

Case No. 21 (Sec. Rule 111)
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH. HYDERABAD.

O.A. No.

1216

1997

K. Pandarach A 15/08

Applicant(s)

Versus

The Commissioner C&F, New Delhi Govt

Respondent(s)

INDEX SHEET

Sl.No	Description of documents & Date	Pages.
1.	Docket orders.	182
2.	Interim Orders 18-9-97	438 nos
3.	Orders in M.A Qs)	
4.	Reply Statement. 29-10-98	22542
5.	Rejoinder	
6.	Orders in (final Orders) 18-2-99	47566

3/3/99
Signature of dealing Head
in Record Section.

Signature of S.O.

C.A.V. SLIP

1. Circulated to Hon'ble Sri D. Rangarajan M(5)
2. Case No. 04 - 1216/97
3. Date of Hearing
4. Date when reserved for judgement 5.2.99
5. Cases cited by the Counsel for Applicant(s) :
 - i)
 - ii)
 - iii)
 - iv)
 - v}
 - vi)
6. Cases cited by the counsel for Respondent(s) :
 - i)
 - ii)
 - iii)
 - iv)
 - v)
 - vi)
7. Books Circulated :
8. Departmental files if any :

Dated : 5/2/97


COURT OFFICER

O.A. 12/16/97

Date	Office Note	Orders
5-5-98	None present Call on 9-6-98, for memo and Reply. <u>D.R.</u>	5/2/99 None on either note. Judgment reserved.
9/6/98	None for the Appli- cation. Mr. R.N. Ready, S.C. for P.R. proposed to file a <u>waiver</u> on D.S. behalf of R-1 & R-2 He seeks time for filing reply. Call on 14/7/98 for Reply. <u>M.P.</u> <u>Dy. Asst.</u>	R Hess MLD Hicks MLD
10-7-98	None present Call on 11-8-98 for memo & reply <u>M.M.</u> <u>D.R.</u>	D.S. Hess MLD Hicks MLD
11/8/98	None present. Include it in the ready list 7/997. <u>M.J.</u> <u>Dy. Asst.</u>	

Central Administrative Tribunal Hyderabad Bench, Hyderabad.

C.A. No.

1216

of 1997.

K. Pandianah and 15 others Appellant(s).

V.E. R.S.U.S.

The Commissioner, C.P.F.,

Central Office, New Delhi and another Respondent(s).

Date	Office Note.	ORDER
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18-9-97

Adm't Notice
On
22/9/97

Heard Sri N. Ram Motion for the applicants and Sri R. N. Reddy for the respondents.

2. Admit. Expedite.
3. Any promotion made ~~against~~ the posts from which the applicants are reverted is subject to the outcome of this O.A.

For
HRS SP
M(S).

HRN
MA

18/10/97

At the request of the Applicants' Counsel, list it on 4/11/97. No further adjournment will be given.

HRS SP
M(S)

HRN
M(S)

On

16/10/97 none present.
Call on 5/11/97 for memo and reply

For
Dy. Regd.

DSN

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH : HYDERABAD

ORIGINAL APPLICATION NO. 1216 OF 1997.

K. Pandaiyah and others

(Applicants(s)

VERSUS.

Union of India, Repd. by.

The central Provident fund Commission

Central office, Bhikaji Cama Palace, N. Delhi/Han
Respondent(s).

The application has been submitted to the Tribunal by
Shri N. Ramamohan Rao Advocate/party-in
person Under Section 19 of the Administrative Tribunal
Act. 1985 and the same has been scrutinised with reference
to the points mentioned in the check list in the light of
the provisions in the administrative Tribunal (procedure)
Rules 1987.

The application is in order and may be listed for
Admission on 9-9-97

AI 10/9/97
Scrutiny Asst.

Anil
DEPUTY REGISTRAR (JUDL)

11. Have legible copies of the annexure duly attested Yes
been filed.

12. Has the applicant exhausted all available remedies. Yes

13. Has the Index of documents been filed and pagination done properly. Yes

14. Has the declaration as required by item No. 7 of Form I been made. Yes

15. Have required number of envelops (file size) bearing full addresses of the respondents been filed. Yes

16. (a) Whether the relief sought for, arise out of single cause of action. Yes
(b) Whether any interim relief is prayed for, Yes

17. (c) In case an MA for condonation of delay is filed, is it supported by an affidavit of the applicant. Yes

18. Whether this cause be heard by single Bench. Yes

19. Any other points. Yes

20. Result of the Scrutiny with initial of the scrutiny clerk. May be filed

On 10/19/97
Scrutiny Assistant.

Section Officer.

Deputy Registrar.

Registrar.

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH : HYDERABAD.

Case No. 2892/93

Report in the Scrutiny of Application.

Presented by Mr. N. Ramamohan Rao Date of Presentation.

Applicant(s) K. Pandarayya vs.

Respondent(s) The Central P.F. Commissioner, N. Delhi Branch

Nature of grievance Reversion

No. of Applicants 16 No. of Respondents 2

CLASSIFICATION.

Subject..... No Department..... C.P.F.....(No)

1. Is the application in the proper form, (three complete sets in paper books form in two compilations). Yes
2. Whether name description and address of all the parties been furnished in the cause title. Yes
3. (a) Has the application been fully signed and verified. Yes
(b) Has the copies been duly signed.
(c) Have sufficient number of copies of the application been filed. Yes
4. Whether all the necessary parties are impleaded. Yes
5. Whether English translation of documents in a language other than English or Hindi been filed. —
6. Is the application on time, (See Section 21). Yes
7. Has the Vakalatnama/Memo of Appearance/Authorisation been filed. Yes
8. Is the application maintainability. (U/S 2, 14, 18, or U/R. 8 Etc.,) Yes
9. Is the application accompanied IPO/DO, for Rs.50/- Yes
10. Has the impugned order's original, duly attested legible copy been filed. Yes

P.T.O.,

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH, HYDERABAD

INDEX SHEET

O.A. NO. 1216 OF 1997.

CAUSE TITLE K. Pandaraih and 15 others

V/S

The Central Provident Fund Commission
Central office, H-HUDCO, New Delhi
and another

SL. NO.	Description of documents	Page No.
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2.	Material Papers	10 to 15
3.	Vakelat	1.
4.	Objection Sheet	—
5.	Spare copies 2 (Two).	
6.	Covers 2.	

T. Reply Statement filed by Mr.
B. Venkatawarao Regd. on 29/10/98.

Regd - To Set aside the impugned order dt 28.8.97 reverting the applicants to the post of LDCs from the post of UDCL.

In the Central Admn. Tribunal: Additional Bench: at Hyderabad

Bench case O.A. No. 1216 of 1997

Reversion

CPF (C)

Between:-

K. Pandaiah and 15 others. ...

Applicants

AND

The Central Provident Fund Commissioner
Central Officer 14 HUDCO Visala,
Bhikaji Cama Place, New Delhi-66, and another... Respondents

प्रत्यक्ष/GENERAL

Chronological Events

Sl.No.	Date	Description	Page Nos.
1.	May 1992.	1 to 14 Applicants joined the duty.	- 3 -
2.	28.8.1992.	15th Applicant herein who joined the duty.	- 3 -
3.	22.3.1994.	Notification issued by the respondents.	- 4 -
4.	4.7.1996	1 to 14 applicants are promoted on a adhoc basis.	- 5 -
5.	24.12.1996.	15th Applicant was promoted.	- 5 -
6.	21.8.1997.	16th Applicant was promoted.	- 5 -
7.	28.8.1997.	The respondents have issued the impugned proceedings reverting the applicants as LDCs.	- 5 -

Hyderabad,

Dated: 8.9.1997.

S. S.
Counsel for the Applicant.



In the ~~Andhra~~ Central Admn. Tribunal: Addl. Bench at Hyderabad

O.A.No. 1216 of 1997

Between:-

K.Pandaiah and 15 others. ... Applicants

AND

The Central Provident Fund Commissioner
Central Office, 14 HUECO Visala,
Bhikaji Cama Place, New Delhi-66, and another... Respondents

Material Papers: Index

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Annexure-3.	Letter, Dt. 18-9-1996.	13
Annexure-4.	Letter, Dt. 24.10.1996.	14
Annexure-5.	Impugned Order, Dt. 28.8.1997.	15

Hyderabad,

Dated: 8.9.1997.


