

**PROCEEDINGS OF THE COMMISSIONER OF LABOUR:: AP :: HYDERABAD**

PRESENT: SRI D.VARAPRASAD, I.A.S.,  
STATION: HYDERABAD - 500 020

**No.A/1173/2015**

**Dated:19-04-2015**

Sub: ESTABLISHMENT - LABOUR DEPARTMENT - A.P.Ministerial Service Rules, 1996 - Provisional seniority list of Superintendents, Office of the Commissioner of Labour, AP, Hyderabad as on 02-06-2014 to 31-03-2015 in regular cadre strength -- communicated calling objections - Final seniority list - Orders - Issued.

Ref:1) This Office Proceedings of Even No. dated 26-03-2015.

2) Objection dated 01-04-2015 of Sri Shaik Nazeer Basha, Superintendent, Office of the Commissioner of Labour, AP, Hyderabad.

3)Objection dated 02-04-2015 of Sri Ch.V.R.Gupta, Superintendent, Office of the Commissioner of Labour, AP, Hyderabad.

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**ORDER:-**

Through the reference 1<sup>st</sup> cited a provisional seniority list of Superintendents working in the Office of the Commissioner of Labour, Andhra Pradesh, Hyderabad was communicated calling objections/suggestions, if any, from the individuals concerned within (7) days from the date of this order. Sri Shaik Nazeer Basha and Sri Ch.V.R.Gupta, Superintendents have been submitted their objections through the reference 2<sup>nd</sup> and 3<sup>rd</sup> cited respectively.

**1) Objection filed by Sri SHAIK NAZEER BASHA, SUPERINTENDENT**

Sri Shaik Nazeer Basha, Superintendent has been submitted objection stating that he is senior to Sri K.Vasantha Rao in the category of Senior Assistants as per the final seniority of Senior Assistants issued vide proceedings No.A3/27730/2001, dated 13-11-2002. According to the seniority, he should be promoted to the next higher cadre as Superintendent much before to Sri K.Vasantha Rao who is junior to him. But Sri K.Vasantha Rao has been promoted as Superintendent on 30-10-2008, while his name was ignored though he is senior to him in the feeder category. Further he came to understand that Sri K.Vasantha Rao has been promoted earlier to him by applying Rule of Reservation. In this connection, he raised his objection contending that the Rule of Reservation is not applicable to the posts which are not included in the cadre strength of the Office of the Commissioner of Labour. The posts of Executive Officers in the cadre of Superintendents that were newly created in A.P.Building and Other Construction Workers Welfare Board for a limited period initially in G.O.Rt.No.2125, dated 18-09-2007, which have to be filled up by deputation on Foreign Service from the Office of the Commissioner of Labour, cannot be included in the cadre strength of Commissioner of Labour, as the said posts are out side the purview of Commissionerate, as such the rule of reservation does not apply. He further contended that the promotion orders issued to Sri K.Vasantha Rao against SC point by adding the newly created posts into the regular cadre strength is not correct. Hence, he was requested to review the promotion of Sri K.Vasantha Rao in the category of Superintendent and assign his seniority in the category of Superintendent based on the seniority list of Senior Assistants and Sri K.Vasantha Rao who is far junior to him should be ranked below his name in the seniority list of Superintendents.

**Reply**

As per G.O. Ms. No. 2, Social Welfare (ROR) Department dated 9.1.2004 is issued providing rules relating to reservations in promotions to Scheduled Castes and Scheduled Tribes. As per Rule 7 of the said Rules, promotions are to be made in accordance with the 100-point roster already prescribed under Rule 22 of the Rules. According to G.O. Ms. No. 5, Social Welfare Department dated 14.2.2003, the existing 100-point roster already prescribed in Rule 22 shall be followed in case of promotions in all the categories where reservation in promotion in favour of Scheduled Castes and Scheduled Tribes is followed. According to G.O. Ms. No. 21, Social Welfare (ROR) Department dated 18.3.2003, reservation in promotion in favour of Scheduled Castes and Scheduled Tribes shall be implemented in promotion in all the categories of positions in all services whose total cadre strength of positions is more than 5 and Rule 22 of the Rules shall apply in promotions in favour of Scheduled Castes and Scheduled Tribes, otherwise, it amounts to violation of Article 16(4)(A) of the Constitution of India and the rules made by the Government of A.P. in the matter of reservations in promotions.

Filling up the roster points shall continue till the required percentage of Scheduled Caste and Scheduled Tribe candidate is obtained. Once the required percentage is obtained by taking into account both the Scheduled Caste and Scheduled Tribe candidates who are found in the list of candidates fit for promotion on account of their seniority in the feeder category and those who are moved up to fill up the required roster point, further adjustment of Scheduled Caste and Scheduled Tribe employees against roster points has to be stopped. As per G.O. Ms. No. 123 dated 19.4.2003, once the adequacy is achieved to the required percentage of 15% in respect of Scheduled Castes and 6% in respect of Scheduled Tribes in a category, the application of rule of reservation in promotions shall be stopped and the promotion shall be effected based on merit-cum-seniority as per G.O. Ms. No. 18 dated 17.3.2005.

The contention of Sri Shaik Nazeer Basha is that the reservation does not apply to deputation/absorption. He further contended that adequacy is achieved with three SC candidates in the category of Superintendents viz., Smt Janaki Bai and Smt M.Kanthamma and Smt G.Ratnasheela Kumari as against the cadre strength of 22 Superintendents ( $22 \times 15 / 100 = 3.30$ ) of the office of the Commissioner of Labour. Therefore, there is no placement to Sri K.Vasantha Rao against SC quota and his promotion is in excess of the total cadre strength of 22 Superintendents.

