

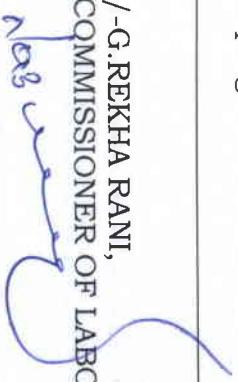
1) SmtD.V.Padmaia, ACL, Admn.Manager, APB&OCWWB, presently working at Regional Press Kurnool.

Sl.No.	Objection	Remarks
1)	<p>Proposals on amendment to Special Rules were submitted by the Commissioner of Labour to the Government and without effecting amendment to the special rules, the review is taken up as per the decision in the Secretaries meeting held on 01-03-2018.</p>	<p>The Hon'ble APAT in O.A.No.9880 of 2009 passed orders setting aside the part (treating the post of ACL as Multi Zonal post) of G.O.Ms.No.86 and directed to treat the post of ACL as State wide post and review the promotions w.e.f. 29-09-2008 i.e. from the date of issue of G.O.Ms.No.86, dated 29-09-2008. The above orders were upheld by the Hon'ble High Court of AP in W.P.No.36646 of 2013. In this regard, the Commissioner of Labour submitted the proposals to the Government for amendment of G.O.Ms.No.86 to treat the post of ACL as State wide post and the same is under consideration. The said proposals were also submitted as per the decision taken in the Secretaries meeting held on 01-03-2018. As the cycle and method of appointments specified in G.O.Ms.No.86 are not affected by the orders of the Hon'ble Courts, the Secretaries have taken a decision in the meeting held on 01-03-2018 to follow the same cycle and method of appointment for the purpose of review.</p>
2)	<p>That she was physically promoted as ALO on 12-07-2000 against the vacancies that are available in Zone-IV of Multi Zone-II and that her juniors who were subsequently promoted are assigned seniority over her.</p>	<p>The Seniority of ALOs was finalized by the respective JCLs of 7 zones and based on the said seniority, an inter-se-seniority of ALOs was prepared to review the promotions in the cadre of ACLs treating the said post as State wide post. The individual was promoted temporarily as ALO in Zone-IV on 12-07-2000 though there was no substantive vacancy. As the substantive vacancy arose on 01-03-2003, her date of seniority is fixed in Zone-IV as 01-03-2003. Whereas, Sri N.Seshagiri Rao who was appointed by transfer as</p>

<p>3) Review of appointments already made for the panel years 2008-09 and 2010-11 by the appointing authority (COL) which is final and while fixing the seniority, the list of candidates who were promoted in the above panel years shall only be considered as ACLs available as on 01-06-2014.</p>	<p>ALO in Zone-III temporarily on 07-08-2001, was assigned the date of seniority as ALO in Zone-III against substantive vacancy as 04-10-2002. While the substantive vacancy in Zone-III for Sri N.Seshagiri Rao arose on 04-10-2002, the substantive vacancy for SmtD.V.Padmaja arose in Zone-IV on 01-03-2003 whereby she became junior to Sri N.Seshagiri Rao while preparing the state wide inter-se-seniority of ALOs. As such during the review of promotions to the post of ACL treating it as State wide post, Sri N.Seshagiri Rao became senior to SmtD.V.Padmaja.</p>
<p>As on 01-06-2014 about (63) ACLs (who were promoted on Multi Zonal basis) were working. Since, the review needs to be done considering the ACL as State wide post in view of orders of the Hon'ble Courts, it is essential to cover all the (63) ACLs who were promoted on Multi Zonal basis into consideration and in order to cover these (63) ACLs, (6) panel years i.e. from 2008-09 to 2013-14 are required to be reviewed taking into consideration all the available vacancies upto 01-06-2014. When the review is taken up for the above period about (27) persons who were working as ALOs/Superintendents are shown notionally promoted in addition to (60) ACLs out of (63) actually working as on 01-06-2014 on Multi zonal basis. While so, (3) out of (63) ACLs could not be accommodated in the review due to non availability of promotee vacancies. However, the status of (3) ACLs who were working at present is not affected and their seniority will be assigned after 01-06-2014 (after bifurcation in the residuary state of AP).</p>	

<p>4) As per the guidelines issued by the GOI, dated 29-10-2014 at para 18-c, 18-f and 18-r regarding the allocation of State cadre employees between the successor States shall be based on seniority list available as on 01-06-2014 and the Officers who have retired/died after the appointed day but before allocation will also be allotted. Whereas the fresh show cause notice issued assigning seniority to the persons, who are not actually working in the state cadre post as on 01-06-2014 which is deviation to the above orders.</p>	<p>The Hon'ble APAT in OA No.9880 of 2013 directed to review the promotions made to the post of ACL w.e.f. 29-09-2008 treating the post as State wide post. The Hon'ble High Court in W.P.No.36646 of 2013 vide its orders dated 12-12-2017 upheld the orders of the Hon'ble APAT and directed the respondents to treat the post of ACL as State wide post when it comes to ordering higher promotions and allocation between two States (para 20 of the judgment).</p> <p>In view of the above, the posts of ACLs which were previously treated Multi Zone cadre posts have become State wide cadre posts w.e.f. 29.09.2008. Therefore, promotions effected from 29.09.2008 have been reviewed on the basis of the inter-se-seniority of ALos of all the zones & Supdts. of HO ad SO and accordingly a list of ACLs as on 01.06.2014 is arrived for the purpose of further promotion and allocation of employees between AP and Telangana under the provisions of APR Act, 2014.</p> <p>The ACLs who were actually working as on 01-06-2014 are the ACLs who were promoted from the feeder category of ALos/Superintendents working in the respective Multi Zones. The ACLs whose promotion was given on Multi Zonal basis cannot be allocated between the States, as they cannot be termed as State cadre ACLs.</p> <p>Now in view of judgment of the Hon'ble Courts to treat the post of ACL as State wide post for the purpose of allocation between the States, the review has been undertaken for the period from 29.09.2008 to 01.06.2014 treating the post of ACL</p>
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		<p>as State wide post. Hence the objection of the individual that the persons who are actually working as on 01-06-2014 shall alone be allocated is not appropriate for consideration, as it is against the orders of the above Hon'ble Courts.</p>
(5)	<p>The Superintendents working in erstwhile O/o Commissioner of Labour, AP, Hyderabad was already allocated to the successor States and approved by the Government of India. Therefore, the review of their promotions shall be reviewed only by the respective States on or after 02-06-2014.</p>	<p>the Hon'ble High Court in its orders dated 12.12.2017 (para 19 of the judgment) in WP 36646 of 2013 while upholding the orders dated 27.09.2009 of the APAT in OA No. 9880 of 2013 to review the promotions made to the post of ACL w.e.f. 29.09.2008, directed the respondents to treat the post of ACL as State wide post when it comes to ordering higher promotions and allocation between two States (para 20 of the judgment). After arriving at the final seniority list of ACLs including the Superintendents (already allocated), the same list will be submitted to the GA(SR) Department and it is for the GAD(SR) Dept. to take a decision as to whether such Superintendents can be considered for reallocation or not keeping in view the orders of the Hon'ble Courts.</p>

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

 SUPERINTENDENT

2) Sri M.C.Christopher, DCL (Retd.)

Sl.No.	Objection	Remarks
1) & 2)	<p>He submitted that as per the guidelines under para 18(a), (c) and (f) of A.P.Reorganisation Act, the persons who are actually working as ACLs as on 01-06-2014 and also as per their available seniority as on 01-06-2014 be allocated under A.P.Reorganisation Act and review of promotions in the category of ACLs can be taken only after allocation of the ACLs who were actually working as on 01-06-2014.</p>	<p>The Hon'ble APAT in OA No.9880 of 2013 directed to review the promotions made to the post of ACL w.e.f. 29-09-2008 treating the post as State wide post. The Hon'ble High Court in W.P.No.36646 of 2013 vide its orders dated 12-12-2017 upheld the orders of the Hon'ble APAT and directed the respondents to treat the post of ACL as State wide post when it comes to ordering higher promotions and allocation between two States (para 20 of the judgment).</p> <p>In view of the above, the posts of ACLs which were previously treated Multi Zone cadre posts have become State wide cadre posts w.e.f. 29.09.2008. Therefore, promotions effected from 29.09.2008 have been reviewed on the basis of the inter-se-seniority of ALOs of all the zones & Supdts. of HO and SO and accordingly a list of ACLs as on 01.06.2014 is arrived for the purpose of further promotion and allocation of employees between AP and Telangana under the provisions of APR Act, 2014.</p> <p>The ACLs who were actually working as on 01-06-2014 are the ACLs who were promoted from the feeder category of ALOs/Superintendents working in the respective Multi Zones. The ACLs whose promotion was given on Multi Zonal basis cannot be allocated between the States, as they cannot be</p>

termed as State cadre ACLs.

Now in view of judgment of the Hon'ble Courts to treat the post of ACL as State wide post for the purpose of allocation between the States, the review has been undertaken for the period from 29.09.2008 to 01.06.2014 treating the post of ACL as State wide post. Hence the objection of the individual that the persons who are actually working as on 01-06-2014 shall alone be allocated is not appropriate for consideration, as it is against the orders of the above Hon'ble Courts.

3) He contended that he has filed O.A.No.5099 of 2012 before Hon'ble APAT seeking directions to promote the candidates who have acquired qualifications in IR, PM, and HR, under Section 20 of EC Act and accordingly the APAT passed orders directing the respondents to effect promotions to the post of ACL to those candidates who obtained the qualifications as per Section 20 of EC Act, and whereas the said orders of APAT were ignored.

OA No. 5099 of 2012 was filed before APAT seeking directions that a) to review the promotions of DCL, b) not to make promotion to the post of DCL contrary to Section 20 of the WC Act, c) to bring amendment to the Special Rules in tune with the amended Section 20 of the WC Act, d) to treat the applicant as ACL w.e.f. 06.10.2008. The APAT by its order dated 03.06.2013 held that promotions from the cadre of ACL and upward are in accordance with the special rules and therefore there is no need to review them. What needed is to review the notification conferring powers as CWCs under WC Act, ii) The respondents are directed to amend the special rules in tune with amended Section 20 of the WC Act iii) the respondents are directed to review the promotions from the date of amendment of rules.

The qualifications specified under 'Section 20 of EC Act are required to function as Commissioner under EC Act and not prerequisite qualification to function as Asst.Commissioner of Labour who is also notified as Conciliation Officer under

		Industrial Disputes Act and Authority under various other enactments other than EC Act. However, the issue relating to qualifications and experience specified under Section 20 of EC Act has been brought to the notice of the Hon'ble High Court of AP in W.P.No. 28961 of 2018 filed by Sri N.Adinarayana, ACL, Narasaropet and certainly orders will be passed by the Hon'ble High Court on the said issue also.
4)	<p>He also submitted that a) the persons who have relinquished their promotions as ACL earlier have been included under the guise of review.</p> <p>b) There was no direction from any Court to adopt a new roster to the feeder categories under guise of review of promotions.</p> <p>c) There was no direction from the High Court to prepare the seniority list for reviewing promotions each panel year without holding DPCs for such panel years.</p> <p>d) There is no need to issue show cause notices to persons in the seniority list, who expired, resigned, dismissed, re-allotted, promoted, retired etc., and the names of such persons may be excluded.</p> <p>c) To determine the eligibility of candidate for promotion, it is required to review the promotions for each panel year. On reviewing promotions treating the post of ACL as State wide post, a show cause notice was issued to all the persons covered in the review. The ALOs/ Superintendents who covered in the review and working in the same position was placed before the DPC along with the objections raised for promotion as ACL.</p> <p>d) Consequent on restructure of the Department, the promotions were affected in the category of ACLs w.e.f 29-09-2008 treating the said post as Multi Zonal cadre post. As per the orders of the</p>	<p>a) As per Rule 11 of APS&SSR, the persons who have relinquished promotion in a particular panel year are entitled to consideration for promotion in the next panel year subject to availability of vacancies.</p> <p>b) Before restructure of the Department, the feeder category for the post of ACL was Labour Officer. Consequent on restructure of the Department, the post of Labour Officer seized to exist and thereby, the feeder category for the post of ACL has been changed as ALO/Superintendent/Special category Steno. Therefore, it is necessary to follow new roster to review the promotions.</p> <p>c) To determine the eligibility of candidate for promotion, it is required to review the promotions for each panel year. On reviewing promotions treating the post of ACL as State wide post, a show cause notice was issued to all the persons covered in the review. The ALOs/ Superintendents who covered in the review and working in the same position was placed before the DPC along with the objections raised for promotion as ACL.</p> <p>d) Consequent on restructure of the Department, the promotions were affected in the category of ACLs w.e.f 29-09-2008 treating the said post as Multi Zonal cadre post. As per the orders of the</p>

Hon'ble APAT and High Court, the present review is undertaken treating the post of ACL as State wide post. Therefore, the show cause notices were issued to the persons including retired, dismissed promoted to give them an opportunity to file their objections / suggestions, if any against the notice.

SD/-G.REKHA RANI,
SPECIAL COMMISSIONER OF LABOUR
Nas
SUPERINTENDENT

3) Sri K.Madhava Reddy, ACL(Retd.)