Counsel for the Applicant

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APPLICATION FILED U/S 19 OF THE ADMINISTRATIVE TRIBUNAL'S
ACT 1985

O.A. NO. 1216 OF 1997

DATE OF FILING:

OR

DATE OF REGISTRATION:

SIGNATURE OF REGISTRAR

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ADDITIONAL BENCH
AT HYDERABAD

O.A.NO. 1216 OF 1997

BETWEEN:

1. K. Pandaiah S/o K.Narayana
aged 32 years
2. P. Sattaiah S/o P.Balaiah
aged 34 years
3. K.R.Constant S/o K.Charles
aged 27 years
4. M.Venkateswarlu S/o M.Govindaswamy
aged 29 years
5. K. Sabitha D/o J.Rangaiah ,aged 29 years
6. M.V. Subbarao (Ex-Ser.) S/o
Venkatramaiyah ,aged 52 yrs
7. K.Suryanarayana S/o K.Satyanarayana
aged 33 years
8. M.Amarlinga swamy S/o M.Venkateswarlu
aged 28 years
9. G.Venugopal S/o G.Ramulu aged 31 years
10. Md.Muzzafaruddin S/o Md.Mazharuddin
aged 30 years
11. P.Subbarao(Ex-Ser.) S/o Raghavacharyulu
aged 51 years
12. M.Vijayadasmi D/o M.Krishnaiah
aged 27 years
13. S.S.Lohitha Rani D/o Satyanarayana
aged 30 years
14. P.Nandi Vardhan S/o Pandaraiah
aged 31 years

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:2:

15. R. Mangamma D/o R.Balaiah
aged 23 years

16. V.Laxmaiah Ex-Ser. S/o V.Balaiah
aged 46 years, U.D.Cs, .. APPLICANTS
(All are working in 2nd respondent's office)
A.M.M. R/o Hyderabad

AND

1. The Central Provident Fund Commissioner
Central Office, 14 HUDCO Visala,
Bhikaji Cama place,
New Delhi- 66

2. The Regional Provident Fund Commissioner
A.P. Region, Bhavishyanidhi, Barkatpura,
Hyderabad - 500 0 29 .. RESPONDENTS

...

DETAILS OF APPLICATION

1. PARTICULARS OF THE APPLICANTS: SAME AS ABOVE.

The address for service of all notices and processes
on the above named Applicants is that of their Counsel
M/s Nooty Rama Mohana rao, KSV Subbarao, Abhinand K
Shavilli & Siva , Advocates , 204-A, Brindavan apartments,
Red hills, Hyderabad- 500 004

2. PARTICULARS OF THE RESPONDENTS : SAME AS ABOVE

3. PARTICULARS OF THE ORDER AGAINST WHICH APPLICATION
IS MADE

The impugned order No. AP/Adm.II/UDC(Promotion/
Adhoc/1330 dated 28.8.1997 of the second respondent.

Subject in brief: The impugned order No. AP/Adm.II/UDC
(promotion/Adhoc/1330 dated 28.8.1997 of the second
respondent was issued by the second respondent reverting
the Applicants to the post of LDCs from the post of UDCs.
aggrieved by which the Applicants filed the above O.A.

4. JURISDICTION: The Applicants declare that the subject
matter against which they want redressal is well within
the jurisdiction of this Hon'ble Tribunal under section 14
of the Administrative Tribunal Act, 1985.

:3:

5. LIMITATION: The Applicants declare that the subject matter against which they want redressal is well within the limitation under section 21 of the Administrative Tribunal Act 1985;

6. FACTS OF THE CASE:

(A) The Applicants herein on completion of their educational qualifications and with a view to take up some employment ~~got~~ got themselves registered in the Employment Exchange. During the year 1991, the respondent organization called for names to be sponsored for filling up the posts of LDCs pursuant to which, the names of the Applicants were sponsored along with others. A written test was conducted and persons qualified in the written test were called for typing test. The Applicants herein were among those who were successfully in both the tests and were recommended for appointment. Orders of appointment were issued to them and all the Applicants joined during the month of May, 1992 except 15th applicant herein who joined on 27.8.92. They have been rendering their services to the satisfaction of the respondents and gave absolutely no scope for any complaint either regarding efficiency or integrity in discharge of their duties.

B) The Applicants respectfully submit ~~that~~ ^{that} the post of LDC forms feeder category for promotion as UDC as per the recruitment rules titled "Employees Provident Fund Organisation UDCS Recruitment Rules 1992". As per the recruitment rules, 50% is by promotion of LDCs including steno-typists, telephone and telex operators in Regional office on regional basis on the basis of seniority subject to the rejection of unfit and 50% based on the result of qualifying examination restricted

to LDCs including steno-typists, telephone and telex operators of the region. Thus it may be seen that the promotion is being made both by way of qualifying examination as well as by seniority. For eligibility to appear for examination, the minimum educational qualifications is ~~Matriculation~~ or its equivalent and the employees who wish to compete for the examination quota are required to complete 2 years of service in the grade of LDCs. Thus the Applicants were entitled to appear for qualifying examination in the year 1994 as they were appointed in the year 1992.

C) Be that as it may the respondents by notification dt. 22.3.1994 have amended the above rules and increased qualifying service necessary for appearing for examination from 2 years to 4 years. This has been the subject matter of the O.A. and the Tribunal has struck down the above amendment. Aggrieved by that the Union of India have approached the Hon'ble Supreme court and the appeal was dismissed by its order dt. 15th July, 1996 thus restoring the earlier requirement of 2 years. It may be relevant to point out that the respondents have been regularly conducting examinations for promotion as UDCs. In the year 1993-94 the examination was conducted. However as the applicants ~~have~~ not put in requisite period of 2 years, they could not participate in the examination. While during 1994-95 and 1995-96 the Applicants were not ~~eligible~~ for the same in view of the amendment effected to the recruitment rules by way of notification dt. 22.3.94. The position being restored by judgement of the Hon'ble Supreme court, the respondents have passed the proceeding dt. 24.10.96 intimating that the Hon'ble Supreme court has struck down the amendment and advised to fill up the

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vacancies falling under seniority quota as well as examination quota in accordance with the existing recruitment rules. In view of the changes effected in the recruitment rules, the respondents could not conduct examination for the year 1996 and the examination was supposed to have been ~~which~~ conducted from 8th to 10th Oct. 1996 was postponed and was conducted only in 1997, thus there was no examination conducted during the year 1996. It may also be relevant to point out during the year 1994-95 and 1995-96, none of the employees who appeared for the examination for being promoted against the examination quota were qualified, thus no one was promoted against the said quota.

D) The Applicants submit that they have been promoted on a adhoc basis by the order dt. 4.7.96 in respect of Applicants 1 to 14, while the 15th applicant was promoted on 24.12.96 and 16th applicant on 21.8.97. As stated supra, the examination was conducted only on 4th to 6th March, 1997. Since the Applicants herein were already promoted, the ~~5, 8, 12 & 14~~ applicants other than ~~5, 8, 12 & 14~~ have not taken the examination. ~~except 5, 8, 12 & 14~~

E) The Applicants submit that the respondents have issued the impugned proceedings reverting the applicants as LDCs with effect from ~~xx~~ 28.8.97. The reason that can be culled out for the impugned action is that the Applicants have been working on adhoc basis against the Examination Quota, ^{hence} the Applicants are constrained to question the legality and validity of the impugned order for the following among other

-- : G R O U N D S : --

1) The Applicants submit ~~that~~ the system of Examination quota has been introduced by the respondents only with

a view to provide an opportunity for Juniors to compete and get accelerated promotion. The main purpose behind such a rule, was to encourage and strengthen the cadre by young and meritorious persons. The rule can never be interpreted as to provide a separate quota for promotion. It is submitted that the source of recruitment for the post of UD C is only by way of promotion and ~~action~~ of the respondents in further classifying it as Examination quota and seniority quota would not be sustainable more so when the respondents are providing a sort of reservation for a particular quota. Therefore the action of the respondent in trying to reserve slots for examination quota as is being done would not be proper.

ii) The basis for impugned action appears to be that the Applicants are presently holding the posts meant for examination quota and that they have to give way as and when the candidates qualify in the examination conducted for the purpose. This cannot be sustained for the simple reasons that there is no provision for carrying forward vacancies meant for Examination quota. In the absence of specific provision providing for carrying forward vacancies in respect of any quota, the respondents cannot do the same.

iii) The Applicants respectfully submit that there is only one class of promotees and thus specifying the quota for examination as well as seniority is not proper. The only purpose as explained supra, is for encouraging the juniors and meritorious persons to get accelerated promotion. Earmarking of posts for either of the categories would be clearly arbitrary, and illegal and liable to be interfered by this Hon'ble Tribunal.

iv) The concept of carrying forward is available only to constitutional reservations like that of Scheduled Castes and Scheduled tribes. This was done with avowed object of ensuring that the benefits granted by the Constitution pass on to the actual individuals while that scheme cannot be incorporated by respondents while dealing with the situation in hand. It is also settled that carrying forward ~~of~~ the reservations would not be applicable unless there is a specific provision in the recruitment rules and ^{the same} is not arbitrary.

v) The Applicants further submit that there was no staff sanction for the orders 1994-95, 1995-96 and 1996-97. The respondents therefore cannot say that there were vacancies during the above period for which examinations were conducted. Therefore the vacancies which the respondents presently show as carry-forward vacancies of Examination quota appears to have been the vacancies that remained unfilled during the years 1994-95 and 1995-96, though the examination was conducted during the both years, none of the employees who appeared for the examination were qualified for promotion. Thus these vacancies ought to have been filled in by available senior LDCs subject to rejection of the unfit. Therefore the Applicants have been rightly promoted against those vacancies. In view of the fact that the Examination quota and seniority quota are not two different sources of recruitment for posts of UDCs, the ~~logical~~ ^{logical} conclusion that has to be arrived at is, those seniors who are eligible to hold the posts ought to have been promoted regularly. The respondents' action of granting adhoc promotion supposedly against the Examination quota itself is not according to the rules. Therefore the ~~respondent~~

respondents are not justified in treating the Applicants as to have been promoted on adhoc basis and reverting them on the pretext that they hold the post meant for examination quota.

