

**PROCEEDINGS OF THE SPECIAL COMMISSIONER OF LABOUR
ANDHRA PRADESH :: VIJAYAWADA**

PRESENT: SMT G.REKHA RANI, I.A.S.,

No.A/5968/2016

Dated: 11.06.2020

Sub: Establishment – A.P. Labour Services - Common orders dated 12-12-2017 of the Hon'ble High Court of Andhra Pradesh and Telangana in W.P.No.36646 of 2013, and batch to treat the post of Assistant Commissioner of Labour as State wide post and review of promotions in the category of Asst.Commissioner of Labour – Objections called for – Disposed off – Final common list of ACLs -- issued - Reg.

- Ref:1. G.O.Ms.No.71, Women's Development, Child Welfare and Labour (Lab.IV) Department, dated 08-06-1993.
2. G.O.Ms.No.64, LE&F (Lab.IV) Department, dated 01.06.2005.
 3. G.O.Ms.No.26, LET&F(Lab.IV) Department, dated 22.04.2008.
 4. G.O.Ms.No.86, LET&F (Lab.IV) Department, dated 29.09.2008.
 5. Orders of the Hon'ble A.P.Administrative Tribunal dated 27-09-2013 in O.A.No.9880 of 2009.
 - 6.Orders dated 12-12-2017 of the Hon'ble High Court of AP in W.P.No.36646 of 2016 and batch of WPs.
 7. Minutes of the meeting between the Secretaries and Officials of the Labour Department held on 01-03-2018.
 8. Memo No.7477/Lab.I/A1/2009, of LET&F Dept, dated 23.07.2018.
 9. Show case Notice No.A/5968/2016, dated 26-07-2018 of the Commissioner of Labor, AP, Vijayawada.
 - 10.Minutes of the meeting held on 31-12-2018 of the Committee Constituted with both the Commissioners of Labour of AP and TS.
 11. Show Cause notice No. A/5968/2016, dated 02-01-2019 of the Commissioner of Labour, AP, Vijayawada.
 12. Lr.No.A/5968/2016, dated 11-2-2019 of the Commissioner of Labour, AP,Vijayawada.
 - 13.Lr.No.A1/3597/2018, dated 30-03-2019 of the Commissioner of Labour, Telangana State.

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ORDER:

Before restructure of the Department made vide G.O. 2nd cited the post of Asst.Commissioner of Labour in the Labour Department is governed by the A.P.Labour Service Rules issued by the Government vide GO 1st cited. As per the Labour Service Rules issued vide G.O. 1st cited, the post of Asst. Commissioner of Labour was State cadre post and shall be filled in by appointment by Direct Recruitment through APPSC and promotion from the feeder category of Labour Officer which was the Multi Zonal Gazetted post in the Department. While so, the Government in the GO 2nd cited had issued orders for restructure of the Labour Department to bring 3 tire system as against the 4 tire system then existed i.e. the District level administration, Zonal level administration and State level administration eliminating Multi Zonal administration by merging the post of Labour Officers with Asst. Commissioners of Labour. The post of Labour Officer was filled only on promotion from the feeder categories of Asst.Labour Officers and Superintendents of the Labour Department.

2. In the process of restructure, certain posts of Dy.Commissioners of Labour were upgraded as Jt.Commissioner of Labour, certain posts of Asst.Commissioners of Labour were upgraded as Dy.Commissioners of Labour and all the posts of Labour Officers were upgraded as Asst.Commissioners of Labour.

3. On restructure of the Labour Department, the Government in the GO 3rd cited had issued orders to treat the post of Asst. Commissioner of Labour as Multi Zonal post and later issued orders in the GO 4th cited amending the special rules issued vide GO 1st cited in respect of Asst. Commissioner of Labour. Promotions to the said posts were accordingly affected in the panel years 2008-09 and 2010-11 from the feeder categories of ALOs/Superintendents treating the post of ACL as Multi Zonal cadre post. In the combined State of Andhra Pradesh there were (3) Multi Zones viz.. Multi Zone-I is comprising Visakhapatnam and Eluru Zones, Multi Zone-II comprising Guntur and Kurnool Zones and Multi Zone-III comprising Warangal, Rangareddy and Hyderabad City Cadre Zones. Based on the inter-se-seniority of ALOs and Superintendents of respective Multi Zones, promotions in the category of Asst. Commissioners of Labour were made in all (3) multi Zones and Head Office.

4. Later, promotions affected to the post of Asst. Commissioner of Labour treating the post as Multi Zonal cadre post in terms of the GO 4th cited were challenged before the Hon'ble A.P. Administrative Tribunal. The A.P. Administrative Tribunal in its final orders dated 27.09.2013 held that the amended special rules issued in the GO 4th cited to the extent treating the post of Asst. Commissioner of Labour as Multi Zonal post was not in accordance with the Presidential order and therefore set aside the said portion of the special rules and directed the respondents to treat it as State-wide post and review the promotions accordingly. The Government had filed Writ Appeal in W.P. No. 36646 / 2016 against the said orders of the AP Administrative Tribunal. Several others have also filed WP in the Hon'ble High Court on the same issue. The Hon'ble High Court in its final orders dated 12.12.2017 while upholding the orders of the A.P. Administrative Tribunal, directed the respondents to treat the post of Asst. Commissioner of Labour as state wide post instead of Multi Zonal post for the purpose of allocation between the successor States and also for the purpose of further higher promotions.