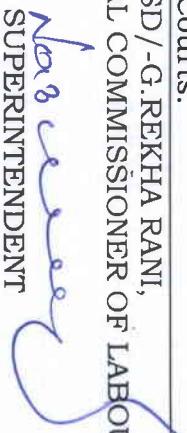
Sl.No.	Objection dated 01-08-2018	Remarks
1	<p>He submitted that he was appointed as ALO in the year 1996 in the Hyderabad City Cadre subject to review on receipt of final Court orders pending if any. As per the Supreme Court orders in Civil Appeal No.2548-2549 of 2004, his seniority was revised in the lower categories of Junior Assistant/Senior Assistant, but his seniority in the category of ALO has not been revised, earlier he requested to assign seniority w.e.f. 15-01-1992 in Rangareddy Zone in the lapsed point instead of Hyderabad City Cadre but no action has been taken. Hence, he requested to revise his seniority in the category of ALO in Zone-VI in the first instance and then fix his consequential promotion on par with his junior in the higher category of ACL and DCL.</p>	<p>The individual was appointed as Junior Assistant in HO, promoted as Senior Assistant and thereon promoted as ALO in 1996. Before 2001, that there was a channel to the ALO post which is Zonal cadre post to the Senior Assistants / Senior Stenos of Head Office and based on his option he was promoted as ALO in Hyderabad City Cadre. However, the said channel of promotion for the personnel working in Head office was struck down on 07-11-2001 by the Supreme Court in Jagannadha Rao Vs. State of AP case. Therefore, his request for revision of option and to consider him in the vacancy of ALO in RR Zone cannot be considered as he was appointed as ALO in Hyderabad City Cadre at his express option and based on his seniority in the said Zone, his promotion in the category of ACL was reviewed.</p>
2)	<p>The review of appointments made in the category of ACL considering it as State wide post following the old cycle prescribed for Multi Zonal appointments vide G.O.Ms.No.86, dated 29-09-2008 is against the orders dated 12-12-2017 of the Hon'ble High Court in</p>	<p>Further, as per the Supreme Court orders in Civil Appeal No.2548-2549 of 2004, his seniority in the category of Junior Assistants and Senior Assistants in Head Office was revised and accordingly based on the seniority of Senior Assistant, his seniority in the category of ALO in Hyderabad City Cadre was also revised as 01-01-99. As per the said seniority only his promotion as ACL has also been reviewed. The objection has no merit for consideration.</p> <p>The Hon'ble APAT in its orders in OA No.9880 of 2009 had set aside part of the GO 86 only to the extent of treating the post of ACL as Multi Zonal post and did not touch the cycle of appointments prescribed therein. Further, a decision was also taken in the Secretaries</p>

	W.P.No.36646 of 2013.	meeting held on 01-03-2018 to follow the same cycle of appointments specified in GO 86. The objection has no merit for consideration.
Objection dated 14-01-2019 against fresh show cause notice	He submitted objections against the Show cause notice stating that: The Commissioner of Labour send proposals to amend the Special rules in accordance with the decision taken in the Secretaries meeting on 01-03-2018 and the same is pending.	The Hon'ble APAT in O.A.No.9880 of 2009 passed orders setting aside the part (treating the post of ACL as Multi Zonal post) of G.O.Ms.No.86 and directed to treat the post of ACL as State wide post and review the promotions w.e.f. 29-09-2008 i.e. from the date of issue of G.O.Ms.No.86, dated 29-09-2008. The above orders were upheld by the Hon'ble High Court of AP in W.P.No.36646 of 2013.
2)	Review of appointments already made for the panel years 2008-09 and 2010-11 by the appointing authority shall be final and assigned seniority accordingly till 01-06-2014	In this regard, the Commissioner of Labour submitted the proposals to the Government for amendment of G.O.Ms.No.86 to treat the post of ACL as State wide post and the same is under consideration. The said proposals were also submitted as per the decision taken in the Secretaries meeting held on 01-03-2018. As the cycle and method of appointments specified in G.O.Ms.No.86 are not affected by the orders of the Hon'ble Courts, the Secretaries have taken a decision in the meeting held on 01-03-2018 to follow the same cycle and method of appointment for the purpose of review. As on 01-06-2014 about (63) ACLs (who were promoted on Multi Zonal basis) were working. Since, the review needs to be done considering the ACL as State wide post in view of orders of the Hon'ble Courts, it is essential to cover all the (63) ACLs who were promoted on Multi Zonal basis into consideration and in order to cover these (63) ACLs, (6) panel years i.e. from 2008-09 to 2013-14 are required to be reviewed taking into consideration all the available vacancies upto 01-06-2014. When the review is taken up for the above period

		<p>about (27) persons who were working as ALOs/Superintendents are shown notionally promoted in addition to (60) ACLs out of (63) actually working as on 01-06-2014 on Multi zonal basis. While so, (3) out of (63) ACLs could not be accommodated in the review due to non availability of promotee vacancies. However, the status of (3) ACLs who were working at present is not affected and their seniority will be assigned after 01-06-2014 (after bifurcation in the residuary state of AP).</p>
3)	<p>As per the guidelines issued by the GOI , dated 29-10-2014 at para 18-c, 18-f and 18-r regarding the allocation of State cadre employees between the successor States shall be based on seniority list available as on 01-06-2014 and the Officers who have retired/ died after the appointed day but before allocation will also be allotted. Whereas the fresh show cause notice issued assigning seniority to the persons, who are not actually working in the state cadre post as on 01-06-2014 is deviation of the above orders.</p>	<p>The Hon'ble APAT in OA No.9880 of 2013 directed to review the promotions made to the post of ACL w.e.f. 29-09-2008 treating the post as State wide post. The Hon'ble High Court in W.P.No.36646 of 2013 vide its orders dated 12-12-2017 upheld the orders of the Hon'ble APAT and directed the respondents to treat the post of ACL as State wide post when it comes to ordering higher promotions and allocation between two States (para 20 of the judgment).</p> <p>In view of the above, the posts of ACLs which were previously treated Multi Zone cadre posts have become State wide cadre posts w.e.f. 29.09.2008. Therefore, promotions effected from 29.09.2008 have been reviewed on the basis of the inter-se-seniority of ALOs of all the zones & Supdts. of HO ad SO and accordingly a list of ACLs as on 01.06.2014 is arrived for the purpose of further promotion and allocation of employees between AP and Telangana under the provisions of APR Act, 2014.</p>
	<p>The ACLs who were actually working as on 01-06-2014 are the ACLs who were promoted from the feeder</p>	

	<p>category of ALOs/Superintendents working in the respective Multi Zones. The ACLs whose promotion was given on Multi Zonal basis cannot be allocated between the States, as they cannot be termed as State cadre ACLs.</p> <p>Now in view of judgment of the Hon'ble Courts to treat the post of ACL as State wide post for the purpose of allocation between the States, the review has been undertaken for the period from 29.09.2008 to 01.06.2014 treating the post of ACL as State wide post. Hence the objection of the individual that the persons who are actually working as on 01-06-2014 shall alone be allocated is not appropriate for consideration, as it is against the orders of the above Hon'ble Courts.</p> <p>4) The Superintendents working in erstwhile Commissioner of Labour, AP, Hyderabad was already allocated to the successor State and approved by the Government of India. Therefore, the review of their promotions shall be reviewed only by the respective States on or after 02-06-2014.</p> <p>the Hon'ble High Court in its orders dated 12.12.2017 (para 19 of the judgment) in WP 36646 of 2013 while upholding the orders dated 27.09.2009 of the APAT in OA No. 9880 of 2013 to review the promotions made to the post of ACL w.e.f. 29.29.2008, directed the respondents to treat the post of ACL as State wide post when it comes to ordering higher promotions and allocation between two States (para 20 of the judgment). After arriving at the final seniority list of ACLs including the Superintendents (already allocated), the same list will be submitted to the GA(SR) Department and it is for the GAD(SR) Dept. to take a decision as to whether such Superintendents can be considered for reallocation or not keeping in view the orders of the Hon'ble Courts.</p>
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SD/-G.REKHA RANI,
SPECIAL COMMISSIONER OF LABOUR


SUPERINTENDENT

4) Sri R.Venkateswarlu, ACL,Tenali

Sl.No.	Objection	Remarks
1)	<p>He submitted an objection mainly stating that the Hon'ble high Court in its judgement dated 12-12-2017 held that the promotions made to the post of ACL on the basis of impugned special rules issued vide G.O.Ms.No.86 shall be reviewed. Therefore, as per the said judgement, the promotions already affected treating the post of ACL as Multi Zonal for the panel years 2008-09 and 2010-11 shall only be reviewed but not for each panel year i.e. from 2008-09 to 2013-14. Hence, he opined that it is justified to take up the review only to the extent of the panel years in which promotions were already made on the basis of the impugned Special Rules vide G.O.Ms.No.86.</p>	<p>As on 01-06-2014 about (63) ACLs (who were promoted on Multi Zonal basis) were working. Since, the review needs to be done considering the ACL as State wide post in view of orders of the Hon'ble Courts, it is essential to cover all the (63) ACLs who were promoted on Multi Zonal basis into consideration and in order to cover these (63) ACLs, (6) panel years i.e. from 2008-09 to 2013-14 are required to be reviewed taking into consideration all the available vacancies upto 01-06-2014. When the review is taken up for the above period about (27) persons who were working as ALOs/Superintendents are shown notionally promoted in addition to (60) ACLs out of (63) actually working as on 01-06-2014 on Multi zonal basis. While so, (3) out of (63) ACLs could not be accommodated in the review due to non availability of promotee vacancies. However, the status of (3) ACLs who were working at present is not affected and their seniority will be assigned after 01-06-2014 (after bifurcation in the residuary state of AP).</p>

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

SUPERINTENDENT

No 9
Signature

5) Sri KV RK Prasad, ACL (Retd.)

Sl.No.	Objection	Remarks
1 a)	<p>As per the guidelines for final allocation of State cadre employees under A.P. Reorganization and according to clause 18 (c) of the guidelines, the employees shall be considered for allocation between the successor states based on seniority list available as on 01-06-2014. In violation of the said guidelines, revision of promotions and seniority has been taken up for allocation of employees between the two states and also to affect promotions and notional date of promotions following ROR retrospectively. By virtue of the said erroneous action, the ALos/Supdts deemed to have been allocated in their respective zones are once again proposed for allocation without being available in the category of ACLs as on 01-06-2014 and those who are still working as ALos/Supdts.</p>	<p>The Hon'ble High Court in its orders dated 12.12.2017 (para 19 of the judgment) in WP 36646 of 2013 while upholding the orders dated 27.09.2009 of the APAT in OA No. 9880 of 2013 to review the promotions made to the post of ACL w.e.f. 29.29.2008, directed the respondents to treat the post of ACL as State wide post when it comes to ordering higher promotions and allocation between two States (para 20 of the judgment).</p> <p>In view of the above, the posts of ACLs which were previously treated Multi Zone cadre posts have become State wide cadre posts w.e.f 29.09.2008. Therefore, promotions effected from 29.09.2008 have been reviewed on the basis of the inter-state seniority of ALos of all the zones & Supdts. of HO ad SO and State-wide seniority of ACLs as on 01.06.2014 has been drawn for the purpose of further promotion and allocation of employees between AP and Telangana under the provisions of APR Act, 2014. In the process, name of certain ALos & Supdts. who are seniors as per state wide inter-se-seniority and due to observance of ROR have come up for promotion as ACL as and when the vacancy arises and notional dates are assigned to them accordingly.</p> <p>Further, ACLs posts were multizonal posts as per the status then existed as on 01.06.2014, the question of allocation of ACLs did not arise at that</p>

		<p>time. Now in view of the judgment of the Hon'ble High court in the above said WP to treat the ACL post as State wide post with retrospective effect i.e. 29.09.2008 for purpose of allocation between the States, the names of the persons covered by the review undertaken for the period from 29.09.2008 to 01.06.2014 are considered. Final list will be sent to GAD(SR) and it is for the GAD(SR) Dept. to take a decision as to whether to cover them for the purpose of bifurcation now in terms of Hon'ble High Court orders. Hence the objection cannot be considered.</p>
1(b)		<p>The Government vide G.O.Rt.No.566, dated 10-03-2016 GAD (DPC) clearly mentioned imposing ban on all promotions, appointments, transfers, revision of seniority and change in terms and conditions of employment till final allocation is completed. In violation of the said orders undertaking review of promotions and seniority allocation of employees in the cadre is a premature action.</p>
2		<p>The review of promotions to the post of ACL is undertaken as per the final orders of the Hon'ble High Court of AP in W.P.No.36646 of 2013. Hence the objection cannot be considered.</p> <p>The proposal of the Government vide letter dated 19-05-2014 was for inclusion of the ACL posts as Multi Zone posts by way of amendment to Schedule III of the Presidential Order. The Govt. are aware of the above proposal and accordingly decisions were taken in the Secretaries meeting held on 01.03.2018.</p> <p>Now the ACL posts have become State wide posts by</p>

		virtue of the Hon'ble High Court judgment dated 12.12.2017 in W P No. 36646 of 2013, the above said proposal of the Govt. to amend Schedule III of the Presidential Order has become infructuous and therefore not relevant in the present context. Hence the objection cannot be considered.
3(a)	The applicant in O.A.No.9880 of 2009 insisted for review of promotions only for the panel year 2009 and therefore the review of promotions in a particular panel year 2008-09 only but not the subsequent panels as a whole.	The applicant filed OA No.9880 before the APAT seeking direction to set aside the part of the G.O.Ms.No.86, dated 29.09.2008 treating the post of ACL as multi zonal post as illegal and consequently to treat the post as State wide post and accordingly review the promotions. While allowing the above prayer in the said OA, the APAT by its orders dated 27.09.2009, directed the respondents to treat the post of ACL as State wide post and accordingly review the promotions. The said orders were upheld by the Hon'ble High Court. Therefore, promotions made to the post of ACL from the date of the impugned GO i.e. GO 86, dated 29.09.2008 are reviewed. The GO is being amended retrospectively and which enables review for subsequent panels also. Hence the objection cannot be considered.
3(b)	The individual has objected for showing his name below the names of certain Officers who are still working Superintendents/ALOs under the guise of review and implementing the ROR . Further, he submitted that the preparation of Roster is un-understandable to the employees as to how the points have arise to ROR in excess of their quota. Hence, he requested to take clarification of the GAD on the procedure adoption of Roster.	The show cause notice issued for taking review treating the post of ACL as State wide post for the panel period from 2008-09 to 2013-14 by following ROR for each panel year.
3C	The Hon'ble Supreme Court of India in its judgment in Civil appeal No. 2368/2011, dated 09-02-2017	The Government have issued amendment to G.O.Ms.No.5, dated 14-02-2003 vide G.O.Ms.No.26,