7. REMEDIES EXHAUSTED: The Applicants hereby declare that in the circumstances stated supra, we have no other alternative remedy except to approach this Hon'ble Tribunal.

8. Matters not filed / pending: The Applicants further declare that we have not filed any O.A. in this regard before this Hon'ble Tribunal.

9. MAIN RELIEF: Hence, it is prayed that this Hon'ble Tribunal in the interest of justice be pleased to
a) call for the records relating to and connected with the Proceedings in order No. AP/Adm.II/UDC(Promotion/Adhoc/ 1330 dated 28.8.1997 and quash or set aside the same so far as the Applicants are concerned, holding it as arbitrary, illegal and violative of Art. 14 and 16 of the Constitution of India and
b) to consequently declare that they are entitled to ^{regular} hold the posts of UDCs on a ~~regular~~ basis with effect from the date of their initial promotion as such and further
c) direct the respondents to release all the consequential benefits that flow out of such declaration and to pass other order or orders deemed fit and proper in the circumstances of the case.

10. INTERIM RELIEF:

It is further prayed that this Hon'ble Tribunal in the interest of justice be pleased to suspend the operation of the proceedings in Order No. AP/Adm.II/UDC(Promotion/Adhoc/ 1330 dt. 28.8.1997 ^{so far as the Applicants are concerned} of the second respondent/pending disposal of the O.A.

and to pass such other order or orders deemed fit and proper in the circumstances of the case.

D.D.
11. PARTICULARS OF THE ~~POSTAL ORDER~~

D.D. NO. 02/964.

1. Name of the post office: ~~Bank~~
2. Postal order number: D.D. Date: - 9/9/97
Bank: - SDT Faclt Comt, High Court

12. ENCLOSURES: Vakalat, Annexures, Covers and
Ack. (880/- A)
P.O./B.C./D.D./Removed

VERIFICATION

We, 1) K. Pandaiah 2) P. Sattaiah 3) K.R. Constant
4) M. Venkateswarlu 5) K. Sabitha (6) M.V. Subbarao
7) K. Suryanarayana 8) M. Amarlinga swamy 9) G. Venugopal
10) Md. Muzzafaruddin 11) P. Subbarao 12) M. Vijayalaxmi
13) S.S. Lohitha rani 14) P. Nandi vardhan 15) R. Mangamma
16) V. Laxmaiah , the above named applicants herein
do hereby verify that the above facts are true to our
personal knowledge and that we have not suppressed any
material facts, hence verified on this 4th day of Sept.,
1997.

HYDERABAD

Dt. 4.9.97

K. Pandaiah
1) K. PANDAIAH
P. Sattaiah
2) P. SATTAIAH
K. R. Constant
3) K.R.CONSTANT
M. Venkateswarlu
4) M. VENKATESWARLU
K. Sabitha
5) K. SABITHA
M. V. Subbarao
6) M.V. SUBBARAO

To

The Registrar,
Central Admn. Tribunal
at Hyderabad

K. Suryanarayana
7) K. SURYANARAYANA.

Chennai Linge Swami

8) N. ANARLINGASWAMY
 G. Venugopal

9) G. VENUGOPAL
 Muzaffaruddin

10) MD. MUZZAFARUDDIN

Subba Rao

11) P. SUBBA RAO

M. Vijaya Laxmi

Lohitha

13) S. S. LOHITHA RANI

Nandini

14) P. NANDI VARDHAN

R. Mangamma

15) R. MANGAMMA

V. Laxmaiah

16) V. LAXMAIAH

Sir
 Consul for the Applicant

A | 10 -

Office of the Regional Provident Fund Commissioner:

Andhra Pradesh:: Barkatpura:: Hyderabad-500027

No.AP/Adm-II/DE/UDC/94/580 Dated: 30.4.1994

The ~~Central~~ Central Provident Fund Commissioner Lt.No.P.IV/14(1)81.
Dated: 8-4-94 alongwith Notification Dt. 22.3.94, regarding
Amendment to the Recruitment Rules for the post of UDC in the
Employees Provident Fund Organisation is circulated herewith for
guidance and information.

Sd/- x x x x x x x x x x x x x x
(A.Ananthalakshmi)
Asst.P.R.Commissioner (Adm)
for Regional P.F.Commissioner(AP)

To

1. All officers in Regional Office.
2. All Head Clerks in Regional Office For information and circulation among the Staff working under them.
3. Sections dealing with:- Recruitment/Promotion/Probation/ confirmation.
4. All Sub-Regional Offices, Guntur/Vizag/~~andhra~~ Cuddapah/Warangal/Nizamabad.
5. All P.R.Inspectores.
6. NOTICE BOARD.

Employees Provident Fund Organisation, Central Office
9th Floor, Mayur Bhavan, Cannaught Circu~~ps~~ New Delhi-110 001.

No.P.IV/14(1)81/

Dated: 8.4.1994.

To

All Regional Provident Fund Commissioners
(Including R.C.(LA))
All officer-in-Charge, Sub-Regional Offices.

Sub:- Amendment to the Recruitment Rules for the post of Upper Division Clerk in the Employees' Provident Fund Organisation-Regarding.

Sir,

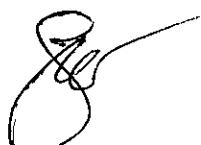
The 12th Executive Committee of the Central Board of Trustees held on 1.12.1993 have conveyed their approval to amend the recruitment rules for the post of Upper Division Clerk in the Employees Provident Fund Organisation. A copy of the notification in this regard is enclosed herewith for information and necessary action.

Yours faithfully,

Sd/- x x x x x x x x
(R.Venkitaraman)

Assistant Provident Fund Commissioner
For Central Provident Fund Commissioner.

Encl:- As above.



Copy alongwith the notification is forwarded to:-

1. All Deputy Directors (Giv.)/Training Officers/ Internal Audit Officers.
2. All Officers/Section/Sr.P.A. in the Central Office.
3. Secretary General, EPR Officers Association, N.Delhi.
4. Secretary General, AIEPF staff Federation, Bangalore.
5. Director, NATRSS, New Delhi, All Zonal Training Institutes.
6. Guard File.

Sd/- x x x x x x x x
(R.Venkitaraman)

Assistant P.F.Commissioner
For Central P.F.Commissioner.

EMPLOYEES PROVIDENT FUND ORGANISATION, CENTRAL OFFICE
9th Floor, Mayur Bhavan, Connought Circus, New Delhi-100 001.

Dated: New Delhi the 22-3-1994

NOTIFICATION

No.P.IV(14(1)81: In exercise of the powers conferred by Sub-Section 7(a) of Section 5(D) of the Employees' Provident Fund & Misc. Provisions Act, 1952 (19 of 1952), the Central Board hereby makes the following amendment to the Employees' Provident Fund Organisation Upper Division Clerks Recruitment Rules, 1992 for the post of Upper Division Clerk in the Employees Provident Fund Organisation namely:-

1. (i) These rules may be called the employees Provident Fund Organisation Upper Division Clerk (Amendment) Recruitment Rules, 1993.
(ii) They shall come in to force from the date of their issue.
2. In column 12 of the Schedule attached to the Recruitment Rules for the post of Upper Division Clerk relating to the promotion to the post of UDC for the existing entries, the following shall be incorporated:-
(i) "50% by promotion from the LDC serving in the respective regions for the Hqrs., as the case may be, who possess the minimum educational qualification of matriculation or equivalent and have completed four years of service in the grade of L.D.C. on the basis of seniority subject to the rejection of unfit."
(ii) "50% by promotion from LDC serving on the respective regions or the Hqrs., as the case may be, on the result of departmental examination restricted to the LDC of the respective Regions or the Hqrs., as the case may be, and who possess the minimum educational qualification of matriculation or equivalent and have completed four years of service in the grade of LDC on the 1st day of the month in which examination is held."

Sd/-
(B.N.SOM)

Central P.F.Commissioner
AND

Secretary, Central Board of Trustees,
Employees Provident Fund.



No.AP/Adm.II/UDC(Adhoc)/Prom./96/777 Dated: 04.07.1996

ORDER

Sub:- Promotion to the post of UDC on purely adhoc-basis-
Regarding.

The following 24 LDC/Data Entry Operators are promoted to the post of UDC in the scale of pay of Rs.1200-30-1560-EB-40-2040 on purely temporary and adhoc basis for a short period against the vacancies reserved for Examination Quota w.e.f. the date of assumption of charge at their present place of working.

