

OFFICE OF THE COMMISSIONER OF LABOUR:: AP :: HYDERABAD

A/372/2015-2

MEMO

Dated 12-06-2015

Sub: ESTABLISHMENT - LABOUR DEPARTMENT - A.P.General Subordinate Services - Appeal dated 09-04-2015 of Sri D.V.Siva Prasad, Asst.Labour Officer, Kavali against final seniority list of Asst.Labour Officers issued by the Jt.Commissioner of Labour, Guntur vide proceedings dated 02-04-2015 - Rejected - Reg.

Ref:1) Procs.No.A/617/2015, dated 02-04-2015 of the Jt.Commissioner of Labour, Guntur.

2) Appeal dated 09-04-2015 of Sri D.Siva Prasad, Asst.Labour Officer, Kavali against final seniority dated 02-04-2015 issued in the category of Asst.Labour Officers of Zone-III by the Jt.Commissioner of Labour, Guntur.

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Through the reference 2nd cited, Sri D.V.Siva Prasad, Asst.Labour Officer, Kavali has submitted an appeal against the final seniority list issued by the Jt.Commissioner of Labour, Guntur in the category of Asst.Labour Officers. The issue raised in his appeal is as follows:-

Sri D.V.Siva Prasad, Asst.Labour Officer has submitted that consequent on selection by APPSC he was joined as Asst.Labour Officer on **04-04-2005** whereas Sri P.P.V.Prasada Rao who is appointed by transfer to the post of ALO was **joined on 26-07-2005**. Further as per the unit list communicated by the APPSC and according to the appointment orders issued by the Commissioner of Labour vide proceedings No.A2/10853/2004/Zone-III dated 16-03-2005, his name was placed over and above Sri M.Venkata Siva Rami Reddy. Hence, the fixation of his seniority below Sri PPV Prasada Rao (shown at Sl.No.14) and Sri M.V.Sivarami Reddy (shown at Sl.No.15) is not correct and his placement has to be shown over and above S/Sri PPV Prasada Rao and M.V.Sivarami Reddy in the final seniority list issued by the Jt.Commissioner of Labour in the reference 1st cited and requested to revise the list accordingly.

The appeal submitted by Sri D.V.Siva Prasad, Asst.Labour Officer, Kavali is examined carefully with reference to Rules and the Records available in this office and also as per the orders issued by the Hon'ble A.P.Administrative Tribunal in O.A.No.4977/2004 filed by Sri P.P.V.Prasada Rao in the matter of promotion.

REPLY

As per the special rules issued for the post of Asst.Labour Officer vide G.O.Ms.No.14 and G.O.Ms.No.22, LET &F (Lab.IV) Department, dated 26-11-1994 and 09-05-1996, the 4th vacancy out of 10 vacancies of Cycle meant for promotes shall be filled with Labour Welfare Centre Staff. Sri P.P.V.Prasada Rao who was an Adult Education Teacher, LWC, Guntur has filed an O.A.No.4977 of 2004 stating that upon review of Rosters and cycle of appointments that there are 3 vacancies meant for LWC Staff against 4th, 14th and 24th points were arose and in which two individuals viz., Smt A.Gayatri Devi against 4th point and Smt PBT Vasundhara Devi against 24th point have been filled up leaving the middle point i.e. 14th point meant for LWC Staff has been lapsed on the ground that there are no eligible candidates. But, in fact Smt PBT Vasundhara Devi is eligible for promotion against the said point with all requisite qualifications, the said point was lapsed inadvertently. Hence, he prayed the Hon'ble

Tribunal to direct the respondents to promote him against 24th vacancy by adjusting Smt PBT Vasundhara Devi against the point No.14. Accordingly, the Hon'ble Tribunal in its orders dated 05-10-2004 directed the respondents to consider the case of the applicant for promotion to the post of Asst.Labour Officer, if the 4th vacancy in the 2nd cycle (14th point) claimed by the applicant has not been filled up by any personnel belonging to the LWC, in accordance with the rules and if he is otherwise eligible and qualified and comes within the zone of consideration within a period of four weeks from the date of receipt of the order. Accordingly, keeping in view of the orders of the Hon'ble A.P.A.T., the issue has been examined and rectified the error duly showing Smt PBT Vasundhara Devi against point No.14, and the applicant was promoted against 24th point (4th point in 3rd cycle) on 27-07-2005. Thus the orders of the Hon'ble APAT have been complied with. In the process of rectifying the above anomaly, the individuals who have been promoted prior to the applicant viz. Smt D.Lakshmi, Smt N.D.V.Krupadanam and Sri S.Anjaneyulu during the year 2004 their placements have been changed and brought down and in the seniority list and they were assigned seniority against substantive vacancy arose against the dates of 04-05-2005, 01-07-2005 and 01-11-2005 respectively. The substantive vacancy earmarked to LWC Staff against point No.24 was arose on 12-02-2005 and the said vacancy assigned to Sri P.P.V.Prasada Rao, irrespective of his date of promotion, his seniority was fixed w.e.f. 12-02-2005 in accordance with the orders of the Hon'ble APAT. Hence, the seniority assigned to Sri PPV Prasad Rao w.e.f. 12-02-2005 at Sl.No.14 over and above Sri D.V.Siva Prasad (shown at Sl.No.16) is strictly in accordance with the rules and the orders of the Hon'ble APAT.

Further, the 2nd contention of Sri D.V.Siva Prasad is that he is senior to Sri M.V.Sivarami Reddy. As per rule 33(b) and 36(1) of A.P.State and Subordinate Service Rules, the inter-se-seniority of Direct recruits shall be, as per the order of merit communicated by the APPSC according to which Sri M.V.Sivarami Reddy is a merit candidate than Sri D.V.Siva Prasad, as Sri M.V.Sivarami Reddy has secured 397 marks whereas Sri D.V.Siva Prasad was secured 384 Marks under Group-II Service Examination. Further, the Hon'ble Supreme Court of India in Civil Appeal No.5099 of 2006 held that the inter-se-seniority between the persons appointed through APPSC shall be decided by the appropriate authority in accordance with the Rules, depending upon the merit ranking obtained by them. In view of the above, the seniority assigned to Sri M.V.Sivarami Reddy at Sl.No.15 over and above Sri D.V.Siva Prasad (at sl.No.16) is in accordance with the rules and merit of the individuals as informed by the A.P.Public Service Commission.

In view of the above, the appeal filed by Sri.D.V.Siva Prasad, Asst.Labour Officer, Kavali against the seniority of Asst.Labour Officers issued by the Jt.Commissioner of Labour, Guntur in the reference 1st cited, does not merit for consideration and the same is hereby rejected.

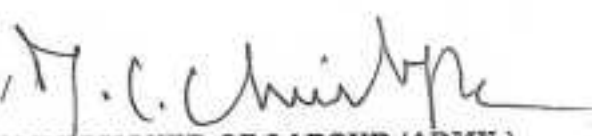
SD/-D.VARAPARASAD,
COMMISSIONER OF LABOUR

To
Sri D.V.Siva Prasad, Asst.Labour Officer, Kavali.

Copy to:-

The Jt.Commissioner of Labour, Guntur.

//FORWARDED BY ORDER//


DY.COMMISSIONER OF LABOUR (ADMN.)