	categorically stated that in the ROR the Roster point of the promotions cannot claim consequential seniority depriving the seniority of seniors, who have already been promoted and such consequential seniority belonging to SCS and STS on promotion against roster point,
3(g)	The Special Rules in respect of Asst.Commissioner of Labour treating it as State cadre post has not been amended so far and only proposals have been sent and therefore it is injustice caused due to review of promotion in the absence of full-fledged Special Rules to the determinant of employees who have already been promoted.
3(d& f)	In the Secretaries meeting held on 01.03.2018 a decision was taken to implement the orders of the Hon'ble HC in WP 36646 of 2013 and to follow the cycle of appointments specified in GO 86 for the purpose of review of promotions and consequently to arrive State wide seniority for allocation between the States. Proposal is already submitted to the government and therefore the objection of the individual cannot be considered.
	Social Welfare (ROR1) Department, dated 20-02-2009 that Reservation shall be implemented with consequential seniority in favour of Scheduled Castes and Scheduled Tribes in promotion in all categories of posts in all State Government Departments with immediate effect. Hence the objection cannot be considered. The APAT in OA No.9880 / 2009 by its orders dated 27.09.2013 set aside part of GO 86 treating the post of ACL as Multi Zonal post and said orders are upheld by Hon'ble High Court in the above said WP.

	<p>IRPM LLM & HR have also been shown in the list and as per judgment in O.A.No. 5099 of 2012, dated 03-06-2013 the promotions shall be reviewed in consonance of the judgment.</p>
	<p>The qualifications specified under Section 20 of EC Act are required to function as Commissioner under EC Act and not prerequisite qualification to function as Asst.Commissioner of Labour who is also notified as Conciliation Officer under Industrial Disputes Act and Authority under various other enactments other than EC Act. However, the issue relating to qualifications and experience specified under Section 20 of EC Act has been raised in W.P.No. 28961 of 2018 filed by Sri N.Adinarayana, ACL and certainly orders will be passed by the Hon'ble High Court on the said issue also.</p>
(h)	<p>The candidates covered in terms of Foreign Service Rules under G.O(P) No.10, Finance and Planning, the service on deputation including foreign service cannot be counted for probation in parent department and</p> <p>The 45 ACL(SSS) posts are sanctioned by the Govt. vide GOMs No.152. As per Rule 33-D of AP BOCW Rules specifies that the posts shall be filled in from among the officers and staff of Labour Department.</p>

	<p>their service and seniority will not be safe guarded under fundamental Rules, several persons names have been included in the seniority list cum Show cause notice and assigned notional dates of seniority and the same may be rectified.</p>
	<p>Observation of ROR shall be implemented from the date of review and not from any other anterior date.</p> <p>As per the orders issued vide G.O.Ms.No.2, Social Welfare (SW.ROR1) Department, dated 9-01-2004 for computing adequacy of representation of SCSS and STS the persons working in the said category either they promoted on the basis of seniority-cum-merit without applying the rule of reservation should also be counted for judging the adequacy. Therefore, while following fresh Roster of ROR, the promotions were review from 29-09-2008 by taking into the SC and ST persons who are working as on the date of 29-09-2008 for judging the adequacy.</p>
2&3 19	<p>In view of the above the objections of the individuals on the above point does not merit any consideration and disposed of accordingly.</p> <p>Objection against fresh show case notice dt:02-01-</p> <p>The Hon'ble High in its orders dated 12.12.2017 (para 19 of the judgment) in WP 36646 of 2013 while upholding the orders dated 27.09.2009 of the APAT in OA No. 9880 of 2013 to review the promotions made to the post of ACL w.e.f.</p>

	<p>dates, which involves heavy financial implications and therefore the Government has to invariably prefer an SLP before the Supreme Court against the orders of the Hon'ble High Court and accordingly proposals should have been sent to the Govt.of India to include the post of ACL in III schedule of the Presidential Order.</p>
4)	<p>The ACL posts have become State wide post by virtue of the Hon'ble High Court judgment dated 12.12.2017 in W.P. No. 36646 of 2013, the proposal of the Govt. to amend Schedule III of the Presidential Order has become infructuous. Further, in the Secretaries meeting held on 01.03.2018, it was decided to implement the above Court orders.</p> <p>In view of the above, promotions effected from 29.09.2008 in terms of G.O.Ms.No.86 treating the post of ACL as Multi Zonal post, have been reviewed on the basis of the inter-se-seniority of ALos of all the zones & Supdts. of HO ad SO and State-wide list of ACLs as on 01.06.2014 has been drawn for the purpose of further promotion and allocation of employees between AP and Telangana under the provisions of APR Act, 2014. Due to that certain ALos/Superintendents were assigned notional promotion. In this context, the objection cannot be considered.</p>
	<p>The Hon'ble High Court while disposing W.P. No.36646 of 2013 held that the miscellaneous petitions, if any, pending in these WPs shall stand closed. In view of the above and as per the remarks at Point No.2 and3, the objection cannot be</p>

	made and the same was not vacated in its final orders.	considered.
5)	He reliably learnt that the applicant in OA No.9880/2009 has withdrawn his contentions raised in his OA and therefore there is no other contestant in the said OA, there is no obligation for the authorities to implement the judgment of APAT, as there is no specific orders in the appeal preferred by the Government in WP No.36646 of 2014 and other WPs have also been disposed off.	In view of the remarks at Point No.2 and 3, the objection cannot be considered.
6)	His allocation should be made retrospectively considering the seniority from the date of his promotion and date of birth and the persons shown as promoted notionally after 01-06-2014 over and above him in the proposed seniority list of ACLs, as they are far juniors to him in the feeder category according to date of his promotion.	The review of promotions treating the post of ACL as State wide post was proposed in terms of the orders of the Hon'ble APAT in O.A.No.9880 of 2009 and the orders in WP No.36646 of 2013. The ALOs/ Superintendents who would be assigned notional promotion based on the seniority assigned in the feeder categories and following Rule of Reservation. Further, the applicant without specific mention, raised the objection and therefore the same cannot be considered.
7)	He is not a party in OA No.9880 of 2009 and the WP No.36646 of 2013, 17382 of 2014, 35443 of 2016 and 4772 of 2017. The judgment cannot be implemented without seeking legal opinion from advisory Departments in Secretariat and without preferring an appeal before the Supreme Court of India and also during the pendency of proposal for inclusion of the post in the III Schedule of the Presidential Order before the GOI. The same may be pursued and till such time the review of promotions may be withheld.	The Government by keeping in mind the proposal for inclusion of the post of the ACL in the III Schedule of the Presidential Order before the Government of India decided in the Secretaries meeting held on 01-03-2018 to implement the above Court orders treating the post of Asst.Commissioner of Labour as State wide post instead of Multi Zonal post.
8) & 9)	In view of ban on review of promotions, seniority appointments, recruitments vide G.O.Rt.No.2147, dated 16-05-2014 and also in view of para 18(a) and (c) of A.P.Reorganisation guidelines the review shall not be taken and, the names of persons who would be promoted notionally after 01-06-2014 shall not been shown over and above to his name.	The Govt. in GOMs No. 2147 GAD, dt. 16.05.2014 imposed ban on appointments, transfers, revision of seniority and change in terms and conditions of employment till process of allocation of employees was completed. The said ban orders were relaxed to the extent where court orders have become final and the contempt cases are pending for non-

implementation of Court orders.

The Hon'ble High Court in its orders dated 12.12.2017 (para 19 of the judgment) in WP 36646 of 2013 while upholding the orders dated 27.09.2009 of the APAT in OA No. 9880 of 2013 to review the promotions made to the post of ACL w.e.f. 29.29.2008, directed the respondents to treat the post of ACL as State wide post when it comes to ordering higher promotions and allocation between two States (para 20 of the judgment). Hence, review was undertaken treating the post of ACL as State wide post and therefore the contention of the individual is not merit for consideration.

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SPECIAL COMMISSIONER OF LABOUR

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SUPERINTENDENT

6) Sri S.Sreenivas, ALO-3, Kadapa

Sl.No.	Objection	Remarks
1)	<p>a) He mainly submitted that in the present show-cause notice, the names of the persons who are getting notional promotion were shown, but not mentioned vacancies existing as on 01-06-2014.</p> <p>b) There is no mention about the persons who are allotted in the Telangana State.</p> <p>c) It is not known whether the notional promotees are adjusted in the Combined State of AP taking into account the vacancies existing in AP and TS otherwise great irreparable loss to the AP State of ALOs.</p> <p>d) It is not known whether the 10 DR ACLs who were allotted in the bifurcated State of AP are notified in the cadre strength of combined State of AP or bifurcated stated of AP.</p>	<p>a) The review of promotions treating the post of ACL as State cadre post was undertaken by taking into account the 106 posts (59 Regular and 47 Deputation). In the review, by keeping (19) posts of ACLs vacant as on 1-06-2014 which are meant for DRS, (87) persons were arrived from the feeder categories of ALOs/Superintendents and therefore there was no vacancy of ACL as on 01-06-2014 for promotees. From among the 87 persons, 60 persons were actually working as ACLs as on 01-06-2014 and the remaining 27 persons (ALO/Superintendents) were assigned notional promotions.</p> <p>b) The review is undertaken by taking into account the vacancies in the Combined State of AP and arrived at the list for finalization. The GA(SR) Department shall allocate the persons between the State of AP and TS after finalization of the list.</p> <p>c) The entire review is undertaken taking into account the vacancies of Combined State of AP.</p> <p>d) The vacancies of (10) DR ACLs were notified after bifurcation in the state of AP.</p>
2)	<p>He submitted that he was promoted as ALO in Hyderabad City Cadre on 26-02-2004 and subsequently he was repatriated to Zone-IV on public interest in the year 2008. Since he was repatriated on public interest vide G.O.Ms.No.97, LET&F Department, dated 31-10-2008, his seniority should be reckoned in Zone-IV (Kurnool zone) from the date of his promotion in Hyderabad City cadre i.e. w.e.f 26-02-2004 and based on the said seniority review of promotion shall be made in the category of ACL.</p> <p>The individual was appointed by direct recruitment as Senior Steno in Hyderabad City cadre on 08-11-96. Subsequently he was promoted as ALO in Hyderabad City Cadre on 26-02-2004 on temporary basis. During the year 2007, the Government vide G.O.Ms.No.674, dated 07-09-2007 directed all the Departments to review the direct recruitment made from 1975 onwards and the non local candidates appointed against Presidential Order shall be repatriated to their local cadres. During the</p>	

process, it was decided that his appointment was made as Senior Steno in Hyderabad city cadre in deviation to the Presidential order and therefore he was repatriated from Hyderabad City cadre to his local cadre i.e. Kurnool Zone. Since, he was appointed as Senior Steno in Hyderabad City Cadre on 08-11-96, by protecting the said seniority, his seniority was finalized as ALO in Zone-IV w.e.f. 01-02-06 by the JCL, Kurnool. Hence, the contention of the individual to assign his seniority in Zone-IV with effect from the date of promotion as ALO in Hyderabad city cadre ie. from 26-02-2004 does not merit for consideration.

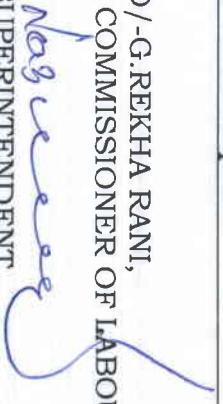
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2)

Sri Shyam Sunder Jaju, Sri K.Ram Gopal and Sri K.Ravinder Reddy were juniors to her in the cadre of ALO. The authority while reviewing the promotions in the cadre of ACLs, shown her ranking below the above individuals on the pretext that she was undergoing the punishment of postponement of one increment without cumulative effect vide G.O.Rt.No.1173, dated 30-10-2010, as the purpose of the said punishment is only for postponement of increment but not in terms of seniority.

It is a fact, as per the State wide inter-se-seniority of ALOs, the individual is senior to Sri Shyam Sunder Jaju, Sri K.Ram Gopal and Sri K.Ravinder Reddy, as the said individuals were assigned seniority w.e.f. 14-06-95, 26-06-96 and 26-06-96 respectively whereas Smt K.Sridevi assigned seniority w.e.f. 30-05-95. The individual was awarded punishment of stoppage of one annual grade increment without cumulative effect by the Govt.vide G.O.Rt.No.1173, dated 18-10-2010 on the issue of ACB trap case. In accordance with para 3(iv)(b) of G.O.Ms.No.342, GA(Ser.C) Department, dated 04-08-97 she is not entitled for promotion for a period of one year i.e. upto 17-10-2011. Therefore, the DPC which was held for the panel year 2010-11, her promotion was deferred and Sri Shyam Sunder Jaju, Sri K.Ram Gopal and Sri K.Ravinder Reddy who were juniors to the individual in the category of ALO were promoted in the panel year 2010-11 as ACLs. During the present review treating the post of ACL as State wide post, the names of Sri Shyam Sunder Jaju, Sri K.Ram Gopal and Sri K.Ravinder Reddy have come up for consideration for the panel year 2010-11 and assigned date of promotion as 08-06-2011, but Smt K.Sridevi, ALO is assigned date of seniority in the cadre of ACL as 01-06-2012 as her promotion is deferred for one year as stated supra.