Sl.No.	Name Smt/Shri/Kum	Whether SC/ST/PH	Place of working
1.	A.Vara Prasad Rao.	Neither	Guntur
2.	N.Malleswari.	Neither	Vizag.
3.	K.Pandaiah	Neither	Hyderabad
4.	E.R.V.Laxmi Reddy	Neither	Cuddapah
5.	P.Sathaiah	Neither	Hyderabad
6.	M.V.A.Trivikrama Rao.	PH	Vizag.
7.	K.Rayapa Constant	Neither	Hyderabad
8.	M.Venkateswarly	Neither	Hyderabad
9.	K.Savita	Neither	Hyderabad
10.	M.V.Subba Rao.	Neither	Nizamabad
11.	N.Ravinder	Neither	Hyderabad
12.	K.Suryanarayana	PH	Hyderabad
13.	T.Nalininandan Singh	Neither	Hyderabad
14.	M.Amaralinga Swamy	Neither	Hyderabad
15.	B.Uma Rani.	PH	Nizamabad
16.	B.Sateesh	Neither	Hyderabad
17.	G.Venugopal	PH	Hyderabad
18.	Mohd. Muzaferuddin	Neither	Hyderabad
19.	P.Shiva Durga	Neither	Hyderabad
20.	P.Subba Rao.	Neither	Hyderabad
21.	K.Ramachary	Neither	Hyderabad
22.	M.Vijayalaxmi	PH	Hyderabad
23.	S.Lohita Rani	SC	Hyderabad
24.	P.Nandivardhan	Neither	Hyderabad

2. The Officiating adhoc promotion against short term vacancies is subject to the following terms and conditions as applicable to the employee of EPF Organisation.

- (i) They are liable for reversion at any time without assigning any reason.
- (ii) the promotion being purely temporary on adhoc basis against vacancies reserved for examination quota will not confer them any right to claim seniority in the event of their promotion to the post of UDC on a long term (regular) basis in future.
- (iii) the period of adhoc promotion which in a stop gap arrangement will not count towards probation in the event of their promotion on long term basis.
- (iv) they are liable for reversion at any time without further notice as and when the vacancies against examination quota are filled by eligible candidates.

3. They will continue to be governed by other terms and conditions as applicable to the employees of EPF Organisation from time to time.

4. They are liable for transfer to Sub-Regional Offices-Regional offices as per administrative requirement.

(Hindi Version follows)

Sd/- x x x x x x x x x x
(S.V.S.S.Ramachandra Raju)
Regional Provident Fund Commissioner:
A.P.Hyderabad.

// True Copy //



A-3 13-19
Copy of

Employees Provident Fund Organisation (Central Office)
HUDCO Vishala, 14, Bhikaji CAMA Place, New Delhi-

No. Exam. 2(1)/96/264/47/ 6 Dated: 18th September, 1996

To

All Regional Provident Fund Commissioners.
R.P.F.C. (LA) (Hqrs)

Subject: Departmental Examination for the post of UDC
in October, 1996-Postponement-Regarding.

Reference:- Our Letter No. Exam. 2(1)/96/224, Dt. the 21st
August, 1996.

.....

Sir,

It has been decided to postpone the departmental examination for the post of UDC scheduled to be held from 8th to 10th October, 1996. The revised dates for this examination will be intimated in due course. This may please be brought to the notice of all concerned.

Yours faithfully,
Sd/- x x x x x
(P.M. Mathew)

// True Copy //



A/H JH - 20

Employees Provident Fund Organisation: Central Office
14, Vishala, Bhikaji CAMA Place: New Delhi-66.

No.P-IV(14)(1)/81/842

Dated: 24.10.96.

To

All Regional Provident Fund Commissioners,
(including R.C. (LA)).
All Officer-In-Charge, Sub-Regional Offices.

Sub:- Amendment to the Recruitment Rules for the post of UDC
in the Employees Provident Fund Organisation.

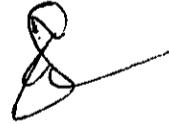
Sir,

Your kind attention is invited to this office letter of even number Dt. 8.4.94 circulated therewith Notification Dt. 22.3.94 vide which an amendment to the Recruitment Rules for the post of UDC was made. The amendment was made under Cl. No. 12 of the schedule attached to the Recruitment Rules for the post of UDC enhancing the eligibility period for a promotion to the post of UDC both under Seniority Quota and Examination Quota from 2 years to 4 years. The above change in the Recruitment Rules has been struck down by the Hon'ble Supreme Court for the reason stated in its order (Copy enclosed).

The affect of quashing the notification is that the rules prior to the amendment would stand. You are, therefore, advised to fill up the vacancies falling under seniority quota as well as under Examination Quota in accordance with the existing rules without resorting to any revision of earlier cases.

Yours faithfully,
Sd/- x x x x x x x x
(A.V.Padmahabhan)
Regional P.F.Commissioner (RA)
for Central P.F. Commissioner.

// True Copy //



A 5
15-21

EMPLOYEES PROVIDENT FUND ORGANISATION
ANDHRA PRADESH: BARKATPURA: HYDERABAD

No. AP\$Adm.II/UDC(Promotion) Adhoc/1330 Dated: 28.8.1997.

O R D E R 176/1997

Sub:- Reversion to the post of L.D.C. -Regarding.

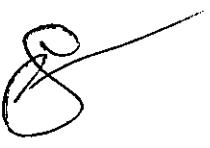
The following 27 officials who are working as UDC (Adhoc) basis against examination quota basis are reverted to the post of LDC with effect from 28.8.97.

Sl.No.	Name Sri/Smt./Kum	Present Place of working
1.	K.Malleswari.	Visakhapatnam
2.	K.Pandaiah	Hyderabad
3.	E.R.V.Lakshmi Reddy	Cuddapah.
4.	P.Sattaiah	Hyderabad
5.	M.V.Trikrama Rao.	Visakhapatnam
6.	K.R.Constant	Hyderabad
7.	M.Venkateswarlu	Hyderabad
8.	K.Sabitha	Hyderabad
9.	M.V.Subba Rao.	Hyderabad
10.	N.Ravinder	Nizamabad
11.	K.Suryanarayana	Hyderabad
12.	M.Amaralinga Swamy	Hyderabad
13.	G.Venugopal	Hyderabad
14.	Mohd. Muzzaferuddin	Hyderabad
15.	P.Subba Rao.	Hyderabad
16.	M.Vijayalakshmi	Hyderabad
17.	S.S.Lohitha Rani.	Hyderabad
18.	P.Nandivadham	Hyderabad
19.	V.Madhusudhan	Warangal.
20.	R.Mangamma	Hyderabad
21.	D.S.V.Varma	Visakhapatnam
22.	B.V.S.Prabhakar Rao.	Visakhapatnam
23.	K.Sivadurga Prasad	Visakhapatnam
24.	K.Hariprasad	Visakhapatnam
25.	P.Dharma Rao.	Visakhapatnam
26.	M.N.M.Deveswari	Visakhapatnam
27.	V.Lakshmaiah	Hyderabad

Their pay shall be refixed in the cadre of ~~Max.~~ LDC.

Sd/- x x x x x x x x
Regional P.F.Commissioner
Andhra Pradesh Hyderabad.

// True Copy //



22

CENTRAL ADMINISTRATIVE TRIBUNAL : ADDITIONAL BENCH : AT HYDERABAD

O.A. No. 1216 OR 1987

Between:

K. Randaiah and others
and

--Petitioners

1. Central Provident Fund Commissioner,
New Delhi and another
--Respondents.

COUNTER AFFIDAVIT FILED ON BEHALF OF THE RESPONDENTS

I, B.A. Reddy son of Sri B.V. Reddy Garu, aged about 55 years, resident of Hyderabad do hereby solemnly affirm and state as follows:--

1. I am the Regional Provident Fund Commissioner, Andhra Pradesh, Hyderabad and at the time of filing this C.A. the applicant was working under my control and hence well acquainted with the facts of the case and that I am authorised to file the Counter Affidavit on behalf of the other respondents herein.
2. I have gone through the application filed by the applicant especially para 6 wherein facts of the case are stated and understood the contents and deny the averments made therein except those which are specifically admitted hereunder.
3. I submit with regard to para No. 6 all the applicants were recruited directly except applicants at S.No. 2 and 3 who were promoted as L.D.Cs. against Departmental Promotion Quota or 35% reserved for departmental staff. Applicants at S.No. 2 and 3 were holding the posts of Electrician and Peon respectively, before their promotion as L.D.C. Applicant No. 15 was not recruited through Employment Exchange but appointed directly on compassionate grounds.

1st page
corrections.

pkm
Deponent.

4. It is submitted that according to Employees Provident Fund Organisation U.D.C. recruitment Rules, 1992 the posts of U.D.C. (Scale of pay Rs.4000-6000) are filled by 50% by promotion of L.D.Cs. who are Matriculates (Rs.3050-4590) on seniority cum fitness who have put in 4 years service, and 50% of posts of U.D.Cs. are filled by L.D.Cs. who are Matriculates have qualified in U.D.C. Departmental Examination restricted to those L.D.Cs. who have put in 4 years of service on the 1st of the month in which the Examination is held. Therefore the statement that Steno Typist, Telex Operators and Telephone Operators are eligible for promotion as U.D.C. is not correct as these posts are not in existence now. The minimum service of 4 years as L.D.C. for promotion of U.D.C. against Examination quota and seniority quota is effective from 22-3-1994 as per Notification No.P.IV/14(1)/81 dt. 22.3.1994 and Circulated vide C.P.F.C.'s Lr.No.P.IV/14(1)/81 dt. 8.4.94. As the officials had not completed 4 years service they were not eligible for promotion as U.D.C. against Examination Quota/Seniority quota. However, the notification No.P.IV/14(1)/91 dt. 22.3.94 of E.R.S. Organisation, Central Office has been struck down by the Hon'ble Supreme Court of India in order dt. 15.7.1996 in Civil Appeal No.9817 of 1996 arising out of SLP(c)/No.9374/96 between Union of India (Appellants) and others vs. Vinod Kumar and others (Respondents). Based on the order the C.P.F.C's in Lr.No.P.IV/14(1)/81842 dt. 24.10.96 directed that the promotion to U.D.C. posts should be made from L.D.Cs. who have rendered two years service without resorting to any revision of earlier cadre. Therefore, the contention of the applicants in the present OA that they were eligible for appearing Departmental Examination for promotion as U.D.C. held in October, 1994 is incorrect and they had not put in 4 years as on 1.10.1994.

