

PROCEEDINGS OF THE COMMISSIONER OF LABOUR: AP: HYDERABAD

PRESENT: SRI D. VARAPRASAD, IAS.,
STATION: HYDERABAD - 500 020

No.B/6977/2014

Dated: 17.06.2015.

Sub: Estt. - Labour Dept. - APMS Rules, 1996 - Provisional Seniority list of Senior Assistants, O/o. the Commissioner of Labour, A.P., Hyderabad - Communicated calling objections- Final Seniority list - Orders - Issued -- Reg.

- Ref: 1) This Office Proceedings of Even No. dated 30-05-2015.
2) This Office Proceedings of Even No. dated 05-06-2015.
3) Objection dated 08-06-2015 of Sri ASV Naidu, Sr.Assistant.
4) Objection dated 03-06-2015 of Sri Y.Dhanunjayudu, Sr.Assistant.

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ORDER

Through the reference cited a provisional seniority list of Senior Assistants appointed on or after 01-09-2008 and working in the Office of the Commissioner of Labour, Andhra Pradesh, Hyderabad was communicated calling objections, if any within (07) days from the date of receipt of this order. The said provisional seniority list was received by the individuals concerned on the dates shown against their names.

1)	Smt RSVS Uma Devi	02-06-2015
2)	Smt S.Padmasree	01-06-2015
3)	Smt K.Kanaka Durga Bhavani	04-06-2015
4)	Sri ASV Naidu	01-06-2015
5)	Smt D.Asha	01-06-2015
6)	Sri Y.Dhanunjayudu	01-06-2015
7)	Smt Ayesha Butul	01-06-2015
8)	Sri Mohd.Zaheeruddin	01-06-2015
9)	Sri Mohd.Hascebuddin	01-06-2015

2. The stipulated period of (7) days for receiving objections were expired by 11-06-2015. There were no objections received from the above individuals except from Sri A.S.V.Naidu and Sri Y.Dhanunjayudu, Senior Assistants against the said provisional seniority list of Senior Assistants.

OBJECTION FILED BY SRI A.S.V.NAIDU, SENIOR ASSISTANT

3. Sri ASV Naidu, Senior Assistant in his objection has questioned the authority as to how the names of Smt S.Padmasree and Smt K.K.D.Bhavani, Senior Assistants shown over and above him at Sl.No.2 and 3 in the provisional seniority list of Senior Assistants, as Smt S.Padmasree, Sr.Assistant who has been transferred from Visakhapatnam to the O/o Commr.of Labour on her own request, and the other incumbent Smt KKD Bhavani who was on deputation nearly 2 years in another organization during the probation period. Further he also questioned about proposed provisional seniority taking into account the panel year system. He requested to finalise the seniority in the category of Senior Assistant by considering the above objection.

REPLY

4. During the year 2010 there were no qualified candidates in the category of Junior Assistants available for promotion as Senior Assistants in the existing vacancies. Therefore, the Junior Assistants have requested the authority to consider their cases for promotion in the existing vacancies conditionally subject to acquiring pre-requisite qualifications for promotion. The appointing authority has considered their request and promoted certain Junior Assistants along with the applicant conditionally as Senior Assistants even though they do not acquire the requisite qualifications such as departmental tests, and (3) years minimum service for promotion etc.,. Since, all such promotions have been considered conditionally subject to fulfillment of acquiring the requisite qualifications, their promotions have to be regularized based on the requisite qualifications acquired by them duly taking into consideration the panel years which they are eligible for promotion as per Rule 6(h) (i) of A.P.State and Subordinate Service Rules.

5. With regard to objection raised against the seniority assigned to Smt S.Padmasree and KKD Bhavani, it is informed that Smt S.Padmasree was originally Senior Assistant in the subordinate Office of the Jt.Commissioner of Labour, Visakhapatnam w.e.f. 23-10-2008 and subsequently she has been transferred to the Office of the Commissioner of Labour, AP, Hyderabad at her request and she joined in this Office on 21-05-2010. As on the said date Sri AVS Naidu was working as Senior Assistant on conditional basis and he has not acquired departmental test and also not completed (3) years service required in the category of Junior Assistant for promotion to the post of Senior Assistant. He was passed his requisite last departmental test on 15-10-2010 and also completed (3) years service in the category of Junior Assistant by 26-02-2011 and therefore he is eligible for promotion to the post of Senior Assistant for the panel year 2011-12 and accordingly assigned seniority w.e.f. 01-09-2011. Whereas Smt S.Padmasree was joined as Senior Assistant on 21-05-2010 and as per rule 15(I)(iii) of A.P.Ministerial Service Rules, her seniority in the category of Senior Assistant have been fixed from the date of his joining in the Office of the Commissioner of Labour i.e. on 21-05-2010.