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T] Smt K.Sridevi, Asst.Commissioner of Labour, Telangana State

Sl.No.	Objection	Remarks
1)	<p>She submitted that the Government vide G.O.Ms.No.18, LET&F Department dated 08-04-2011 created 78 posts of Social Security Officers in the cadre of ACLs in A.P.Building and Other Construction Workers Welfare Board without approval of the Finance Department and accordingly, the Commissioner of Labour vide promoting certain individuals deputed in the Board. Therefore, the very creation of posts in the said G.O. is illegal and hence deputation of the individuals in the said posts on promotion as ACLs is illegal. Hence, assigning ranking in the review of promotions and seniority to certain individuals against the said posts is void.</p>	<p>The Govt. initially vide G.O.Ms.No.18, LET&F Department created 78 posts of Social Security Officers in the cadre of ACL for A.P.Building and Other Construction Workers Welfare Board. For enforcing the provisions of safety and welfare measures to the Building Workers, out of (78) posts created, initially (45) posts of Social Security Promotion Officers in the cadre of ACLs were filled and deputed to the Board. Subsequently, the (45) posts which were filled have been approved by the Government vide G.O.Ms No.152, Finance Department, dated 22-06-2013. Further, the Rule 33-D of AP B&OCW Rules specifies that the posts shall be filled in from among the officers and staff of Labour Department. The Commissioner of Labour shall have control over the officers and staff appointed in the Board. The Govt. have given permission for the appointment of ACL(SSS) in the Board from among the officers of the Labour Department who are promoted as ACLs. The Officers who are posted on deputation to the Board are appointed originally by the Labour Department and since they are also employees of the Labour Department, they are entitled to seniority in the Labour Department. The said posts of ACL(SSS) are under the overall administrative control of the Commissioner of Labour and therefore reviewing promotions assigning seniority against the said posts is proper and hence the objection of the individual cannot be considered.</p>

8) SMT M.Anuradha, Sp.I Category Steno, O/o COL, AP Vijayawada presently working as ACL.

Sl.No	Objections of the Individual	Reply
1)	She submitted that in the Show cause notice issued, her name was not assigned any ranking/place from among the Superintendents in Annexure-E.	As per Annexure-E enclosed to the Show cause notice, the Seniority of SmtM.Anuradha was shown as 18-05-1996 in the category of Special Category Steno and therefore she is assigned ranking from among the Superintendents after Sri Y.Syamala Rao and above SmtK.C.Vijayammal who are assigned seniority in the category of Superintendents w.e.f.12-11-1993 and 21-08-1997 respectively.
2)	She was on EOL for years (5) years i.e. from 22-07-2008 to 14-07-2013 and during that period DPCs were convened for two panel year 2008-09 and 2011, by that time she is eligible for promotion to the post of ACL as per seniority.	In view of the above, the said objection of the individual is disposed off accordingly.
3)	To assign proper ranking in the seniority list of Superintendents/Special Category Steno and consider her candidature for promotion to the post of ACL.	During the Panel years 2008-09 and 2010-11 in which the DPCs convened for promotion to the post of Asst.Commissioner of Labour she was on EOL for (5) years to take employment in abroad. As she joined duty on 15.07.2013 as Superintendent on expiry of leave his name was not considered for promotion as ACL in the earlier panels and no promotions were made to the post of ACL thereafter. However, in the review her name was considered for promotion to the post of Asst.Commissioner of Labour against vacancy which earmarked to the Superintendents of Head Office after 15-07-2013 i.e. on her joining duty on expiry of EOL.
		In view of the above, Smt. Anuradha, Supdt is eligible for promotion as ACL as per her turn and seniority in the cadre of Supdts and therefore her name need to be included in the present review against vacancy dated 22-07-2013
		In view of the above, the said objection of the individual is disposed off accordingly.

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

SUPERINTENDENT

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9) Sri C.Sunyanarayana, ALO, Hindupur

Sl.No.	Objection	Remarks
	<p>a) He mainly submitted that in the present show-cause notice, the names of the persons who are getting notional promotion were shown, but not mentioned vacancies existing as on 01-06-2014.</p> <p>b) There is no mention about the persons who are allotted in the Telangana State.</p> <p>c) He is not known whether the notional promotees are adjusted in the Combined State of AP taking into account the vacancies existing in AP and TS otherwise great irreparable loss to the AP State of ALOs.</p> <p>d) he is not known that the 10 DR ACLs who were allotted in the bifurcated State of AP are notified in the cadre strength of combined State of AP or bifurcated stated of AP.</p> <p>As seen from the representation of the individual it seems that he was not raised any particular objection against the show cause notice and it seems that it is clarificatory. In view of the above, the same may be informed to the individual for reply to the said points.</p>	<p>a) The review of promotions treating the post of ACL as State cadre post was undertaken by taking into account the 106 posts (59 Regular and 47 Deputation). In the review, by keeping (19) posts of ACLs vacant as on 1-06-2014 which are meant for DRs, (87) persons were arrived from the feeder categories of ALos/Superintendents and therefore there no vacancy of ACL as on 01-06-2014 meant for promotees. From among the 87 persons, 60 persons were actually working as ACLs on 01-06-2014 and the remaining 27 persons (ALO/Superintendents) were assigned notional promotion.</p> <p>b) The review is undertaken by taking into account the vacancies in the Combined State of AP and arrived the list for finalization. The GA(SR) Department shall be allocated the persons between the State of AP and TS after finalization the list.</p> <p>c) The entire review is undertaken taking into account the vacancies of Combined State of AP.</p> <p>d) The vacancies of (10) DR ACLs who allotted in the State of AP was notified in the State of AP after bifurcation.</p>

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11) Sri Y. Syamala Rao, Asst. Commissioner of Labour, Retired (AP)

Sl.No.	Objection	Remarks
1)	<p>Objection dated 01-08-2018</p> <p>In view of the Hon'ble Supreme Court orders in C.A. No. 2548-2549 of 2004, seniority of Sri M.C. Christopher in the category of Junior Assts. Of Head Office was revised but consequential seniority in the higher categories of Supdts and ACLs was not revised.</p> <p>The Hon'ble Supreme Court in its judgment in Cr. Appeal No.1375-76 of 2013 dated 28-03-2018 directed that in all the pending cases where stay against proceedings of Civil or Criminal trial is operating, the same will come to an end on expiry of six months from 28-03-2018. In view of the said orders, the orders issued by the High Court in W.P.No.1996 of 2011 filed by Sri M.C. Christopher is null and void and therefore his seniority in the category of Superintendent and ACL has to be revised, he is far junior to him in the category of Superintendent.</p>	<p>The Hon'ble Supreme Court of India in its judgment dt 12-12-2008 in Civil Appeal No.2548-2549 observed that the post of Junior Assistant in Subordinate Offices is under category 11 under APMS Rules then existing and the minimum qualification for appointment is Intermediate and whereas the post of Junior Assistant in the Offices of Head of the Department is under category 10 and the minimum qualification there is graduation. Therefore, the Hon'ble APEX Court observed that any person got transferred from Subordinate Office to the Office of the Head of the Department on making an application for such transfer, is deemed to have been given a fresh appoint on his joining in the Office of the Head of the Department for the purpose of seniority in view of Rule 27(1)(iii) of APMS Rules, 1966. Accordingly by reviewing the seniority list of Junior Assistants, Senior Assistants in the Office of the Commissioner of Labour, the Commissioner of Labour in its proceedings No.B1/19786/2003, dated 24-11-2009 upheld the seniority list of Superintendents issued vide Proceedings No.A3/29854/95, dated 18-09-2002 by cancelling the seniority of Superintendents issued vide proceedings No.A3/19786/2003, dated 01-10-2008. Sri M.C.Christopher has filed W.P..No.1996 of 2011 before the Hon'ble High Court of AP on the above and also on the other issue of seniority in the category of Senior Assistants/ Superintendents. The Hon'ble High Court of Andhra Pradesh in its interim orders dated 2-2-2011 in WMP No.2440 of 2011 in WP No.1996 of 2011 filed by Sri M.C. Christopher directed that Status quo obtaining as on date shall be maintained in regard to the petitioner. As on the date of 02-02-2011, Sri M.C.Christopher was working as ACL and he promoted as ACL based on the seniority list of Superintendents issued vide proceedings No.A3/19786/2003, dated 01-10-2008 and the same is maintained in respect of the individual due to the above said status quo orders. Further, the W.P.No.1996 of 2011 filed by</p>

the above individual is also pending before the High Court of AP.

Further, the applicant while refereeing the recent Judgment delivered by the Supreme Court of India in Cr. Appeal No.1375 -76 of 2013 submitted that, the Hon'ble Supreme Court of India in the said judgment directed that in all pending cases where stay orders are in operating, the same will come to an end on expiry of six months from 28.03.2018, unless in an exceptional case by a speaking orders such stay is granted. Further, Sri M.C.Christopher has filed counter representation against the representation of the individual stating that the orders issued in Cr.Appeal No.1375-76 of 2013 by the Supreme Court is applicable for civil and criminal trial cases but not in the writs of service matters. However, no specific orders are received in W.P. No. 1996 of 2011 and till such time no action cannot be taken and therefore, the seniority assigned to Sri M.C.Christopher after Sri D.Prabhkar Rao and above Smt Fatima Sultana in the category of Superintendents is appropriate and accordingly his place in the Category of ACLs was shown by reviewing the promotions. Therefore, the objection of the individual has no merit for consideration.

2) While following the ROR only regular posts of the dept. shall be taken into account. Whereas, as per annexure-F, 49 posts of ACL(SSS) posts which are deputation posts are also taken into consideration which is not correct.

The 46 ACL(SSS) posts of APBOCW WB are permanent cadre posts sanctioned by the Govt. Further, Rule 33-D of AP BOCW Rules specifies that the posts in APBOCW WB shall be filled in from among the officers and staff of Labour Department. The Commissioner of Labour shall have control over the officers and staff appointed in the Board. The Govt. have given permission for the appointment of ACL(SSS) in the Board from among the officers of the Labour Department who are promoted as ACLs.

Therefore, in all probability the said posts of ACL(SSS) are comes under the overall administrative control of the Labour Department therefore the ROR shall be implemented. The objection has no merit for consideration.

Objection dated 10-01-2019 against showcause notice dated 02-01-2019.	
1) He submitted that he already objection against previous show cause notice dated 26-07-2018 and without taking into consideration his objection a fresh showcause notice was issued on 02-01-2019. Hence, he once again requested to review the seniority of Superintendents of HO and also in the cadre of ACL and assign his seniority at appropriate place.	In view of the reply against point No.1 of his representation dated 01-08-2018, the objection of the individual is not merit for consideration.

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

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SUPERINTENDENT

12) Smt R.V.S.S.Ramalakshmi, ACL, O/o Commissioner of Labour, AP, Vijayawada.

Sl.No.	Objection	Remarks
1 a)	<p>As per the guidelines for final allocation of State cadre employees under A.P. Reorganization and according to clause 18 (c) of the guidelines, the employees shall be considered for allocation between the successor states based on seniority list available as on 01-06-2014. In violation of the said guidelines, revision of promotions and seniority has been taken up for allocation of employees between the two states and also to affect promotions and notional date of promotions following ROR retrospectively. By virtue of the said erroneous action, the ALos/Supdts deemed to have been allocated in their respective zones are once again proposed for allocation without being available in the category of ACLs as on 01-06-2014 and those who are still working as ALos/Supdts.</p>	<p>The Hon'ble High Court in its orders dated 12.12.2017 (para 19 of the judgment) in WP 36646 of 2013 while upholding the orders dated 27.09.2009 of the APAT in OA No. 9880 of 2013 to review the promotions made to the post of ACL w.e.f. 29.09.2008, directed the respondents to treat the post of ACL as State wide post when it comes to ordering higher promotions and allocation between two States (para 20 of the judgment).</p> <p>In view of the above, the posts of ACLs which were previously treated Multi Zone cadre posts have become State wide cadre post w.e.f.29.09.2008. Therefore, promotions effected from 29.09.2008 have been reviewed on the basis of the inter-se-seniority of ALos of all the zones & Supdts. of HO ad SO and State-wide seniority of ACLs as on 01.06.2014 has been drawn for the purpose of further promotion and allocation of employees between AP and Telangana under the provisions of APR Act, 2014. In the process, name of certain ALos & Supdts. who are seniors as per state wide inter-se-seniority and due to observance of ROR have come up for promotion as ACL as and when the vacancy arises and notional dates are assigned to them accordingly.</p> <p>Further, ACLs posts were multizonal posts as per the status then existed as on 01.06.2014, the question of allocation of ACLs did not arise at that time. Now in view of the judgment of the Hon'ble High court in the above said WP to treat the ACL post as State wide post with retrospective effect i.e. 29.09.2008 for purpose of allocation between the States, the names of the persons covered by the review undertaken for the period from</p>