5. On 01.03.2018 a meeting was held at the level of Secretaries to Govt. of both the States along with other officials of the Labour Department of both the States. A decision was taken in the meeting to implement the orders of the Hon'ble High Court and review the promotions from 29.09.2008 i.e. the date of the impugned amended special rules, treating the post of Asst. Commissioner of Labour as State wide post was issued, by following the cycle of appointments specified in the G.O. 4th cited. In view of the above decision, among other things a proposal was also submitted to the Govt. for carrying out necessary amendment to G.O. Ms. No. 86 to the extent struck down by the AP Administrative Tribunal treating the post of Asst. Commissioner of Labour as Multi Zonal post and to treat the post as State wide post.

6. The Government in the reference 8th cited has issued instructions to the Commissioner of Labour to take necessary action to implement the orders dated 12.12.2017 of the Hon'ble High Court and decisions taken in Secretaries Meeting dated 01.03.2018 pending amendment to the special rules by the Government and subject to final allocation of the persons under AP Reorganization.

7. In the above circumstances, the Commissioner of Labour being the competent authority for the post of Asst. Commissioner of Labour, by following the cycle of appointments specified in G.O. Ms. No. 86, promotions already made to the post of Asst. Commissioner of Labour for the panel year 2008-09 and 2010-11 were reviewed treating them as State cadre posts by arriving inter-se-seniority of ALOs and Superintendents respectively working in the Zones in the combined State of Andhra

Pradesh and the seniority list of Superintendents working in Head Office, a show cause notice was issued to all the persons who covered in the said review vide Notice 9th cited calling objections from the persons covered by the review of promotions.

8. Against the above show cause notice certain objections were received and in which most of the individual have requested to review promotions w.e.f. 29-09-2008 to 01-06-2014 for each panel year i.e. 2008-09, 2009-10, 2010-11, 2011-12, 2012-13 and 2013-14 by following ROR instead of confining review for the panel year 2008-09 and 2010-11. Considering the above objections of the individuals, by reviewing promotions w.e.f. 29-09-2008 to 01-06-2014 for each panel year, a list was prepared and placed before the Committee constituted for this purpose consisting of both the State of Commissioners of Labour and the Addl. Commissioner of Labour, AP and the Joint Commissioner of Labour, TS for examination and for finalization on 31-12-2018. The Committee in its meeting held on 31-12-2018 by examining the same along with objections decided to issue a fresh show cause notice to all the individuals covered upto 01-06-2014. Accordingly, a revised show cause notice was issued calling objections from the individuals concerned vide reference 11th cited.

9. In response to the show-cause-notice, the following 29 persons have filed objections and the details of the objections and the reply to each objection is furnished in Annexure-I appended which is part of this proceedings.

- 1) Smt D.V. Padmaja, Admn. Manager, APB & OCWWB, presently working at Regional Press, Kurnool.
- 2) Sri M.C. Christopher, Dy. Commr. of Labour (Retd.)
- 3) Sri K. Madhava Reddy, Asst. Commr. of Labour (Retd.)
- 4) Sri R. Venkateswarlu, ACL, Tenali.
- 5) Sri KVRK, Prasad, ACL (Retd.)
- 6) Sri S. Sreenivas, ALO-3, Kadapa
- 7) Smt K. Sridevi, Asst. Commissioner of Labour, Telangana State.
- 8) Smt M. Anuradha, Spl. Category Steno, HO, now working as ACL.
- 9) Sri C. Suryanarayana, ALO, Hindupur
- 10) Sri G. Muralidhar, ALO, Circle-II, Kadapa.
- 11) Sri Y. Syamala Rao, Asst. Commissioner of Labour (Retd.)
- 12) Smt RVSS Ramalakshmi, ACL, HO, A.P., Vijayawada.
- 13) Sri N. Audinarayana Rao, ACL, Narasarpet.
- 14) Sri K. Dinesh Kumar, ACL, Tirupathi.
- 15) Smt N. Bulli Rani, ACL, Kakinada
- 16) Smt P. Krishna Veni, ACL, Amalapuram
- 17) Sri K. Venkateswar Reddy, ACL, Kadapa
- 18) Sri Ch. Vijayakumar Reddy, ACL, Dharmavaram
- 19) Kum M. Ramya, ACL, Narsipatnam
- 20) Kum. Ch. Aalochana, ACL, Kovvur.
- 21) Sri G. Narayana Swamy, Superintendent, O/o HO, Telangana State, Hyd.
- 22) Sri R. Subba Rao, Superintendent, O/o COL, AP, Vijayawada.
- 23) Sri KVV Satyanarayana, ACL (Retd.)
- 24) Sri Kesava Panda, ACL
- 25) Sri P. Vasantha Rao, ALO (Retd.)
- 26) The Secretary, AP State Assistant Labour Officers Association.
- 27) Sri B. Yohan, Labour Officer (Retd.)
- 28) Sri T. Srinivasa Rao, Superintendent of HO
- 29) Smt Y.V. Padmaja, Supdt., VSP, presently working as ACL.

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10. The objections received from the persons covered by the review have been examined and disposed off in terms of the remarks specified appended to this order and accordingly a common list of Asst.Commissioners of Labour covered in the review from 29-09-2008 to 01-06-2014 treating the post of Asst.Commissioner of Labour as State cadre post in the combined State of Andhra Pradesh is arrived in Annexure-A and also as per the said review, the persons who are covered and working as on 01-06-2014 for allocation between the two states of Andhra Pradesh and Telangana is appended in Annexure-B.

SD/- G.RKEHA RANI,
SPECIAL COMMISSIONER OF LABOUR

To
The individuals concerned,

Copy submitted to:

The Principal Secretary to Government, LFB&IMS Department. Andhra Pradesh.

The Principal Secretary to Government, LET&F Department, Telangana State.

The Commissioner of Labour, Telangana State.

Stock file/Spare.

//FORWARDED BY ORDER//


SUPERINTENDENT