2nd page

11/1
corrections.

Deponent.

-3-

5. It is submitted that an examination for promotion to the post of U.D.C. against Examination quota was held in October, 1993 to L.D.Cs. who had put 2 years service as on 1.10.93. As the applicants in the present case had not put in two years service they were not eligible for the Departmental Examination, Subsequently Departmental Examinations were conducted in the year October, 1994, August, 1995, March, 1997 and December, 1997. The eligibility for appearing U.D.C. Departmental Examination was L.D.C. with 4 years service for the examination held in October, 1994 and August, 1995 and 2 years L.D.C. service for the Departmental Examination held in March, 1997 and December, 1997. While 26 candidates were successful in the examination held in October, 1993, 105 in March, 1997, No candidate was successful who appeared in the examination held in October, 1994 and August, 1995. The results of the examination held in December, 1997 has been announced and 40 candidates have passed in which Sri K. P. Nandaiah, the 1st petitioner of ^{this} the U.A. has also passed and the remaining petitioners have failed in the Examination.

6. It is submitted that the applicants 1 to 14 were promoted as U.D.C. on ad hoc basis vide order dt. 4.7.1997. 15th applicant vide order dt. 11.12.1996 and 16th applicant vide order dt. 21.8.97 against the vacancies meant for successful examination quota candidates, clearly indicating therein to the effect that they are liable for reversion as L.D.Cs. once the candidates qualified in Departmental examinations are available.

7. It is further submitted that consequent to the declaration of results of the Departmental examination for promotion to the post U.D.C. against examination quota (50%) held in March, 1997, 104 candidates who had passed the said examination were promoted to the post of U.D.C. against the posts earmarked

See page *88*
Corrections.

NM
Deponent.

25

for examination quota vide order No.AP/Adm-II/EQ/97/Prom/1329/ dt. 29.8.1997. Since 27 candidates who are promoted as U.D.Cs. (including the petitioners in the present C.A.) on adhoc basis pending availability of examination qualified candidates were reverted as L.D.Cs. to make way for the qualified candidates vide order No.AP/Adm-II/U.D.C./Prom/Adhoc/1330 dt. 28.8.97. In view of the above there is no illegality in reverting the applicants herein who were appointed only on adhoc basis and the impugned order was passed perfectly in accordance with the rules. While the petitioner has objected the system and departmental examination for promotion to the post of U.D.C. but same petitioner in the C.A. have appeared for the said examination but only after they were unsuccessful in the examination are approached the Hon'ble Central Administrative Tribunal questioning the system. In fact posts like S.S. E.O. are filled on the basis of Seniority quota as well as Examination quota. Thus the system of promotion though examination quota is not confined to U.D.C's but to other cadres also such as S.S. E.O. etc. Therefore the contention of the petitioner for invalidating the provision of filling up of the U.D.Cs. posts through Examination quota is not valid and the validity of system of U.D.C. Departmental Examination has not been questioned in any of the Judgments in C.A.Nos. passed on 31.10.97 by this Hon'ble Tribunal in C.A.No.987/95, 997/95, 986/95, 226/96 etc.

8. It is further submitted that unless it is provided in the Recruitment Rules that where candidates are not available under Examination quota it cannot be stated that there is no provision for carrying forward of vacancies under Examination Quota. Absence of Provision for alternative method in case of non-availability of examination quota candidates clearly shows the intention that the unfilled vacancies shall be filled from

-5-

Examination quota candidates only. According to the rules a Roster should be maintained based on the reservation for promotion by Seniority and by qualifying in Departmental Examination and promotions should be effected based on the roster points. Hence, the contention of the applicants, that there is only one class of promotees is misconception and not true and hereby denied.

9. It is submitted that as per the existing instructions of the Government of India in the matter of reservation to candidates belonging to S.C/ S.T. candidates in the Departmental Examination, the unfilled vacancies meant for S.C./S.T. candidates have to be carried forward and filled from these candidates as and when they are ~~are~~ available. So any invalidation of the system of Departmental Examination in carrying forward of unfilled Departmental Examination quota vacancies would be against the reservation orders of Government of India in regard S.C/ S.T. candidates as this would affect the reservation system for S.C. / S.T. candidates.

The following are the details of U.D.C. posts kept reserved for departmental Examination Quota.

Brought forward from 1992	-- 63
Vacancies from 1.1.93 to 31.12.93.	
(Sanction of U.D.C. posts, retirements and promotion to Higher grades)	81
Vacancies filled from 1.1.93 to 31.12.93	17
Carry forward vacancies as on 31.12.93	127
Occurred vacancies	9
Total	136
Vacancies filled	25

5th page
Corrections. *MM*

IT

MN
Deponent.

1994 balance carry forward	111
vacancies	35

Total	146
filled vacancies	--
vacancies occurred	5

Total	151
1996 filled vacancies	2

balance	149

1996 brought forward	149
vacancies	2

Total	151
filled	104

balance as on 1.1.98	47

It is submitted that it would be seen from the above ~~xx~~ that vacancies remaining unfilled for want of qualified candidates and when the candidates were available the vacancies have been filled from qualified candidates. Mere absence of provision in the recruitment rules that in case of non-availability of qualified candidates it cannot be construed that the posts have to be filled from Seniority quota. If unfilled examination quota vacancies are filled from seniority quota the purpose of filling the examination vacancies from merit wise persons is not met. The applicants were promoted as U.D.Cs. on adhoc basis, pending availability OF examination qualified candidates. Therefore, their contention that they should have been filled on regular basis is devoid of any rules untenable and liable to be rejected.

6th page

corrections.

W.M.
Dependent.

① Memo of Am. to be filed

HYDERABAD: DISTRICT
CENTRAL ADMINISTRATIVE TRIBUNAL:
ADDITIONAL BENCH
AT HYDERABAD

O.A. No. 1216, of 1997



COUNTER AFFIDAVIT FILED ON
BEHALF OF THE RESPONDENTS

Received Copy

M. A. R.

23/10/98
Sri Bathula Venkateswara Rao
Counsel for the Respondents &
Standing Counsel for
Employees Provident Fund

May be filed
29/10/98

-7-

In fact as per Central Profident Fund Commissioner's instructions in Lr. No. P.III/2(0/90/Dr/Pt. II, dt. 8.1.96 where vacancies meant for examination qualified candidates are not available the same could be filled from L.D.C. on Seniority basis on adhoc and once qualified candidates are available the adhoc promotees have to be reverted. Since adhoc promotions are only temporary in nature it cannot be said that there are no rules for giving adhoc promotions. C.P.F.C. as head of the Department can issue instructions, in regard to utilisation of unfilled vacancies on temporary basis.

For the above and other reasons to be urged at the time of hearing the respondent herein prays that this Hon'ble Court may be pleased to dismiss the O.A.No.1216 of 97 and pass such other order or orders as this Hon'ble Court deems just and necessary in the circumstances of the case.

P.W.Y
Deponent.

Solemnly affirmed and signed before me on this 20th day of October, 1998 at Hyderabad.

Before me

Advocate, Hyderabad.

7th and last page
corrections.

Copy alongwith the notification is forwarded to:-

1. All Deputy Directors (Vig.)/Training Officers/ Internal Audit Officers.
2. All Officers/Section/Sr.P.A. in the Central Office.
3. Secretary General, EPF Officers Association, N. Delhi.
4. Secretary General, AIEPF Staff Federation, Bangalore.
5. Director, NATRSS, New Delhi/All Zonal Training Institutes.
6. Guard File.

Sd/-

(R. VENKITARAMAN)
ASSISTANT P.F. COMMISSIONER
FOR CENTRAL P.F. COMMISSIONER.

EMPLOYEES PROVIDENT FUND ORGANISATION, CENTRAL OFFICE
9TH FLOOR, MAYUR BHAVAN, CONNAUGHT CIRCUS, NEW DELHI - 100 001.

Dated, New Delhi the 22-3-94

NOTIFICATION

No. P.IV/14(1)01 : In exercise of the powers conferred by Sub-Section 7(a) of Section 5(D) of the Employees' Provident Fund & Misc. Provisions Act, 1952 (19 of 1952), the Central Board hereby makes the following amendment to the Employees' Provident Fund Organisation Upper Division Clerks Recruitment Rules, 1992 for the post of Upper Division Clerk in the Employees' Provident Fund Organisation namely:-

1. (i) These rules may be called the Employees' Provident Fund Organisation Upper Division Clerk (amendment) Recruitment Rules, 1993.
(ii) They shall come into force from the date of their issue.
2. In column 12 of the Schedule attached to the Recruitment Rules for the post of Upper Division Clerk relating to the promotion to the post of Upper Division Clerk for the existing entries, the following shall be incorporated:-
 - (i) "50% by promotion from the Lower Division Clerks serving in the respective regions or the Hqrs., as the case may be, who possess the minimum educational qualification of matriculation or equivalent and have completed four years of service in the grade of Lower Division Clerk on the basis of seniority subject to the rejection of unfit."
 - (ii) "50% by promotion from Lower Division Clerks serving in the respective regions or the Hqrs., as the case may be, on the result of departmental examination restricted to the Lower Division Clerks of the respective Regions of the Hqrs., as the case may be, and who possess the minimum educational qualification of matriculation or equivalent and have completed four years of service in the grade of Lower Division Clerk on the 1st day of the month in which examination is held."