		29.09.2008 to 01.06.2014 are considered. Final list will be sent to GAD(SR) and it is for the GAD(SR) Dept. to take a decision as to whether to cover them for the purpose of bifurcation now in terms of Hon'ble High Court orders. Hence the objection cannot be considered.
1(b)	The Government vide G.O.Rt.No.566, dated 03-2016 GAD (DPC) clearly mentioned imposing ban on all promotions, appointments, transfers, revision of seniority and change in terms and conditions of employment till final allocation is completed. In violation of the said orders undertaking review of promotions and seniority allocation of employees in the cadre is a premature action.	10- The Govt. in G.O.Ms No. 2147 GAD, dt. 16.05.2014 imposed ban on appointments, transfers, revision of seniority and change in terms and conditions of employment till process of allocation of employees was completed. The said ban orders were relaxed vide G.O.Ms.No.,2593, dated 14-07-2014 to the extent where court orders have become final and the contempt cases are pending for non-implementation of Court orders.
2	The Principal Secretaries meeting held on 01-03-2018 the Department did not bring to the notice of Secretaries that a proposal was submitted to the Government of India vide letter dated 19-05-2014 for inclusion of the post of ACL in the 3rd Schedule of the Presidential Order. Pending amendment of the Presidential Orders,revision of promotions, effecting notional promotion/seniority treating the post of ACL as State wide post is a hasty action.	The review of promotions to the post of ACL is undertaken as per the final orders of the Hon'ble High Court of AP in in W.P.No.36646 of 2013. Hence the objection cannot be considered.
3(a)	The applicant in O.A.No.9880 of 2009 insisted for review of promotions only for the panel year 2009 and therefore the review of promotions in a	Now the ACL posts have become State wide posts by virtue of the Hon'ble High Court judgment dated 12.12.2017 in W P No. 36646 of 2013, the above said proposal of the Govt. to amend Schedule III of the Presidential Order has become infructuous and therefore not relevant in the present context. Hence the objection cannot be considered. The applicant filed OA No.9880 before the APAT seeking direction to set aside the part of the G.O.Ms.No.86, dated

		particular panel year 2008-09 only but not the subsequent panels as a whole.
3(b)	The individual has objected for showing her name below the names of certain Officers who are still working Superintendents/ALOs under the guise of review and implementing the ROR. Further, she submitted that the preparation of Roster is un-understandable to the employees as to how the points have arise to ROR in excess of their quota. Hence, she requested to take clarification of the GAD on the procedure adoption of Roster.	29.09.2008 treating the post of ACL as multi zonal post as illegal and consequently to treat the post as State wide post and accordingly review the promotions. While allowing the above prayer in the said OA, the APAT by its orders dated 27.09.2009, directed the respondents to treat the post of ACL as State wide post and accordingly review the promotions. The said orders were upheld by the Hon'ble High Court. Therefore, promotions made to the post of ACL from the date of the impugned GO i.e. GO 86, dated 29.09.2008 are reviewed. The GO is being amended retrospectively and which enables review for subsequent panels also. Hence the objection cannot be considered.
3(c)	The Hon'ble Supreme Court of India in its judgment in Civil appeal No. 2368/2011, dated 09-02-2017 categorically stated that in the ROR the Roster point of the promotions cannot claim consequential seniority depriving the seniority of seniors, who have already been promoted and such consequential seniority belonging to SCS and STS on promotion against roster point,	The show cause notice issued for taking review treating the post of ACL as State wide post for the panel period from 2008-09 to 2013-14 by following ROR for each panel year.
		The Government have issued amendment to G.O.Ms.No.5, dated 14-02-2003 vide G.O.Ms.No.26, Social Welfare (ROR1) Department, dated 20-02-2009 that Reservation shall be implemented with consequential seniority in favour of Scheduled Castes and Scheduled Tribes in promotion in all categories of posts in all State Government Departments with immediate effect. Hence the objection cannot be considered.
	The Special Rules in respect of Asst.Commissioner of Labour treating it as State cadre post has not been amended so far and only proposals have	The APAT in OA No.9880 / 2009 by its orders dated 27.09.2013 set aside part of GO 86 treating the post of ACL as Multi Zonal post and said orders are upheld by

	<p>been sent and therefore it is injustice caused due to review of promotion in the absence of full-fledged Special Rules to the determinant of employees who have already been promoted.</p>	Hon'ble High Court in the above said WP.
3(d&f)	<p>The Hon'ble High Court has issued an interim direction that the promotions already made shall not be disturbed and the said order neither vacated nor set aside by the Hon'ble High Court in its final orders dated 12-12-2017 in W.P.No.36646 of 2013 and therefore the order passed by the Hon'ble High Court that the promotions already made shall not be disturbed is in existence and it is part and parcel of the final orders of the Hon'ble High Court.</p>	<p>In the Secretaries meeting held on 01.03.2018 a decision was taken to implement the orders of the Hon'ble HC in WP 36646 of 2013 and to follow the cycle of appointments specified in GO 86 for the purpose of review of promotions and consequently to arrive State wide seniority for allocation between the States. Proposal is already submitted to the government and therefore the objection of the individual cannot be considered.</p>
3(g)	<p>The names of certain candidates who have not qualified IRPM LLM & HR have also been shown in the list and as per judgment in O.A.No. 5099 of 2012, dated 03-06-2013 the promotions shall be reviewed in consonance of the judgment.</p>	<p>The Hon'ble High Court while disposing of the WPs on the above lines, held that the miscellaneous petitions, if any, pending in these WPs shall stand closed. Hence the objection cannot be considered.</p> <p>OA No. 5099 of 2012 was filed before APAT seeking directions that a) to review the promotions of DCL, b) not to make promotion to the post of DCL contrary to Section 20 of the WC Act, c) to bring amendment to the Special Rules in tune with the amended Section 20 of the WC Act, d) to treat the applicant as ACL w.e.f. 06.10.2008. The APAT by its order dated 03.06.2013, held that promotions from the cadre of ACL and upward are in accordance with the special rules and therefore there is no need to review them. What needed is to review the notification conferring powers as CWCs under WC Act, ii) The respondents are directed to amend the special rules</p>

	<p>in tune with amended Section 20 of the WC Act iii) the respondents are directed to review the promotions from the date of amendment of rules.</p>
(h)	<p>The qualifications specified under Section 20 of EC Act are required to function as Commissioner under EC Act and not prerequisite qualification to function as Asst.Commissioner of Labour who is also notified as Conciliation Officer under Industrial Disputes Act and Authority under various other enactments other than EC Act. However, the issue relating to qualifications and experience specified under Section 20 of EC Act has been raised in W.P.No. 28961 of 2018 filed by Sri N.Adinarayana, ACL and certainly orders will be passed by the Hon'ble High Court on the said issue also.</p>
	<p>The 45 ACL(SSS) posts are sanctioned by the Govt. vide GOMs No.152. As per Rule 33-D of AP BOCW Rules specifies that the posts shall be filled in from among the officers and staff of Labour Department. The Commissioner of Labour shall have control over the officers and staff appointed in the Board. The Govt. have given permission for the appointment of ACL(SSS) in the Board from among the officers of the Labour Department who are promoted as ACLs.</p> <p>Therefore, in all probability the said posts of ACL(SSS) are the under the overall administrative control of the Labour Department and therefore implementation of form part of the ACL cadre. Hence the objection cannot be considered.</p> <p>Observation of ROR shall be implemented from the date of review and not from any other anterior date.</p> <p>As per the orders issued vide G.O.Ms.No.2, Social Welfare (SW.ROR1) Department, dated 9-01-2004 for computing adequacy of representation of SCSs and STS the persons</p>

		<p>working in the said category either they promoted on the basis of seniority-cum-merit without applying the rule of reservation should also be counted for judging the adequacy. Therefore, while following fresh Roster of ROR, the promotions were review from 29-09-2008 by taking into the SC and ST persons who are working as on the date of 29-09-2008 for judging the adequacy.</p>
1&2	<p>Objection against notice dated 02.01.2019</p> <p>She opposed the review of promotions for the panel years from 2009-10, 2011-12 and subsequent years, as the review is confined only for the panel year 2008-09 as per Court orders. In the review nearly 27 ALos/ Superintendents have been assigned notional dates, which involves heavy financial implications and therefore the Government has to invariably prefer an SLP before the Supreme Court against the orders of the Hon'ble High Court and accordingly proposals should have been sent to the Govt. of India to include the post of ACL in III schedule of the Presidential Order.</p>	<p>In view of the above the objections of the individuals on the above point does not merit any consideration and disposed of accordingly.</p>
	<p>The ACL posts have become State wide post by virtue of the Hon'ble High Court judgment dated 12.12.2017 in W P No. 36646 of 2013, the proposal of the Govt. to amend Schedule III of the Presidential Order has become infructuous. Further, in the Secretaries meeting held on 01.03.2018, it was decided to implement the above Court orders.</p> <p>In view of the above, promotions effected from 29.09.2008 in terms of G.O.Ms.No.86 treating the post of</p>	<p>The Hon'ble High in its orders dated 12.12.2017 (para 19 of the judgment) in WP 36646 of 2013 while upholding the orders dated 27.09.2009 of the APAT in OA No. 9880 of 2013 to review the promotions made to the post of ACL w.e.f. 29.29.2008, directed the respondents to treat the post of ACL as State wide post when it comes to ordering higher promotions and allocation between two States (para 20 of the judgment). Therefore, the contention of the applicant to treat the post of ACL as Multi Zonal post by reviewing promotions state wide post only for the panel year 2008-09 is baseless.</p>

		ACL as Multi Zonal post, have been reviewed on the basis of the inter-se-seniority of ALOs of all the zones & Supdts. of HO ad SO and State-wide list of ACLs as on 01.06.2014 has been drawn for the purpose of further promotion and allocation of employees between AP and Telangana under the provisions of APR Act, 2014. Due to that certain ALOs/Superintendents were assigned notional promotion. In this context, the objection cannot be considered.
3)	The applicant in O.A.No.9880 only sought review of promotions for the panel year 2008-09. Further, the High Court in WP No.36646 also not gave any specific direction for review of promotions, but issued an interim direction not to disturb the promotions already made and the same was not vacated in its final orders.	The Hon'ble High Court while disposing W.P. No.36646 of 2013 held that the miscellaneous petitions, if any, pending in these WPs shall stand closed. In view of the above and as per the remarks at Point No.1 and 2, the objection cannot be considered.
4)	She reliably learnt that the applicant in OA No.9880/2009 has withdrawn his contentions raised in his OA and therefore there is no other contestant in the said OA, there is no obligation for the authorities to implement the judgment of APAT, as there is no specific orders in the appeal preferred by the Government in WP No.36646 of 2014 and other WPs have also been disposed off.	In view of the remarks at Point No.2 and 3, the objection cannot be considered.
5)	Her allocation should be made retrospectively considering the seniority from the date of her promotion and date of birth and the persons shown as promoted notionally after 01-06-2014 over and above her in the proposed seniority list of ACLs, as they are far juniors to her the feeder category according to date of her promotion.	The review of promotions treating the post of ACL as State wide post was proposed in terms of the orders of the Hon'ble APAT in O.A.No.9880 of 2009 and the orders in WP No.36646 of 2013. The ALOs/Superintendents who would be assigned notional promotion based on the seniority assigned in the feeder categories and following Rule of Reservation. Further, the applicant without specific mention, raised the objection and therefore the same cannot be considered.
6)	She is not a party in OA No.9880 of 2009 and the WP No.36646 of 2013, 17382 of 2014, 35443 of	The Government by keeping in mind the proposal for inclusion of the post of the ACL in the III Schedule of the

	2016 and 4772 of 2017. The judgment cannot be implemented without seeking legal opinion from advisory Departments in Secretariat and without preferring an appeal before the Supreme Court of India and also during the pendency of proposal for inclusion of the post in the III Schedule of the Presidential Order before the GOI. The same may be pursued and till such time the review of promotions may be withheld.	Presidential Oder before the Government of India decided in the Secretaries meeting held on 01-03-2018 to implement the above Court orders treating the post of Asst.Commissioner of Labour as State wide post instead of Multi Zonal post.
7&8	In view of ban on review of promotions, seniority appointments, recruitments vide G.O.Rt.No.2147, dated 16-05-2014 and also in view of para 18(a) and (c) of A.P.Reorganisation guidelines the review shall not be taken and, the names of persons who would be promoted notionally after 01-06-2014 shall not been shown over and above to her name.	The Govt. in GOMs No. 2147 GAD, dt. 16.05.2014 imposed ban on appointments, transfers, revision of seniority and change in terms and conditions of employment till process of allocation of employees was completed. The said ban orders were relaxed to the extent where court orders have become final and the contempt cases are pending for non-implementation of Court orders.

The Hon'ble High Court in its orders dated 12.12.2017 (para 19 of the judgment) in WP 36646 of 2013 while upholding the orders dated 27.09.2009 of the APAT in OA No. 9880 of 2013 to review the promotions made to the post of ACL w.e.f. 29.29.2008, directed the respondents to treat the post of ACL as State wide post when it comes to ordering higher promotions and allocation between two States (para 20 of the judgment). Hence, review was undertaken treating the post of ACL as State wide post and therefore the contention of the individual is not merit for consideration.