Sri Shaik Nazeer Basha is informed that the then Commissioner of Labour has ordered to include the new posts of Executive Officers (in the cadre of Superintendents) created in APB&OCWWB and affect promotions to the post of Superintendents duly following the Rule of Reservation. By taking into account the cadre strength as 25 posts ( $22+3$ ), Sri K.Vasantha was promoted against 16-SC as the total representation of SCs is 4 ( $25 \times 15 / 100 = 3.75$ ). Therefore, the objection raised by Sri Shaik Nazeer Basha is overruled in view of the orders of the then Commissioner of Labour and the promotion of Sri K.Vasantha Rao against SC quota cannot be reopened and reviewed at this juncture.

**2. Objection filed by Sri Ch.V.R.Gupta, Superintendent**

He submitted that his seniority in the category of Senior Assistant has to be reckoned from the date of his first appointment in the category of Senior Senographer i.e. w.e.f. 31-07-1995 and he is entitled for promotion as Superintendent against the vacancies that arose after 04-02-2005 on par with the Senior Assistants with reference



to his appointment as Senior Stenographer i.e. w.e.f. 31-07-1995. Hence, he requested to fix his seniority in the category of Superintendents in the appropriate place.

**Reply**

It is seen from the record that the said issue has already been raised by the individual and the same was already examined by the then Commissioner of Labour and disposed off through Memo.No.A3/2954/2008, dated 3-06-2008.

However, on perusal of the records once again, Sri Ch.V.R.Gupta while he was working as Jr.Steno was temporarily promoted as Senior Stenographer in the deputation vacancy which arose due to deputation of one Sr.Steno of the Office of Commissioner of Labour to the State Election Commission, Hyderabad and he reported for duty on 31-07-1995. Consequent on repatriation of the deputationist to the parent unit, Sri Ch.V.R.Gupta shall be reverted to the lower post, but he was continued in the backlog vacancy meant for SC and notified to the A.P.Public Service Commission. Hence, the individual has been continued temporarily in the vacancy earmarked for SC. He was later on absorbed in the regular vacancy which arose on 01-09-1997 due to appointment by transfer of one Senior Stenographer as Asst.Labour Officer and therefore he was absorbed regularly in the substantive vacancy arose on 01-09-1997. Accordingly, his seniority has been fixed w.e.f.01-09-1997 and his date of seniority in the category Senior Steno was determined w.e.f. 01-09-1997. The Senior Stenographers shall be eligible for promotion to the post of Superintendent only after conversion as Senior Assistant from the category of Senior Stenographer. The individual was converted as Senior Assistant on 04-02-2004 and thereafter he became eligible for promotion to the post of Superintendent. The seniority in the category of Senior Stenographer was fixed w.e.f. 01-09-1997 and therefore his seniority in the category of Senior Assistant shall be reckoned w.e.f. 01-09-1997 and consequently his promotion as Superintendent was considered depending on the regular appointment as Senior Steno i.e. 01-09-1997 and according to this date, he was promoted as Superintendent w.e.f. 22-06-2011.

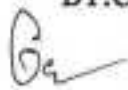
In view of the position as narrated above, the seniority of the individual was assigned in the category of Senior Steno w.e.f 01-09-1997 and therefore his promotion as Superintendent was considered on 22-06-2011, at Sl.No.10 in the seniority list. Therefore, the contention of Sri Ch.V.R.Gupta to assign his seniority in the category of Superintendent in the appropriate place by taking into account his temporary appointment of Sr.Steno i.e. 31-07-1995 is not tenable and therefore it is overruled. The seniority of the individual in the category of Superintendent w.e.f. 22-06-2011 at Sl.No. 10 i.e. after Sri Shaik Nazeer Basha in the seniority list is in order and appropriate.

Accordingly, the provisional seniority list of Superintendents issued vide reference 1<sup>st</sup> cited is hereby confirmed and finalized as appended in the Annexure, subject to the conditions as already mentioned in the reference 1<sup>st</sup> cited.

Encl: Annexure  
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To  
The individuals concerned.

SD/-D.VARAPRASAD,  
COMMISSIONER OF LABOUR  
  
DY.COMMISSIONER OF LABOUR (Admn.)

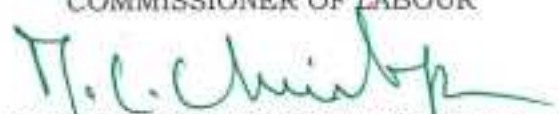


**ANNEXURE**

FINAL SENIORITY LIST OF SUPERINTENDENTS OF THE OFFICE OF THE COMMISSIONER OF LABOUR, AP, HYDERABAD AS ON 02-06-2014 TO 31-03-2015 IN REGULAR CADRE STRENGTH

S.No.	Name of the individual	Date of Seniority assigned
1)	G.Gopamma	08-11-2002
2)	K.Venkateswarlu	13-02-2007
3)	E.V.Ramanamma	13-10-2008
4)	G.Narayana Swamy	21-10-2008
5)	G.Kusuma Kumari	21-10-2008
6)	G.Ratnasheelia Kumari	30-10-2008
7)	K.Vasantha Rao	30-10-2008
8)	✓ Shaik Ahamed Ali	30-10-2008
9)	Shaik Nazeer Basha	06-07-2010
10)	Ch.V.R.Gupta	22-06-2011
11)	Sri N.Suresh Babu	22-06-2011
12)	K.Gnanasunder Rao	22-06-2011
13)	T.Ghanshyam Singh	07-12-2011

SD/-D.VARAPRASAD,  
COMMISSIONER OF LABOUR

  
DY.COMMISSIONER OF LABOUR (Admn.)

69