Sd/-

(B.N. SUM)
CENTRAL P. F. COMMISSIONER
AND

SECRETARY, CENTRAL BOARD OF TRUSTEE,
EMPLOYEES' PROVIDENT FUND.

— X —

(1) 29

OFFICE OF THE REGIONAL PROVIDENT FUND COMMISSIONER
ANDHRA PRADESH :: BARKATPURA :: HYDERABAD - 500027

No. AP/Adm-II/DE/UDC/94/536)

Dated: 8-4-94

The Central Provident Fund Commissioner's Order No. P.IV/14(1)81, dated 8-4-94 alongwith Notification dated 2-4-94, regarding Amendment to the Recruitment Rules for the post of UDC in the Employees Provident Fund Organisation is circulated herewith for guidance and information.

LA/ADM/CO

(R. ANANTHALAKSHMI)

ASSISTANT P.F. COMMISSIONER(ADM)
FOR REGIONAL P.F. COMMISSIONER (AP)

To

1. All Officers in Regional Office. 63
20/4/94
2. All Head Clerks in Regional Office ...for information and circulation among the Staff working under them.
3. Sections dealing with:- Recruitment/Promotion/Probation/Confirmation.
4. All Sub-Regional Offices, Guntur/Vizag/Cuddapah/Warangal/
Nizamabad.
5. All P.F. Inspectorates.
6. NOTICE BOARD.

EMPLOYEES PROVIDENT FUND ORGANISATION, CENTRAL OFFICE
9th FLOOR, MAYUR BHAVAN, CANNAUGHT CIRCUS, NEW DELHI - 110 001.

No. P.IV/14(1)81/

Dated: 8-4-1994.

To

All Regional Provident Fund Commissioners

(including R.C.(LA))

All Officer-in-Charge, Sub-Regional Offices.

Sub:- Amendment to the Recruitment Rules for the post of Upper Division Clerk in the Employees' Provident Fund Organisation - Regarding.

Sir,

The 12th Executive Committee of the Central Board of Trustees held on 01-12-1993 have conveyed their approval to amend the recruitment rules for the post of Upper Division Clerk in the Employees Provident Fund Organisation. A copy of the notification in this regard is enclosed herewith for information and necessary action.

Yours faithfully,

Encl: As above.

Sd/-

(R. VENKITARAMAN)

ASSISTANT PROVIDENT FUND COMMISSIONER
FOR CENTRAL PROVIDENT FUND COMMISSIONER.

...2...

(4)

16/7/96 (16)

provided that where the Central Board is of the opinion that it is necessary to make a departure from the said rules or orders in respect of any of the matters aforesaid, it shall obtain the prior approval of the Central Government."

Under the proviso, where the Central Board is of the opinion that it is necessary to make a departure from the said rules or orders in respect of any of the matters enumerated above it is mandatory that it should obtain prior approval of the Central Government. Admittedly, prior approval was not obtained. On the other hand, ex post facto approval was obtained but in the teeth of the language of the proviso ex post facto approval is not an approval in the eye of law. Under these circumstances, the Tribunal had rightly held that the approval was not valid in law and the matter was kept at large and directed the appellant to issue notification afresh for recruitment in accordance with rules. We do not find any legality in the order.

The appeal is accordingly dismissed. No costs.

Sd/- J.

..... (K.RAMASWAMY)

Sd/- J.

..... (G.B.PITTANAIK)

HELD:

JULY 15, 1996.

ES

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 9817 OF 1991
(Arising out of SLP (C) NO. 9374/1990)

Union of India & Ors. Appellants

VS.

Vinod Kumar & Ors. Respondents

Q U E E R

Delay condoned.

Leave granted.

We have heard the learned counsel.

The only short question is whether the deviation from rule of granting promotion of 50% of the quota giving 2 years' additional benefit to the Upper Division Clerks is valid in law? Sub-section (i) (a) of Section 5-D of the Employees Provident Fund and Miscellaneous Provisions Act, 1952 provides method of recruitment as under:

"7(a) The method of recruitment, salary and allowances, discipline and other conditions of service of the Additional Central Provident Fund Commissioner, Deputy Provident Fund Commissioner, Regional Provident Fund Commissioner, Assistant Provident Fund Commissioner and other officers and employees of the Central Board shall be such as may be specified by the Central Board in accordance with the Rules and orders applicable to the officers and employees of the Central Government drawing corresponding scales of pay.

Contd. 2/2

(5) 31

EMPLOYEES' PROVIDENT FUND ORGANISATION,
(CENTRAL OFFICE)
W.D.C. VIGILANCE, BUREAU OF CADA PLATE,
NEW DELHI-110 001.

Ref. No. 916
Date 23/10/76
No. P-IV/14(1)/61

Subj:

Dated 23/10/76
23 Oct 1976

To

All Regional Provident Fund Commissioners
(including R.C. (LA)).

All officer-in-charge, Sub-Regional offices.

Sub: Amendment to the Recruitment Rules for the post
of UDC in the Employees' provident Fund organisation.

Sir,

Your kind attention is invited to this office letter of even No. dated 8.4.94 circulating therewith Notification dated 22.3.94 vide which an amendment to the Recruitment Rules for the post of UDC was made. The amendment was made under Col. No.12 of the schedule attached to the Recruitment Rules for the post of UDC enhancing the eligibility period for promotion to the post of UDC both under Seniority Quota and Examination Quota from 2 years to 4 years. The above change in the Recruitment Rules has been struck down by the Hon'ble Supreme Court, for the reason stated in its order (Copy enclosed).

The effect of quashing the notification is that the rules prior to the amendment would stand. You are, therefore advised to fill up the vacancies falling under seniority quota as well as under examination quota in accordance with the existing rules without resorting to any revision of earlier cases.

Yours faithfully,

(A.V. PALMANABHAI)

REGIONAL PROVIDENT FUND COMMISSIONER (R.P.)
for CENTRAL PROVIDENT FUND COMMISSIONER.

Copy to:- (1) Exam. Section with the request to conduct UDC Exam for filling up of all the vacancies occurring as on date by allowing all those who have completed 2 years service in the cadre of L.D.C.

(2) All Addl. C.P.F.Cs.

(3) F.A. & C.A.O.

(4) N.I.T.R.S.S.

(5) All Z.T.I.S.

(6) All Zonal Audit Officers.

(BAPUJI CHANDRA)

ASSISTANT PROVIDENT FUND COMMISSIONER
for CENTRAL PROVIDENT FUND COMMISSIONER.

P.P. 916
Dated 23/10/76

EMPLOYEES' PROVIDENT FUND ORGANISATION,
(CENTRAL OFFICE)
18/1, HODCO VISHWAKA, BHAKATI CAMP PLOT,
NEW DELHI-110 066.

NO. P-IV/14(1)/81

SM

Dated 23/10/76
23 Oct 1976

62

To

All Regional Provident Fund Commissioners
(including R.C. (LA)).

All Officer-in-charge, Sub-Regional offices.

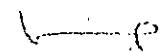
Sub: Amendment to the Recruitment Rules for the post
of UDC in the Employees' Provident Fund Organisation.

Sir,

Your kind attention is invited to this office letter of even No. dated 8.4.94 circulating therewith Notification dated 22.3.94 vide which an amendment to the Recruitment Rules for the post of UDC was made. The amendment was made under Col. No.12 of the schedule attached to the Recruitment Rules for the post of UDC enhancing the eligibility period for promotion to the post of UDC both under Seniority Quota and Examination Quota from 2 years to 4 years. The above change in the Recruitment Rules has been struck down by the Hon'ble Supreme Court, for the reason stated in its order (Copy enclosed).

The effect of quashing the notification is that the rules prior to the amendment would stand. You are, therefore advised to fill up the vacancies falling under seniority quota as well as under Examination quota in accordance with the existing rules without resorting to any revision of earlier cases.

Yours Faithfully,



(R.V. PADMANABHAN)

REGIONAL PROVIDENT FUND COMMISSIONER (R.)
for CENTRAL PROVIDENT FUND COMMISSIONER.

Copy to:- (1) Exam. Section with the request to conduct UDC Exam for filling up of all the vacancies occurring as on date by allowing all those who have completed 2 years service in the cadre of U.D.C.

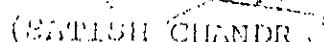
(2) All Addl. C.P.F.Cs.

(3) F.A. & C.A.O.

(4) N.I.T.R.S.S.

(5) All Z.T.I.S.

(6) All Zonal Audit Officers.


(SANTOSH CHANDRA)

ASSISTANT PROVIDENT FUND COMMISSIONER
for CENTRAL PROVIDENT FUND COMMISSIONER.

2. The Officiating adhoc promotion against short term vacancies is subject to the following terms and conditions as applicable to the employee of EPF Organisation.