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

SUPERINTENDENT

No 3

13) N. Audi Narayana Rao, ACL, Narasaraopet Pet

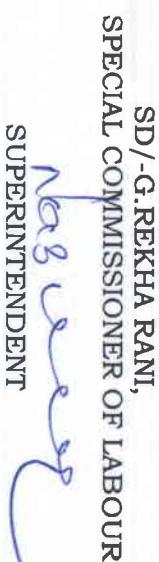
S.No.	Objection	Remarks
1 a)	<p>Objection dated 06-08-2018</p> <p>As per the guidelines for final allocation of State cadre employees under A.P. Reorganization and according to clause 18 (c) of the guidelines, the employees shall be considered for allocation between the successor states based on seniority list available as on 01-06-2014. In violation of the said guidelines, revision of promotions and seniority has been taken up for allocation of employees between the two states and also to affect promotions and notional date of promotions following ROR retrospectively. By virtue of the said erroneous action, the ALos/Supdts deemed to have been allocated in their respective zones are once again proposed for allocation without being available in the category of ACLs as on 01-06-2014 and those who are still working as ALos/Supdts.</p>	<p>The Hon'ble High Court in its orders dated 12.12.2017 (para 19 of the judgment) in WP 36646 of 2013 while upholding the orders dated 27.09.2009 of the APAT in OA No. 9880 of 2013 to review the promotions made to the post of ACL w.e.f. 29.09.2008, directed the respondents to treat the post of ACL as State wide post when it comes to ordering higher promotions and allocation between two States (para 20 of the judgment).</p>
1(b)	<p>The Government vide G.O.Rt.No.566, dated 10-03-2016 GAD (DPC) clearly mentioned imposing ban on</p> <p>The Govt. in G.O.Ms No. 2147 GAD, dt. 16.05.2014 imposed ban on appointments, transfers, revision of seniority and change in</p>	<p>In view of the above, the posts of ACLs which were previously treated Multi Zone cadre posts have become State wide cadre post w.e.f.29.09.2008. Therefore, promotions effected from 29.09.2008 have been reviewed on the basis of the inter-se-seniority of ALos of all the zones & Supdts. of HO ad SO and State-wide seniority of ACLs as on 01.06.2014 has been drawn for the purpose of further promotion and allocation of employees between AP and Telangana under the provisions of APR Act, 2014. In the process, name of certain ALos & Supdts. who are seniors as per state wide inter-se-seniority and due to observance of ROR have come up for promotion as ACL as and when the vacancy arises and notional dates are assigned to them accordingly.</p> <p>Further, ACLs posts were multizonal posts as per the status then existed as on 01.06.2014, the question of allocation of ACLs did not arise at that time. Now in view of the judgment of the Hon'ble High court in the above said WP to treat the ACL post as State wide post with retrospective effect i.e. 29.09.2008 for purpose of allocation between the States, the names of the persons covered by the review undertaken for the period from 29.09.2008 to 01.06.2014 are considered. Final list will be sent to GAD(SR) and it is for the GAD(SR) Dept. to take a decision as to whether to cover them for the purpose of bifurcation now in terms of Hon'ble High Court orders. Hence the objection cannot be considered.</p>

		<p>all promotions, appointments, transfers, revision of seniority and change in terms and conditions of employment till final allocation is completed. In violation of the said orders undertaking review of promotions and seniority allocation of employees in the cadre is a premature action.</p>
2	<p>The Principal Secretaries meeting held on 01-03-2018 the Department did not bring to the notice of Secretaries that a proposal was submitted to the Government of India vide letter dated 19-05-2014 for inclusion of the post of ACL in the 3rd Schedule of the Presidential Order. Pending amendment of the Presidential Orders, revision of promotions, effecting notional promotion/ seniority treating the post of ACL as State wide post is a hasty action.</p>	<p>The review of promotions to the post of ACL is undertaken as per the final orders of the Hon'ble High Court of AP in W.P.No.36646 of 2013. Hence the objection cannot be considered.</p> <p>The proposal of the Government vide letter dated 19-05-2014 was for inclusion of the ACL posts as Multi Zone posts by way of amendment to Schedule III of the Presidential Order. The Govt. are aware of the above proposal and accordingly decisions were taken in the Secretaries meeting held on 01.03.2018.</p>
3(a)	<p>The applicant in O.A.No.9880 of 2009 insisted for review of promotions only for the panel year 2009 and therefore the review of promotions in a particular panel year 2008-09 only but not the subsequent panels as a whole.</p>	<p>Now the ACL posts have become State wide posts by virtue of the Hon'ble High Court judgment dated 12.12.2017 in W P No. 36646 of 2013, the above said proposal of the Govt. to amend Schedule III of the Presidential Order has become infructuous and therefore not relevant in the present context. Hence the objection cannot be considered.</p> <p>The applicant filed OA No.9880 before the APAT seeking direction to set aside the part of the G.O.Ms.No.86, dated 29.09.2008 treating the post of ACL as multi zonal post as illegal and consequently to treat the post as State wide post and accordingly review the promotions. While allowing the above prayer in the said OA, the APAT by its orders dated 27.09.2009, directed the respondents to treat the post of ACL as State wide post and accordingly review the promotions. The said orders were upheld by the Hon'ble High Court. Therefore, promotions made to the post of ACL from the date of the impugned GO i.e. GO 86, dated 29.09.2008 are reviewed. The GO is being amended retrospectively and which enables review for subsequent panels also. Hence the objection cannot be considered.</p>
3(b)	<p>The individual has objected for showing his name below the names of certain Officers who are still</p>	<p>The show cause notice issued for taking review treating the post of ACL as State wide post for the panel period from 2008-09 to</p>

		working Superintendents/ALOs under the guise of review and implementing the ROR. Further, he submitted that the preparation of Roster is understandable to the employees as to how the points have arise to ROR in excess of their quota. Hence, he requested to take clarification of the GAD on the procedure adoption of Roster.	2013-14 by following ROR for each panel year.
3©	The Hon'ble Supreme Court of India in its judgment in Civil appeal No. 2368/2011, dated 09-02-2017 categorically stated that in the ROR the Roster point of the promotions cannot claim consequential seniority depriving the seniority of seniors, who have already been promoted and such consequential seniority belonging to SCS and STS on promotion against roster point,	The Government have issued amendment to G.O.Ms.No.5, dated 14-02-2003 vide G.O.Ms.No.26, Social Welfare (ROR) Department, dated 20-02-2009 that Reservation shall be implemented with consequential seniority in favour of Scheduled Castes and Scheduled Tribes in promotion in all categories of posts in all State Government Departments with immediate effect. Hence the objection cannot be considered.	
3(d&f)	The Special Rules in respect of Asst.Commissioner of Labour treating it as State cadre post has not been amended so far and only proposals have been sent and therefore it is injustice caused due to review of promotion in the absence of full-fledged Special Rules to the determinant of employees who have already been promoted.	The APAT in OA No.9880 / 2009 by its orders dated 27.09.2013 set aside part of GO 86 treating the post of ACL as Multi Zonal post and said orders are upheld by Hon'ble High Court in the above said WP.	In the Secretaries meeting held on 01.03.2018 a decision was taken to implement the orders of the Hon'ble HC in WP 36646 of 2013 and to follow the cycle of appointments specified in GO 86 for the purpose of review of promotions and consequently to arrive State wide seniority for allocation between the States. Proposal is already submitted to the government and therefore the objection of the individual cannot be considered.

3(g)	<p>The names of certain candidates who have not qualified IRPM LLM & HR have also been shown in the list and as per judgment in O.A.No. 5099 of 2012, dated 03-06-2013 the promotions shall be reviewed in consonance of the judgment.</p>	<p>OA No. 5099 of 2012 was filed before APAT seeking directions that a) to review the promotions of DCL, b) not to make promotion to the post of DCL contrary to Section 20 of the WC Act, c) to bring amendment to the Special Rules in tune with the amended Section 20 of the WC Act, d) to treat the applicant as ACL w.e.f. 06.10.2008. The APAT by its order dated 03.06.2013 held that promotions from the cadre of ACL and upward are in accordance with the special rules and therefore there is no need to review them. What needed is to review the notification conferring powers as CWCs under WC Act, ii) The respondents are directed to amend the special rules in tune with amended Section 20 of the WC Act iii) the respondents are directed to review the promotions from the date of amendment of rules.</p>
(h)	<p>The candidates covered in terms of Foreign Service Rules under G.O(P) No.10, Finance and Planning, the service on deputation including foreign service cannot be counted for probation in parent department and their service and seniority will not be safe guarded under fundamental Rules, several persons names have been included in the seniority list cum Show cause notice and assigned notional dates of seniority and the same may be rectified.</p>	<p>The qualifications specified under Section 20 of EC Act are required to function as Commissioner under EC Act and not prerequisite qualification to function as Asst.Commissioner of Labour who is also notified as Conciliation Officer under Industrial Disputes Act and Authority under various other enactments other than EC Act. However, the issue relating to qualifications and experience specified under Section 20 of EC Act has been raised in W.P.No. 28961 of 2018 filed by him and certainly orders will be passed by the Hon'ble High Court on the said issue also.</p> <p>The 45 ACL(SSS) posts are sanctioned by the Govt. vide GOMs No.152. As per Rule 33-D of AP BOCW Rules specifies that the posts shall be filled in from among the officers and staff of Labour Department. The Commissioner of Labour shall have control over the officers and staff appointed in the Board. The Govt. have given permission for the appointment of ACL(SSS) in the Board from among the officers of the Labour Department who are promoted as ACLs.</p>
		<p>Therefore, in all probability the said posts of ACL(SSS) are the under the overall administrative control of the Labour Department</p>

	<p>Observation of ROR shall be implemented from the date of review and not from any other anterior date.</p>	<p>and therefore implementation of form part of the ACL cadre. Hence the objection cannot be considered.</p>
	<p>Objection dated 12-01-2019</p> <p>He filed W.P.No.28961 of 2018 questioning the validity of show cause notice dated 26-07-2018 and the said case is pending before the Hon'ble High Court. The Hon'ble High Court heard the arguments and instructions have been issued to GP to file additional counter. But without filing additional counter a fresh show-cause notice issued reviewing the promotion for the panel years 2008-09 to 2013-14 without conducting DPC which is against the procedure prescribed and also dishonoring the judiciary while the matter is subjudice.</p>	<p>As per the orders issued vide G.O.Ms.No.2, Social Welfare (SW.ROR1) Department, dated 9-01-2004 for computing adequacy of representation of SCSS and STS the persons working in the said category either they promoted on the basis of seniority-cum-merit without applying the rule of reservation should also be counted for judging the adequacy. Therefore, while following fresh Roster of ROR, the promotions were review from 29-09-2008 by taking into the SC and ST persons who are working as on the date of 29-09-2008 for judging the adequacy.</p>

SD/-G.REKHA RANI,
SPECIAL COMMISSIONER OF LABOUR
SUPERINTENDENT


14) Sri K. Dinesh Kumar, ACL, Tirupathi,

Sl. No.	Objection	Remarks
	<p>They mainly submitted that in the combined state of AP, the last DPC in the cadre of ACL was held for the panel year 2010-11 and subsequently no DPCs were conducted and therefore the ALOs/Superintendents who were get notional promotion can only be taken into consideration for the next upcoming DPC but not for the panel years in which DPC was not conducted.</p> <p>Further, they submitted that the status of the post of ACL was changed from Multi Zone to that of State widestatus and therefore, without amending the special rules, the notional promotions given to the individuals are not rational.</p> <p>Some of the ALOs who rejected promotion in one panel year can only be considered for next panel year by conducting afresh DPC. Since no DPCs conducted after 2010-11, the persons, who rejected for promotion cannot be granted promotion for the panel year in which the DPC was not held at all.</p> <p>If the names of the ALOs/Superintendents who getting promotion considered for notional promotion with retrospective effect, their names shall also be considered for notional date from the date of vacancy arose for direct recruitment.</p>	<p>a) As on 01-06-2014 that there are 63 ACLs are working in the combined state of AP and they were promoted on Multi Zonal basis in terms of G.O.Ms.No.86, dated 29-09-2018. The Hon'ble High Court in its orders dated 12.12.2017 (para 19 of the judgment) in WP 36646 of 2013 while upholding the orders dated 27.09.2009 of the APAT in OA No. 9880 of 2013 to review the promotions made to the post of ACL w.e.f. 29.29.2008, directed the respondents to treat the post of ACL as State wide post when it comes to ordering higher promotions and allocation between two States (para 20 of the judgment). To cover all the (63) persons who working as on 01-06-2014 (on Multi Zonal basis), and also considering certain objections of the show cause notice issued earlier review was undertaken treating the post of ACL as state wide post upto 01-06-2014 and in which (27) persons were notionally assigned promotion. Even though review was undertaken from 2008-09 to 2013-14 panels, (3) ACLs who are working as ACLs on Multi Zonal basis as on 01-06-2014 were not covered in the review. The (27) ALOs/Superintendents who are eligible for notional promotion, can be accommodated only against the vacancies meant for promotees by keeping (19) posts vacant for Direct Recruitment. Further, the seniority of Direct recruits will be determined from the date of their joining service. Further, the applicants are appointed on their selection by APPSC after bifurcation of the State. Since the review is for the period prior to bifurcation of the State i.e. upto 01-06-2014, their objection for notional date does not merit for consideration.</p>

