

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

OA/021/01365/2014

HYDERABAD, this the 3rd day of December, 2020

Hon'ble Mr. Ashish Kalia, Judl. Member

Hon'ble Mr. B.V. Sudhakar, Admn. Member



1. Smt.S.Uma Maheswari W/o Sri K.Srinivas,
Aged about : 44 years, Occ : Personal Assistant,
Employees Provident Fund Organisation,
Regional Office, Barkatpura, Hyderabad,
R/o H.No.11-4-390, Chilakalaguda,
Sec'bad-500 061.

2. Sri K. Ramesh S/o C.M. Govindan Nambiar,
Aged about 47 years, Occ : Personal Assistant,
Employees Provident Fund Organisation,
Regional Office, Barkatpura, Hyderabad,
R/o Qr.No.46, E P F O Quarters, Brahmanwadi,
Begumpet, Hyderabad – 500 016.

...Applicants

(By Advocate : Mr. V. Venkateswara Rao)

Vs.

1. Union of India, retd. By Secretary to Govt.
Min. of Labour, Shram Shakti Bhavan,
New Delhi – 110 001.

2. The Employees' Provident Fund Organisation,
(Min. of Labour, Govt. of India) retd. By its
Central Provident Fund Commissioner,
Bhavishyanidhi Bhavan, No.14, Bhikaiji Cama Place,
New Delhi – 110 066.

3. The Regional P.F. Commissioner-II (HRM-VI),
The Employees' Provident Fund Organisation,
(Min. of Labour, Govt. of India),
Bhavishyanidhi Bhavan, No.14, Bhikaiji Cama Place,
New Delhi – 110 066.

4. The Regional P.F. Commissioner,
Employees Provident Fund Organisation,
3-4-763, Barkatpura, Hyderabad-500027.

....Respondents

(By Advocate: Mr. G.Ratna Sudhakar, learned counsel representing
Mr.G.Jayaprakash Babu, Addl.CGSC)

ORAL ORDER
(As per Hon'ble Mr.B.V.Sudhakar, Administrative Member)

Through Video Conferencing:

2. The OA is filed in regard to the promotion of the applicants to the post of Personnel Assistant.



3. Brief facts of the case are that the applicants were appointed as grade III Steno in 1995 in the respondents organisation and the seniority list was published on 31.8.1998 with the applicants figuring at Sl. 16 & 17 in the said list. The 3 tier structure of Stenographers comprising of Grade III, II & I was restructured into Steno, Personal Asst. (PA) and Private Secretary (PS). Some employees from the Steno grade filed OA 237/2004 and as per directions therein, respondents have granted notional promotion in Steno Grade –II w.e.f. 14.7.1997 and regularly from 26.9.2000 vide order dated 2.7.2012. On 31.8.2012, the DPC met and approved the names of the applicants for promotion as PAs w.e.f. 14.7.1997 notionally and regularly from 26.9.2000. Despite DPC recommendations, the 2/3rd respondents clarified to promote the applicants from the date of DPC or date of joining, whichever is later. The 4th respondent revised the date of promotion of the applicants from 14.7.1997 to 7.9.2012, the later being the date of taking charge. Applicants represented to 2nd respondent on 28.1.2013 and the 4th respondent vide letter dated 8.2.2013, while forwarding the representations recommended to treat the dates of promotion of the applicants as 31.1.1998 & 28.9.1998 respectively on the basis that by the said dates, they had completed 3 years service in the feeder cadre. Thereafter, several representations were made, but of no avail and hence the OA.

4. The contentions of the applicants are that the vacancies of 1997 are to be filled as per RR (Recruitment Rules) prevailing in accordance with the law laid down in Y.V. Rangaiah case by the Hon'ble Apex Court. The case of the applicants is also covered by the verdict in OA 237/2004 of the Tribunal. Further, as per RR 1992, the PA posts are to be filled up by promotion failing which by direct recruitment and there is no rule requiring 3 years service in the feeder cadre to effect promotion. Instructions issued vide letter dated 27.9.2006 cannot supercede the RR of 1992 and that they cannot be applied retrospectively. Therefore, DPC recommendation is in order and the applicants are eligible for promotion notional from 14.7.1997 and regularly from 26.9.2000.



5. Respondents confirmed the restructuring of the Steno Grade on 14.7.1997 and the advent of the new RR on 2.1.1999. As per DOPT memo dated 10.4.1989 promotions will have to be effected prospectively even if the vacancies belong to the previous years and the date of promotion has to be date of DPC or date of taking over charge. Accordingly, it was clarified when a reference was received from the 4th respondent about the date of promotion. Therefore, the date of promotion was taken as 7.9.2012, the date on which applicants took charge as PAs. The RR of 1992 prescribe a residency period of 3 years in Steno Grade III to be promoted to Steno Grade II and therefore, the recommendation of the 4th respondent. Applicants are not parties in the OA 237/2004 and therefore, cannot seek the benefits therein. Respondents have filed WP No.493/2010 in the Hon'ble High Court of Delhi on the issue and the same is pending adjudication.

6. Heard both the counsel and perused the pleadings on record.

7. Applicants are seeking ante-dating of their promotion based on the RR Rules relevant to the vacancy year citing Y.V. Rangaiah and also keeping in view the orders of the Tribunal in OA 237/2004. Respondents have relied on DOPT memo dated 10.4.1989 to support their decision to allow the promotion from the date of DPC or date of joining. Further, respondents have submitted that the whole gamut of service issues relating to Stenographers is pending adjudication before the Hon'ble High Court of Delhi in W.P. No.493/2010. Therefore, as the matter is pending adjudication in a superior court, we direct the respondents to provide the relief sought subject to the outcome of the Writ petition referred to, as and when it is pronounced.



With the above direction the OA is disposed of, with no order as to costs.

(B.V.SUDHAKAR)
ADMINISTRATIVE MEMBER

(ASHISH KALIA)
JUDICIAL MEMBER

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