- i) They are liable for reversion at any time without assigning any reason.
- ii) the promotion being purely temporary on adhoc basis against vacancies reserved for examination quota will not confer them any right to claim seniority in the event of their promotion to the post of UDC on a long term (regular) basis in future.
- iii) the period of adhoc promotion which is a stop gap arrangement will not count towards probation in the event of their promotion on long term basis.
- iv) they are liable for reversion at any time without further notice as and when the vacancies against examination quota are filled by eligible candidates.

3. They will continue to be governed by other terms and conditions as applicable to the employees of EPF Organisation from time to time.

4. They are liable for transfer to Sub-Regional Offices/Regional Offices as per administrative requirement.

(HINDI VERSION FOLLOWS)

S. V. S. B. RAMA CHINTANA RATHI
(S. V. S. B. RAMA CHINTANA RATHI)
REGIONAL P.F. COMMISSIONER
ANDHRA PRADESH : HYDERABAD

TO:

The Individuals concerned
(through Branch Officer/SRCs concerned)

Copy communicated to:

Officer-in-Charge Sub-Regional Offices at Nizamabad/Visakhapatnam/Cuddapah/Guntur/Darangani..... with a request to intimate the date of assumption of charge of the officials concerned along with a copy of assumption report. They should ensure that all the officials are on duty at the time of assumption of charge to ensure that no vigilance cases are pending also petition if any has ended.

- 1. Branch Officers concerned/Head Clerks concerned.
- 2. The Head Clerks of all Admin. Sections/Vig. Sty&Stores/C.T. I&II
- 3. Pay bills/PAC/Personal file/Pay fixation/SPF/GIS/Leave seat/estt.return/Guard file.
- 4. The Addl. CPFC(SZ)/RC's Secretariat/Hindi Call/L.D(Vig.)(SZ)
- 5. The General Secretary/Unit Secretary, EPFSA, AP Hyd.
- 6. Secretary SC/ST, EPFSA, Hyd.
- 7. Notice Board.
- 8. All Sub-Regional Offices for circulation through Notice Board.

(K. S. ARYA) 1x/2/96
(K. S. ARYA) 1x/2/96
REGIONAL P.F. COMMISSIONER (ADM)
REGIONAL OFFICE : HYDERABAD A.P

14/7

Mo. Adm. / Adm. U / OIGC (active) / Dir. Com. / OO /

$$P\left(\left\{ \left(\mathbf{b}_i, \mathbf{b}_j \right) \in \mathcal{O}^L \mid \omega^L_{\mathbf{b}_i, \mathbf{b}_j} = 1 \right\} \right) =$$

ANSWERING YOUR QUESTIONS

Subj: Promotion to the post of Upper Division Clerk in parity with head - regarding.

The following 96 Lower Division Clerks/Data Entry Operators are promoted to the post of the Upper Division Clerk in the Scale of pay of Rs.1700-50-1550-Rs.1700-1050 (or merely in the Scale of pay of Rs.1700-50-1550-Rs.1700-1050) on purely temporary and adhoc basis for a short period against the vacancies reserved for ex-ministers/heads with effect from the date of assumption of charge at their current place of working.

Sl. No.	Name Smt/Shri/Kum/	Whether SC/ST/BL	Place of working
1.	A. Vara Prasad Rao	Neither	Guntur
2.	N. Malleswari	"	Vizag
3.	K. Pandaiah	"	Hyderabad
4.	E.R.V.Laxmi Reddy	"	Cuddapah
5.	P.Sathainah	"	Hyderabad
6.	M.V.Trivikrama Rao	PH	Vizag
7.	K.Royapa Constant	Neither	Hyderabad
8.	M.Venkateswarlu	"	Hyderabad
9.	K.Sabita	"	Hyderabad
10.	M.V.Subba Rao	"	Hyderabad
11.	N.Ravinder	"	Nizamabad
12.	K.Suryanarayana	PH	Hyderabad
13.	T.Nalininandan Singh	Neither	Hyderabad
14.	M.Amaralinga Swamy	"	Hyderabad
15.	B.Uma Rani	PH	Hyderabad
16.	B.Sateesh	Neither	Nizamabad
17.	G.Venugopal	PH	Hyderabad
18.	Mohd.Muzofarrudin	Neither	Hyderabad
19.	P.Shiva Durga	"	Hyderabad
20.	P.Subba Rao	"	Hyderabad
21.	K.Ramachary	"	Hyderabad
22.	M.Vijayalaxmi	PH	Hyderabad
23.	S.S.Lohita Rani	SC	Hyderabad
24.	P.Nandivardhan	Neither	Hyderabad

Contd., . . 2.

ANDHRA PRADESH: HYDERABAD.
REGIONAL P. P. COMMISSIONER
(S. V. S. RAMACHANDRA RAJU)

(Hindi version follows)

4. They are liable for transact in the sub-national office/ Regional office as per administrative geographies.

TO, Initiatives
concerned.
(Through SROs concerned)

COPY to:

1. OIC, SRO, Visag. - With a request to forward copy of enclosure
of charge in x/o the above officials as OIC. He should
also ensure that the officials are on duty and no vacation
cases : a pending and pending if any have ended.

2. AAGL. CPCC (SZ) / DD. Vtg (SZ) / RCG's Secret.

3. SROs at Nizamabad, Godavari, Warangal, Amravati, for coordination
of inspection, audit, monitoring, for effective
4. All inspectrators/ gen. secy/unit secy. of appu, Hya.

5. SC-ST staff association/Notice Board.

6. Pay bills/PAC/SR/Pay fixation/SC/SR Staff/Leave Seta.

7. HCs of Adm. Sections/Vtg/Branch of Elect. Cash Section.

REGIONAL P. P. COMMISSIONER (ADY)
(K. P. BABU RAO)

⑩

34
9
Q
ECONOMIC FUND ORGANISATION : REGIONAL OFFICE
ANDHRA PRADESH :: PARKATPURA :: HYDERABAD - 500027.

NO.AP/Adm.II/UDC(PROM)/Adhoc/96/171. DT.11-12-96.

O.R.D.E.R. NO. 14 / 1996

Sub: Promotion to the post of UDC on purely adhoc basis....

The following 8 (eight) LDCs/DEOs are promoted to the post of Upper Division Clerks in the scale of pay of Rs. 1200-30-1560-33-10-2040 purely temporary and adhoc basis for a short period against the vacancies reserved for departmental examination qualified candidates with effect from the date of assumption of charge of the post at their next place of posting.

S.NO.	Name	Whether SC/ST or PH	Present place of working	place of posting on promotion.
1.	R.Mangamma, LDC	SC	RO/HYD	RO, HYD
2.	D.S.V.Varma, DEO	PH	SRO/VSP	SRO, VSP
3.	S.V.Satyasridharan, LDC/DEO	-	"	"
4.	B.V.S.Prabhakar Rao, LDC	-	"	"
5.	K.Shivadurga Prasad, LDC/DEO	PH	"	"
6.	K.Hari Prasad, LDC	PH	"	"
7.	K.B. Uji, LDC	SC	"	"
8.	P.Dharma Rao, LDC/DEO	-	"	"

2. The Adhoc Promotion against short term vacancies is subject to the following terms and conditions.

- (i) They are liable for reversion at anytime without notice.
- (ii) The Promotion being temporary and adhoc against vacancies reserved for departmental examination qualified candidates will not confer them any right to claim seniority in the event of their promotion to the post of UDC on regular basis.
- (iii) The period of adhoc promotion will be short and arrangement will not count towards probation, i.e. the period of their promotion on long term basis.
- (iv) They are liable for reversion at any time without notice as and when the vacancies against examination qualified quota are filled by eligible candidates.

3. They will continue to be governed by other terms and conditions as applicable to the employees of EFO Organisation from time to time.

P.T.O.

4. They are liable for transfer to Sub-Region/1 Office/Region,1 Office as per administrative requirements.

(Hindi version follows)


(S.V.S. RAMACHANDRA RAJU)
REGION M P.F. COMMISSIONER
ANDHRA PRADESH - HYDERABAD

To :
The Individuals concerned
(Through SRO -concerned)

Copy to

File No. L-10/10/ADM/22/PE/2/3366-1779.

1. OIC SRO, Vizian, with a request to forward copy of assumption of charge in r/c the above officials as ODC. He should also ensure that the officer is on duty and no vigilance cases pending and penalties if any have ended.
2. Addl CPEC(SZ)/DD, Vig(SZ)/RC's Sectt
3. SROs at : Nizamabad, Cuddapah, Warangal, Guntur - for circulation
4. All Inspectorates/Gen Secy Unit Secy of EPFSU, Hyd
5. SC-ST Staff Association/Notice Board.
6. Panchayat/AG/BR/Pay fixation/OC/PT/Leave Smtt.
7. HCs of Adm. Sections/Vig/Breach Officer Cash Section.

EMPLOYEE'S PROFESSIONAL PAPER - BUREAU OF
ADHOC PROMOTION & BARGAINING UNIT - 1977

(11) 35

TO. AP/Adm. IT/UDC (From) /Adhoc/ 10/10/77
SUBJECT NO. 10/10/77

(11) 35

Sub. promotion to the post of UDC on purely adhoc
basis - 10/10/77

* * *

The following 2 (Two) LDCS are promoted to the post of Upper
Division Clerks in the scale of pay of Rs 1200-30-1560-EB-40-
2040 purely temporary and adhoc basis for a short period against
the vacancies reserved for departmental examination qualified
candidates with effect from the date of assumption of charge of
the post at their next place of posting.