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

No 8
SUPERINTENDENT

15) Smt N. Bulli Rani, ACL, Kakinada

Sl. No.	Objection	Remarks
	<p>They mainly submitted that in the combined state of AP, the last DPC in the cadre of ACL was held for the panel year 2010-11 and subsequently no DPCs were conducted and therefore the ALOs/Superintendents who were get notional promotion can only be taken into consideration for the next upcoming DPC but not for the panel years in which DPC was not conducted.</p> <p>Further, they submitted that the status of the post of ACL was changed from Multi Zone to that of State widestatus and therefore, without amending the special rules, the notional promotions given to the individuals are not rational.</p> <p>Some of the ALOs who rejected promotion in one panel year can only be considered for next panel year by conducting afresh DPC. Since no DPCs conducted after 2010-11, the persons, who rejected for promotion cannot be granted promotion for the panel year in which the DPC was not held at all.</p> <p>If the names of the ALOs/Superintendents who getting promotion considered for notional promotion with retrospective effect, their names shall also be considered for notional date from the date of vacancy arose for direct recruitment.</p>	<p>a) As on 01-06-2014 that there are 63 ACLs are working in the combined state of AP and they were promoted on Multi Zonal basis in terms of G.O.Ms.No.86, dated 29-09-2018. The Hon'ble High Court in its orders dated 12.12.2017 (para 19 of the judgment) in WP 36646 of 2013 while upholding the orders dated 27.09.2009 of the APAT in OA No. 9880 of 2013 to review the promotions made to the post of ACL w.e.f. 29.29.2008, directed the respondents to treat the post of ACL as State wide post when it comes to ordering higher promotions and allocation between two States (para 20 of the judgment). To cover all the (63) persons who working as on 01-06-2014 (on Multi Zonal basis), and also considering certain objections of the show cause notice issued earlier review was undertaken treating the post of ACL as state wide post upto 01-06-2014 and in which (27) persons were notionally assigned promotion. Even though review was undertaken from 2008-09 to 2013-14 panels, (3) ACLs who are working as ACLs on Multi Zonal basis as on 01-06-2014 were not covered in the review. The (27) ALOs/Superintendents who are eligible for notional promotion, can be accommodated only against the vacancies meant for promotees by keeping (19) posts vacant for Direct Recruitment. Further, the seniority of Direct recruits will be determined from the date of their joining service. Further, the applicants are appointed on their selection by APPSC after bifurcation of the State. Since the review is for the period prior to bifurcation of the State i.e. upto 01-06-2014, their objection for notional date does not merit for consideration.</p>

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

No. 3
SUPERINTENDENT

16) SmtP.KrishnaVeni, ACL, Amalapuram,

Sl. No.	Objection	Remarks
	<p>They mainly submitted that in the combined state of AP, the last DPC in the cadre of ACL was held for the panel year 2010-11 and subsequently no DPCs were conducted and therefore the ALOs/Superintendents who were get notional promotion can only be taken into consideration for the next upcoming DPC but not for the panel years in which DPC was not conducted.</p> <p>Further, they submitted that the status of the post of ACL was changed from Multi Zone to that of State widestatus and therefore, without amending the special rules, the notional promotions given to the individuals are not rational.</p>	<p>a) As on 01-06-2014 that there are 63 ACLs are working in the combined state of AP and they were promoted on Multi Zonal basis in terms of G.O.Ms.No.86, dated 29-09-2018. The Hon'ble High Court in its orders dated 12.12.2017 (para 19 of the judgment) in WP 36646 of 2013 while upholding the orders dated 27.09.2009 of the APAT in OA No. 9880 of 2013 to review the promotions made to the post of ACL w.e.f. 29.29.2008, directed the respondents to treat the post of ACL as State wide post when it comes to ordering higher promotions and allocation between two States (para 20 of the judgment). To cover all the (63) persons who working as on 01-06-2014 (on Multi Zonal basis), and also considering certain objections of the show cause notice issued earlier review was undertaken treating the post of ACL as state wide post upto 01-06-2014 and in which (27) persons were notionally assigned promotion. Even though review was undertaken from 2008-09 to 2013-14 panels, (3) ACLs who are working as ACLs on Multi Zonal basis as on 01-06-2014 were not covered in the review. The (27) ALOs/Superintendents who are eligible for notional DPCs conducted after 2010-11, the persons, who rejected for promotion cannot be granted promotion for the panel year in which the DPC was not held at all.</p>
	<p>If the names of the ALOs/Superintendents who getting promotion considered for notional promotion with retrospective effect, their names shall also be considered for notional date from the date of vacancy arose for direct recruitment.</p>	<p>their selection by APPSC after bifurcation of the State. Since the date of their joining service. Further, the applicants are appointed on their selection by APPSC after bifurcation of the State. Since the review is for the period prior to bifurcation of the State i.e. upto 01-06-2014, their objection for notional date does not merit for consideration.</p>

SD/-G.REKHA RANI,
SPECIAL COMMISSIONER OF LABOUR
No 3
SUPERINTENDENT

17) Sri K Venkateswar Reddy, ACL, Kadapa now resigned from service.

Sl. No.	Objection	Remarks
	<p>They mainly submitted that in the combined state of AP, the last DPC in the cadre of ACL was held for the panel year 2010-11 and subsequently no DPCs were conducted and therefore the ALOs/Superintendents who were get notional promotion can only be taken into consideration for the next upcoming DPC but not for the panel years in which DPC was not conducted.</p> <p>Further, they submitted that the status of the post of ACL was changed from Multi Zone to that of State widestatus and therefore, without amending the special rules, the notional promotions given to the individuals are not rational.</p> <p>Some of the ALOs who rejected promotion in one panel year can only be considered for next panel year by conducting afresh DPC. Since no DPCs conducted after 2010-11, the persons, who rejected for promotion cannot be granted promotion for the panel year in which the DPC was not held at all.</p> <p>If the names of the ALOs/Superintendents who getting promotion considered for notional promotion with retrospective effect, their names shall also be considered for notional date from the date of vacancy arose for direct recruitment.</p>	<p>a) As on 01-06-2014 that there are 63 ACLs are working in the combined state of AP and they were promoted on Multi Zonal basis in terms of G.O.Ms.No.86, dated 29-09-2018. The Hon'ble High Court in its orders dated 12.12.2017 (para 19 of the judgment) in WP 36646 of 2013 while upholding the orders dated 27.09.2009 of the APAT in OA No. 9880 of 2013 to review the promotions made to the post of ACL w.e.f. 29.29.2008, directed the respondents to treat the post of ACL as State wide post when it comes to ordering higher promotions and allocation between two States (para 20 of the judgment). To cover all the (63) persons who working as on 01-06-2014 (on Multi Zonal basis), and also considering certain objections of the show cause notice issued earlier review was undertaken treating the post of ACL as state wide post upto 01-06-2014 and in which (27) persons were notionally assigned promotion. Even though review was undertaken from 2008-09 to 2013-14 panels, (3) ACLs who are working as ACLs on Multi Zonal basis as on 01-06-2014 were not covered in the review. The (27) ALOs/Superintendents who are eligible for notional promotion, can be accommodated only against the vacancies meant for promotees by keeping (19) posts vacant for Direct Recruitment. Further, the seniority of Direct recruits will be determined from the date of their joining service. Further, the applicants are appointed on their selection by APPSC after bifurcation of the State. Since the review is for the period prior to bifurcation of the State i.e. upto 01-06-2014, their objection for notional date does not merit for consideration.</p>

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

SUPERINTENDENT

No 3

18) Sri Ch. Vijayakumar Reddy, ACL, Dharmavaram,

Sl. No.	Objection	Remarks
	<p>They mainly submitted that in the combined state of AP, the last DPC in the cadre of ACL was held for the panel year 2010-11 and subsequently no DPCs were conducted and therefore the ALOs/Superintendents who were get notional promotion can only be taken into consideration for the next upcoming DPC but not for the panel years in which DPC was not conducted.</p> <p>Further, they submitted that the status of the post of ACL was changed from Multi Zone to that of State widestatus and therefore, without amending the special rules, the notional promotions given to the individuals are not rational.</p> <p>Some of the ALOs who rejected promotion in one panel year can only be considered for next panel year by conducting afresh DPC. Since no DPCs conducted after 2010-11, the persons, who rejected for promotion cannot be granted promotion for the panel year in which the DPC was not held at all.</p> <p>If the names of the ALOs/Superintendents who getting promotion considered for notional promotion with retrospective effect, their names shall also be considered for notional date from the date of vacancy arose for direct recruitment.</p>	<p>a) As on 01-06-2014 that there are 63 ACLs are working in the combined state of AP and they were promoted on Multi Zonal basis in terms of G.O.Ms.No.86, dated 29-09-2018. The Hon'ble High Court in its orders dated 12.12.2017 (para 19 of the judgment) in WP 36646 of 2013 while upholding the orders dated 27.09.2009 of the APAT in OA No. 9880 of 2013 to review the promotions made to the post of ACL w.e.f. 29.29.2008, directed the respondents to treat the post of ACL as State wide post when it comes to ordering higher promotions and allocation between two States (para 20 of the judgment). To cover all the (63) persons who working as on 01-06-2014 (on Multi Zonal basis), and also considering certain objections of the show cause notice issued earlier review was undertaken treating the post of ACL as state wide post upto 01-06-2014 and in which (27) persons were notionally assigned promotion. Even though review was undertaken from 2008-09 to 2013-14 panels, (3) ACLs who are working as ACLs on Multi Zonal basis as on 01-06-2014 were not covered in the review. The (27) ALOs/Superintendents who are eligible for notional promotion, can be accommodated only against the vacancies meant for promotees by keeping (19) posts vacant for Direct Recruitment. Further, the seniority of Direct recruits will be determined from the date of their joining service. Further, the applicants are appointed on their selection by APPSC after bifurcation of the State. Since the review is for the period prior to bifurcation of the State i.e. upto 01-06-2014, their objection for notional date does not merit for consideration.</p>

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

N R S
SUPERINTENDENT

19) Kum M.Ramya, ACL, Narsipatnam,

Sl. No.	Objection	Remarks
	<p>They mainly submitted that in the combined state of AP, the last DPC in the cadre of ACL was held for the panel year 2010-11 and subsequently no DPCs were conducted and therefore the ALOs/Superintendents who were get notional promotion can only be taken into consideration for the next upcoming DPC but not for the panel years in which DPC was not conducted.</p> <p>Further, they submitted that the status of the post of ACL was changed from Multi Zone to that of State widestatus and therefore, without amending the special rules, the notional promotions given to the individuals are not rational.</p> <p>Some of the ALOs who rejected promotion in one panel year can only be considered for next panel year by conducting afresh DPC. Since no DPCs conducted after 2010-11, the persons, who rejected for promotion cannot be granted promotion for the panel year in which the DPC was not held at all.</p> <p>If the names of the ALOs/Superintendents who getting promotion considered for notional promotion with retrospective effect, their names shall also be considered for notional date from the date of vacancy arose for direct recruitment.</p>	<p>a) As on 01-06-2014 that there are 63 ACLs are working in the combined state of AP and they were promoted on Multi Zonal basis in terms of G.O.Ms.No.86, dated 29-09-2018. The Hon'ble High Court in its orders dated 12.12.2017 (para 19 of the judgment) in WP 36646 of 2013 while upholding the orders dated 27.09.2009 of the APAT in OA No. 9880 of 2013 to review the promotions made to the post of ACL w.e.f. 29.29.2008, directed the respondents to treat the post of ACL as State wide post when it comes to ordering higher promotions and allocation between two States (para 20 of the judgment). To cover all the (63) persons who working as on 01-06-2014 (on Multi Zonal basis), and also considering certain objections of the show cause notice issued earlier review was undertaken treating the post of ACL as state wide post upto 01-06-2014 and in which (27) persons were notionally assigned promotion. Even though review was undertaken from 2008-09 to 2013-14 panels, (3) ACLs who are working as ACLs on Multi Zonal basis as on 01-06-2014 were not covered in the review. The (27) ALOs/Superintendents who are eligible for notional promotion, can be accommodated only against the vacancies meant for promotees by keeping (19) posts vacant for Direct Recruitment. Further, the seniority of Direct recruits will be determined from the date of their joining service. Further, the applicants are appointed on their selection by APPSC after bifurcation of the State. Since the review is for the period prior to bifurcation of the State i.e. upto 01-06-2014, their objection for notional date does not merit for consideration.</p>

SD/-G.REKHA RANI,
SPECIAL COMMISSIONER OF LABOUR
No 3
SUPERINTENDENT

20) Ch.Alochana, ACL, Kovvur

Sl. No.	Objection	Remarks
	<p>They mainly submitted that in the combined state of AP, the last DPC in the cadre of ACL was held for the panel year 2010-11 and subsequently no DPCs were conducted and therefore the ALOs/Superintendents who were get notional promotion can only be taken into consideration for the next upcoming DPC but not for the panel years in which DPC was not conducted.</p> <p>Further, they submitted that the status of the post of ACL was changed from Multi Zone to that of State wide status and therefore, without amending the special rules, the notional promotions given to the individuals are not rational.</p> <p>Some of the ALOs who rejected promotion in one panel year can only be considered for next panel year by conducting afresh DPC. Since no DPCs conducted after 2010-11, the persons, who rejected for promotion cannot be granted promotion for the panel year in which the DPC was not held at all.</p> <p>If the names of the ALOs/Superintendents who getting promotion considered for notional promotion with retrospective effect, their names shall also be considered for notional date from the date of vacancy arose for direct recruitment.</p>	<p>a) As on 01-06-2014 that there are 63 ACLs are working in the combined state of AP and they were promoted on Multi Zonal basis in terms of G.O.Ms.No.86, dated 29-09-2018. The Hon'ble High Court in its orders dated 12.12.2017 (para 19 of the judgment) in WP 36646 of 2013 while upholding the orders dated 27.09.2009 of the APAT in OA No. 9880 of 2013 to review the promotions made to the post of ACL w.e.f. 29.09.2008, directed the respondents to treat the post of ACL as State wide post when it comes to ordering higher promotions and allocation between two States (para 20 of the judgment). To cover all the (63) persons who working as on 01-06-2014 (on Multi Zonal basis), and also considering certain objections of the show cause notice issued earlier review was undertaken treating the post of ACL as state wide post upto 01-06-2014 and in which (27) persons were notionally assigned promotion. Even though review was undertaken from 2008-09 to 2013-14 panels, (3) ACLs who are working as ACLs on Multi Zonal basis as on 01-06-2014 were not covered in the review. The (27) ALOs/Superintendents who are eligible for notional promotion, can be accommodated only against the vacancies meant for promotees by keeping (19) posts vacant for Direct Recruitment. Further, the seniority of Direct recruits will be determined from the date of their joining service. Further, the applicants are appointed on their selection by APPSC after bifurcation of the State. Since the review is for the period prior to bifurcation of the State i.e. upto 01-06-2014, their objection for notional date does not merit for consideration.</p>

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

No.3
SUPERINTENDENT

21) SRI G.NARAYANA SWAMY, SUPERINTENDENT, O/O COMMISSIONER OF LABOUR, TELANGANA STATE.