6. With regard to claim of seniority against Smt KKD Bhavani, it is informed that as per the ranking assigned by the A.P.Public Service Commission, Smt K.K.Durga Bhavani is senior than Sri AVS Naidu in the category of Junior Assistant. Smt K.K.Durgana Bhavani was joined as Jr.Assistant on 05-02-2008 and she has satisfactorily completed the period of probation for (2) years in the category of Jr.Assistant on 11-07-2010. Further she was sent on deputation to DRDA, Guntur as Senior Assistant from 12-10-2010 to 07-06-2012. As per the instructions issued in G.O.P.No.10, Finance and Planning (FW FR.II) Department, dated 22-11-1993 the period of deputation does not count for probation in the parent Department. But, the said service can be counted for determining the length of qualifying service for promotion to the next higher post. In view of the above position and taking into consideration of (3) years minimum period of service in the category of Junior Assistant, she became eligible for promotion to the post of Sr.Assistant in the panel year 2011-12 and therefore her seniority is fixed w.e.f. 01-09-2011. The details of placing of probation of all the individuals in the category of Senior Assistant and declaration of probation has already been issued through the proceedings 2nd cited.

7. In view of the above, the seniority assigned to Smt S.Padmasree and Smt K.K.Durga Bhavani at Sl.No.2 and 3 respectively in the category of Senior Assistants over and above Sri AVS Naidu (Sl.No.4) is in order and accordingly, the objection-raised by him is overruled.

OBJECTION FILED BY SRI Y.DHANUNJAYUDU, SENIOR ASSISTANT

8. Sri Y.Dhanunjayudu in his representation 4th cited has stated that the information regarding placing of probation, passing of Departmental Tests and minimum period of service for promotion in respect of Junior Assistants and Senior Assistants has been requested under RTI Act. He also requested the information with regard to transfers made in the category of Senior Assistants from Subordinate Office to Head Office. Further, he referred the orders of A.P.State Information Commission issued in case No.3658/SIC-PVB/2015 and case No. 3389/SIC-PVB/2015 requested to provide necessary information in this regard.

REPLY

9. The information as sought by Sri Y.Dhanunjayudu, Senior Assistant is dealt in proceedings 2nd cited and the same has been communicated to him by Registered post No.RN026560492IN to his leave address, but the same has been returned by the postal authorities with an Endt. "Refused return to sender". In the earlier occasion he has also refused to receive the final seniority list of Junior Assistants issued in Procs.No.B/6997/2014, dated 25-05-2015 has also been refused when it was sent to him by Registered Post No.52914675, dated 28-05-2015. Thereafter a memo dated 05-06-2015 has been issued to him calling his explanation for refusal to accept the official communication which amounts to misconduct. The said memo has also been sent to him to his leave address by Speed Post and the same has also been returned by the Postal authorities with an Endt that "refused return to sender".

10. With regard to the orders passed by the of A.P.State Information Commission in case No.3658/SIC-PVB/2015 and case No. 3389/SIC-PVB/2015, the enquiry reports in these two cases has been submitted to the Commission on 30-05-2015. Further, the individual was reluctant to receive official communications pertains to him and exhibited disobedience, though the relevant particulars sought by him was clearly reflected in the proceedings 2nd cited, he has refused to receive the same which amounts to misconduct and unbecoming of a Government servant.

11. Though the individual acknowledged the provisional seniority list of Senior Assistants issued in the proceedings 1st cited on 01-06-2015, he has not submitted any specific objection against the said provisional seniority list in the category of Senior Assistant. As there is no specific objection raised against the provisional seniority, there is no point for examination in respect of his seniority.

12. Accordingly, the provisional seniority list of Senior Assistants issued in the reference cited is hereby confirmed and finalized as appended in the Annexure, subject to the conditions as already mentioned in the reference 1st cited.

SD/-D.VARAPRASAD,
COMMISSIONER OF LABOUR

Encl: Annexure (at over leaf)

To
The individuals concerned.

//FORWARDED BY ORDER//


DY.COMMISSIONER OF LABOUR (ADMN.)




ANNEXURE

**Final Seniority List of Senior Assistants appointed on or after
01.09.2008 in Office of the Commissioner of Labour, A.P., Hyderabad.**

Sl. No.	Name of the Individual Sri/Smt./Kum	Date of Seniority assigned in the category of Senior Assistant
1)	RSVS Uma Devi	01-09-2008
2)	S.Padmasree	21-05-2010
3)	K. Kanaka Durga Bhavani	01-09-2011
4)	A.S. V. Naidu	01-09-2011
5)	D. Asha	01-09-2011
6)	Y.Dhanunjayudu	01-09-2012
7)	Ayesha Butul	01-09-2013
8)	Mohd. Zaheeruddin	01-09-2013
9)	Mohd. Haseebuddin	01-09-2013

SD/-D.VARAPRASAD,
COMMISSIONER OF LABOUR


DY.COMMISSIONER OF LABOUR (ADMN.)

