recommended by earlier Selection Committee, so that their ACPs, MACP, Seniority, promotions and retirement benefits settled prior to issue of this OM, may remain unaffected.

05. This issues with the approval of competent authority.

Saraswathy

(K. Saraswathy)

Under Secretary to the Govt. of India

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To

- (i) All Participating Ministries of SSS for information.
- (ii) Department of Personnel & Training [Kind Attention Sh. K. Prakasham, Under Secretary, (RR)] North Block, New Delhi w.r.t. their ID Note No. 1245702 / 17 / CR dated 11.07.2017 and DoPT ID Note Dy. No. 1271034 / 17 / 2017 dated 18.10.2017 for information.
- (iii) Department of Expenditure [Kind Attention Sh. Ashok Kumar, Under Secretary, E- III (A) Branch, North Block, New Delhi w.r.t. their ID Note No. 1245702 / 17 / CR dated 11.07.2017 and DoPT ID Note Dy. No. 300345670 dated 04.09.2017 for information.
- (iv) Computer Centre with the request to place this order under miscellaneous link of SSS on MOS&PI website.
- (v) General Secretary, AIASO w.r.t. their representations dated 18.10.2014, 03.11.2014, 27.01.2015, 11.01.2016 and 11.03.2016 for information.