Sl.No.	Objection	Reply
1	<p>He submitted that the show cause notice issued reviewing the promotions for the panel years 2008-09, 2009-10, 2010-11, 2011-12, 2012-13 and 2013-14. The Hon'ble High Court delivered the judgment on 12-12-2017 and therefore the review shall be taken up for further panel years till the orders of the Hon'ble High Court dated 12-12-2017 so as to provide equal opportunities for the feeder categories and requested to issue appropriate orders in the matter.</p>	<p>The Government of India by taking the date of 01-06-2014 as appointed day, instructions were issued under A.P.Reorganisation to allocate the employees working as on 01-06-2014 between the two states of AP and TS. Further, the Hon'ble High Court in W.P.No. 36646 of 2013 vide its orders dated 12-12-2017 directed the respondents to treat the post of ACL as State wide post when it comes to ordering higher promotions and allocation between the two states. Therefore, for the purpose of allocation between the two states, review has been taken till 01-06-2014 and subsequent to that period the successor states of AP and TS shall take further action in the matter.</p>

SD/-G.REKHA RANI,
SPECIAL COMMISSIONER OF LABOUR
No 3
SUPERINTENDENT

22) Sri R. Subba Rao, Superintendent, O/o. Commissioner of Labour, A.P., Vijayawada.

He submitted that he has been working as Superintendent in the Office of the Commissioner of Labour from 07-12-2011 and his name is not included in the seniority list of Superintendents shown in Annexure-E of the show cause notice and therefore requested to include his name in the seniority list of Superintendents at appropriate place.

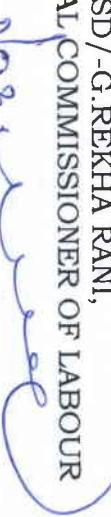
The show cause notice issued calling objections on the review of promotions in the category of ACLs. In the said review, the Superintendents of Head Office who are covered in the seniority upto 10-10-2008 have come up for consideration for promotion to the post of ACL. Sri R. Subba Rao is far junior and his seniors are still working as Superintendents. Hence inclusion of his name in the review seniority does not arise.

In view of the above, the objection of the individual is disposed off accordingly.

SD/-G.REKHA RANI,
SPECIAL COMMISSIONER OF LABOUR
Nag
SUPERINTENDENT

23) Sri KW Satyanarayana, ACL(Retd.)

<p>1 He submitted that in the present review of promotions made to the category of ACLs he was assigned 08-06-2011 as date of promotion as ACL. In this regard he submitted that he was retired from service on attaining the age of superannuation of 58 years in Telangana State. Further, he submitted that he is native of Settipeta Village of West Godavari District in the State of AP and therefore he requested to allot him in the State of AP with consequential benefits to be attained on attaining the age of superannuation of 60 years.</p>	<p>The incumbent was appointed by transfer as ALO from Head office in the year 1996 in Zone -V in the combined State on his specific option. Later he was promoted as ACL(SSS) in Multi Zone-III when the post of ACL was treated as Multi Zonal post. He retired from Service in Telangana State after the appointed day i.e. 01-06-2014 on attaining the age of superannuation of 58 years. The individual now requesting to allot him to the State of AP and there is no specific objection against show cause notice issued on review of promotions. Since his request to allot him to AP consent on declaring the post of ACL as State wide post in view of APAT and Hon'ble High Court of AP for the purpose of allocation between the States, his representation may be forwarded to GAD(SR) for consideration.</p>
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SD/-G.REKHA RANI,
SPECIAL COMMISSIONER OF LABOUR

 No 3
 SUPERINTENDENT

24) Sri Kesava Panda, ACL,

<p>1 His main objection is that the High Court of AP categorically stated in para 21 that "it is made clear that all appointment either by way of direct recruitment or by way of recruitment by transfer to the post of ACL should follow only the Presidential order as it stands today, treating the post as a State wide post, for further higher promotions." So far there is no change in the status of Labour Officer in 3rd schedule of the Presidential Order and still live and so far the post of ACL was not included in the 3rd schedule, and hence the G.O.Ms.No.86 as a whole become infructuous. Therefore, he requested to bring new G.O. by creating Multi zonal cadre post while restoring the state wide characteristic to the post of ACL as per the Court orders and effect promotions to the post of Labour Officer 100% from the feeder category of ALOs.</p>	<p>The APAT in OA No.9880 / 2009 by its orders dated 27.09.2013 set aside part of GO 86 treating the post of ACL as Multi Zonal post which was upheld by Hon'ble High Court in the above said WP. Therefore the position existed prior to issue of the impugned special rules vide Go 86 was restored. Further, the posts of ACLs are already included in the Schedule to the Presidential Order as State wide posts. Since the posts of Labour Officers have been upgraded as ACL posts they automatically stand included in the Schedule of the Presidential Orders and consequently the Labour Officer posts cease to exist .</p>
	<p>In the Secretaries meeting held on 01.03.2018 a decision was taken to implement the orders of the Hon'ble HC in WP 36646 of 2013 and to follow the cycle of appointments specified in GO 86 for the purpose of review of promotions and consequently to arrive State wide seniority for allocation between the States.</p> <p>Therefore there is no need to reissue the special rules afresh and amendment to the part of the GO to extent struck down by the APAT is required which is in process. There is no merit for consideration of the objections.</p>

SD/-G.REKHA RANI,
SPECIAL COMMISSIONER OF LABOUR
No 9
SUPERINTENDENT

26) Secretary, AP State Asst. Labour Officers' Association

1	<p>The General Secretary, A.P.State Assistant Labour Officers Association in its representation has submitted that there are 173 posts of Assistant Labour Officers in the field and 14 posts of Superintendents/Special category steno in Head Office and 4 Superintendents in Zonal level offices in the State. The cycle of ratio prescribed is irrational and therefore requested to revise the cycle of appointments and review the promotions.</p>	<p>The claim of the Association regarding cadre strength of ALOs (173), Superintendents of Head Office (14), and Superintendents of Subordinate offices (4) pertaining to post bifurcation period and whereas the ratio fixed 12:2:1 on the basis of cadre strength pertaining to the pre bifurcation period i.e. during the period of combined State on the basis of cadre strength of (292) ALOs, (30) Superintendents of HO and (7) Superintendents of Subordinate Offices. Moreover, in the Secretaries meeting held on 01-03-2018, it is decided to follow the method of appointments and cycle as specified in G.O.Ms.No.86. Hence, the ratio 12:2:1 is relevant and applicable. However, the request of the of the Association will be examined with regard to ratio in the residuary state of Andhra Pradesh.</p>
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SD/-G.REKHA RANI,
 SPECIAL COMMISSIONER OF LABOUR
Nabu
 SUPERINTENDENT

27) SRI B.YOHAN, LABOUR OFFICER (RETIRED)

<p>Sri B.Yohan, Labour Officer (Retd.) in his representation has mainly contended that</p> <ul style="list-style-type: none"> a) The Government vide G.O. Rt.No.566, dated 10-03-2016 GAD (DPC) have issued orders imposing ban on all promotions, appointments, transfers, revision of seniority and change in terms and conditions of employment till final allocation is completed. Therefore as per the said orders and also as per the guidelines under Clause 18-C , the persons who are working and assigned seniority shall only allocable from 01-06-2014 , but in violation of the said orders, review was under taken and the Hon'ble High Court orders can only be implemented after allocation of employees under A.P.Reorganisation. b) The Government reorganized Department vide G.O.Ms.No.115, dated 28-04-2005 and therefore as per the High Court orders review shall be undertaken from 28-04-2005 by implementing the Special rules issued vide G.O.Ms.No.71, dated 08-06-1993. Earlier, he represented in this regard and the Government has rejected the same vide Memo.No.5071/Lab/A1/2010, dated 25-04-2016. c) The orders issued by the Hon'ble High Court dated 12-12-2017 to treat the post of Asst.Commissioner of Labour as State cadre post shall be implemented from 08-06-1993 onwards i.e from the date of issue of G.O.Ms.No.71 but not from 29-09-2008 and therefore reviewing the promotions from 29-09-2008 is in violation which is against G.O.Rt.No.566, dated 10-03-2016 <p>While submitting the above objections, he requested to review the promotions from 28-04-2005 and promote</p>	<p>The Government vide G.O.Rt.No.2147, GAD dated 16-05-2014 has imposed general ban on all appointments, transfers, revision of seniority and change in terms and conditions of employment till process of allocation of employees completed.. The G.O.Ms.No.566, dated 10-03-2016 as mentioned by the applicant relating to relaxation to ban imposed by the Government vide G.O.Rt.No.2147 supra but not imposing of ban to that effect. However, the Government in the year 2014 itself relaxed the ban imposed by the Government vide G.O.Ms.No.2147 supra in the cases where court orders has become final and the contempt cases are pending for non implementation of Court orders vide G.O.Ms.No. 2593, dated 14-07-2014. The Hon'ble High Court in its final order 12-12-2017 in W.P.No.36646 of 2013 by upholding the Tribunal orders in OA No.9880 of 2009 directed to treat the post of ACL as a State wide post, when it comes ordering further higher promotions and when it comes to allocation between the two States. Therefore, it is necessary to review the promotions already made treating the post of ACL as Multi Zonal cadre post in terms of G.O.Ms.No.86 by treating it as State Cadre post and accordingly the employees to be allocated between the two States.</p> <p>Before restructure of the Department, the post of ACL is the State cadre post and promotions were affected to the said category from the feeder category of Labour Officer in terms of Special Rules issued vide G.O.Ms.No.71, dated 08-06-1993. In the restructure of the Department, the post of Labour officer was upgraded to that of Asst.Commissioner of</p>
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eligible Officers as Asst.Commissioners of Labour and therefore the show cause notice issued by reviewing the promotions may be withdrawn.

Labour and therefore there is no feeder category of Labour Officer. Therefore after restructure the special Rules have to be amended for the post of ACL by providing channel from the feeder categories of ALOs/Superintendents/ Special Category Steno working in the Department. Therefore the contention of the applicant to review promotions as per G.O.Ms.71 supra is not tenable. Moreover, the restructure of the Department was implemented in the year 2008. Therefore all the LOs were upgraded to that of ACLs and the Hon'ble High Court in para 17 also opined that by granting the LOs a higher pay scale and moving to category 4 i.e. in the Labour Service was upgradation what was done by the Government that is the only way it could been done

The proposed review of promotions/seniority undertaken treating the post of ACL as state wide and proposed for allocation is as per the orders of the Hon'ble High Court of AP in in W.P.No.366646 of 2013. The objection has no merit for consideration.

SD/-G.REKHA RANI,
SPECIAL COMMISSIONER OF LABOUR
No 8
SUPERINTENDENT

28) Sri T. Srinivasa Rao, Superintendent, O/o. Commissioner of Labour, Vijayawada.

<p>1 He submitted that by taking the post of Asst.Commissioners of Labour arose on or after 29-09-2008 review has been undertaken. Further, the Government have sanctioned (78) posts of Social Security Scheme Officer in the year 2011 and the said posts are permanent and promotions have been affected. In case ROR followed in respect of the posts of ACL (SSS), he may get a chance to promotion for the post of ACL (SSS) as per the review. Hence, he requested to examine the same and consider his representation for promotion to the post of ACL (SSS).</p>	<p>The regular posts of Asst.Commissioners of Labour including the posts in A.P.Labour Welfare Board and APB&OCWWB were filled by following Rule of Reservation. The present review for the panel years 2008-09 to 2013-14 was also undertaken following ROR by taking into account the regular cadre strength of the ACLs in the Department as well as the posts existing in APIWB & APB&OCWWB. The name of the individual will be considered for promotion as ACL as per his turn and seniority. The objection has no merit for consideration.</p>
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SD/-G.REKHA RANI,
SPECIAL COMMISSIONER OF LABOUR
No 3
SUPERINTENDENT

29) Smt. YV Padmaja, Superintendent, O/o. JCL, VSP, presently working as ACL.

Sl.No.	Objection	Remarks
1	<p>She submitted that consequent on retirement of Sri A. Venkata Rao, Superintendent, O/o JCL, VSP on 30-06-09, she promoted as Superintendent on 01-07-2009. During the present review Sri A. Venkata Rao, Superintendent was assigned notional promotion as ACL w.e.f. 06-10-2008 and therefore by assigning seniority notionally from 07-10-2008 in the category of Superintendent she may be assigned notional in the category of ACL w.e.f. 08-06-2011 against the point earmarked to Superintendent of Subordinate Offices.</p>	<p>As per the APAT orders upheld by the Hon'ble High Court by its orders dated 12-12-2017, review was undertaken treating post of ACL as State cadre post and based on the notional dates assigned to the ACLs and review of the promotions in the feeder categories like Superintendents, Senior Assistants, Junior Assistants/Typists is not within the scope of the court orders. Moreover, she was not eligible for notional promotion for the panel year 2010-11, as she has not completed (2) years of service as on 01-09-2010 and therefore assigning notional promotion w.e.f. 08-06-2011 does not arise. The objection has no merit for consideration.</p>

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

Nag wees
SUPERINTENDENT