Sl No	Name Smt/Srl	Whether present place of BC/Sr Place of posting on PH working promotion		SRO - VSP ro - Hyd
		Exptm	PD-Hyd	
1.	M.M.M. Devosward			SRO - VSP
2.	V. Laxmaiah			ro - Hyd

2. The adhoc promotion against short term vacancies is subject to
the following terms and conditions.

- (i) They are liable for reversion at any time without notice.
- (ii) The promotion being temporary and adhoc against vacancies
reserved for departmental examination qualified candidates
will not confer them any right to claim seniority in the event of
their promotion to the post of UDC on regular basis.
- (iii) The period of adhoc promotion which is a stop gap arrangement
will not count towards probation, in the event of their
promotion on long term basis.
- (iv) They are liable for reversion at any time without notice
as and when the vacancies against examination qualified quota
are filled by eligible candidates.

3. They will continue to be governed by other terms and conditions
as applicable to the employees of BPP organization from time to time.

dated on 10/10/77

(13) 13

Dated: 20.5.1997

ED.44/200-1/1/97/102/23

102/1997

With the intention of promotion to the post of UDC under
Examination Date Reg.

Ref: O.P.C. 102/102/Exam.2(1)/97/ dt. 22.8.97.

On the basis of the results of the departmental Examination for promotion to the post of Upper Division Clerk held in March, 1997 and on the basis of the recommendation of the DPC, the following 104 officials are promoted to the posts of UDC in the scale of pay of Rs.1200-30-1560-E5-40-2040 on regular basis against the 50 vacancies with effect from the date of assumption of charge at the places of posting mentioned against their names.

Sl. No.	Name & Designation Sh/Smt/Kum.	Present place of posting.	Place of posting on promotion as UDC on regu- lar basis.
1.	2.	3.	4.
1.	M.Durga Prasad, LDC	NZB	NZB
2.	G.Ram Mohan, LDC	HYD	HYD
3.	K.V.D.S.N.Varahulu, LDC	VSP	VSP
4.	K.Ramachari, LDC(A.DOC)	HYD	HYD
5.	T.Sreedhar, LDC	NZB	NZB
6.	B.Srinivas Singh, LDC	HRB	HRB
7.	H.Prabhakar, LDC/DHO	GNT	GNT
8.	K.L. Thirumal Yadav, LDC	GNT	GNT
9.	M.Rajendra Prasad, LDC	GNT	GNT
10.	V.S. Ramakrishna, LDC	VSP	VSP
11.	A.Vijayalakshmi, LDC	VSP	VSP
12.	R.Suresh, LDC/DHO	HRB	HRB
13.	A.V.Sathyanarayana, LDC	HRB	HRB
14.	P.Ravikumar, LDC	HYD	HYD
15.	M.Zoor Ahmed, LDC/DHO	GNT	GNT
16.	P.M.V. S.Lyanarayana, LDC	GNT	GNT
17.	S.Whoolekeshwari, LDC(A.DOC)	HYD	HYD
18.	M.Kirinayayya, LDC/DHO	GNT	GNT
19.	T.Nelini Chandru Singh UDC(A.DOC)	HYD	HYD
20.	M.Gopala Anna, UDC(A.DOC)	VSP	VSP

62.	IC. 11	44	102.	S. Lakshmi Nandini (102) 100
				Q.M. 300
				A.M. Poonam (30)
				101.
				100.
				K. Sudha (100)
				99.
				P. Sudhivani (100)
				98.
				K. Suganya (100)
				97.
				D. Sopala (100)
				96.
				M.M.N.A. 200
				95.
				S. S. Jagannatha (100)
				94.
				K. S. J. Lakshmi (100)
				93.
				D. Hemanth Raju (100)
				92.
				R.M. Arun (100)
				91.
				D. Anu (100)
				90.
				H. S. Sudhakar (100)
				89.
				H. S. Sudhakar (100)
				88.
				D. Sudhakar (100)
				87.
				S. Sudhakar (100)
				86.
				T. S. Seetha (100)
				85.
				S. Sudhakar (100)
				84.
				H. S. Sudhakar (100)
				83.
				H. S. Sudhakar (100)
				82.
				G. Sudhakar (100)
				81.
				K. P. R. Sudhakar (100)
				80.
				A. Sudhakar (100)
				79.
				D. Sudhakar (100)
				78.
				Ch. Sudhakar (100)
				77.
				G. Sudhakar (100)
				76.
				Usha Pandey (100)
				75.
				N.M.A.V. Sudhakar (100)
				74.
				G. V. N.L. Sudhakar (100)
				73.
				P. Sudhakar (100)
				72.
				I.C.V. Sudhakar (100)
				71.
				G. Sudhakar (100)
				70.
				B. Sudhakar (100)
				69.
				G. Sudhakar (100)
				68.
				P. A.S. Sudhakar (100)
				67.
				S. V. Sudhakar (100)
				66.
				G. Sudhakar (100)
				65.
				K. Sudhakar (100)
				64.
				S. Sudhakar (100)
				63.
				B. Sudhakar (100)
				62.

21.	Sk. Shabir Ali, LDC/DO	MP	HYD
22.	R.D. Dindor Jaya, LDC/DO	MP	HYD
23.	D.V.S. Chintu, LDC	MP	HYD
24.	Sk. Hassan Ali, LDC/DO	MP	HYD
25.	K. Muhammed Ali, LDC/DO	MP	HYD
26.	Khan Ali, LDC/DO	MP	HYD
27.	K.V. Bhimrao Ali, LDC/DO	MP	HYD
28.	B. Chintamani Patnaik, LDC	MP	HYD
29.	F. Srinivasa Raju, LDC	MP	HYD
30.	L. Rajani, LDC/DO	MP	HYD
31.	Poornima Jagadeesh, LDC/DO	MP	HYD
32.	Srinivas Reddy, LDC/DO	MP	HYD
33.	G. Victoria, LDC/DO	MP	HYD
34.	B. Sudhakar Reddy, LDC	MP	HYD
35.	H.K. Venkateswara, LDC	MP	HYD
36.	K. Ali, LDC/DO	MP	HYD
37.	Sk. Aparajita, LDC/DO	MP	HYD
38.	P. Ramaiah, LDC	MP	HYD
39.	P. Ramaiah, LDC	MP	HYD
40.	M. Rajendra Kumar, LDC	MP	HYD
41.	M. Manohar, LDC/DO	MP	HYD
42.	P. Sivaramakrishna, LDC/DO	MP	HYD
43.	K. Srikrishna Rao, LDC/DO	MP	HYD
44.	K.V. Srinivas Reddy, LDC/DO	MP	HYD
45.	P. Madhavachalam, LDC/DO	MP	HYD
46.	K.S. Pratap Singh, LDC	MP	HYD
47.	I.G.S.C. Sekhar Kumar, LDC	MP	HYD
48.	H. Suresh Kumar, LDC/DO	MP	HYD
49.	M. Ramesh, LDC/DO	MP	HYD
50.	K. Vishwanath, LDC	MP	HYD
51.	M. Suresh Kumar, LDC	MP	HYD
52.	Sk. Mehaboob Sultan, LDC/DO	MP	HYD
53.	M. Gopalakrishna, LDC	MP	HYD
54.	D. Una Roni, LDC/DO	MP	HYD
55.	R. Suresh Kumar, LDC	MP	HYD
56.	B.V.S.S. Raju, LDC	MP	HYD
57.	G. Chintamanki Reddy, LDC	MP	HYD
58.	P. Balaji, LDC	MP	HYD
59.	G. Ravichandran, LDC	MP	HYD
60.	G. Seetha Kumar, LDC/DO	MP	HYD
61.	Rajendra Kumar, LDC/DO	MP	HYD

103. B. Narasingh Prasad (12) BDC HMD HMD
104. M. Bapuji (3C) BDC (12) BDC VSP VSP

(Total No. of candidates - One Hundred and Four only)

2. These appointees holding BDC on Adhoc basis are deemed to be promoted to the rank of BDC w.e.f. 29.3.1997.
3. The probationary officials will be on probation for a period of two (2) years from the date of assumption of charge which may be extended at the discretion of the competent authority. Failure to complete the period of probation to the satisfaction of competent authority will render them liable to reversion.
4. Consequent to their promotion to the cadre of BDC on a regular basis they may be entitled for fixation of pay from the date of accrual of next increment in the next increment within one month from the date of assumption of charge in terms of provisions of F.R. 22 (1).
5. They shall continue to be governed by other terms and conditions as applicable to the employees of EPP organisation from time to time.
6. They are also liable for transfer and posting to other offices in future on the basis of vacancy position on administrative exigencies. Those working as Data Entry Operators will continue to discharge duties as BDC until substitute is posted in their place without any additional allowance.


(G.N.G.S. RAMACHANDRA RAJU)
REGIONAL P.P. COMMISSIONER
VIDHAN PRADESH

To:

The Individuals mentioned
(through Branch Officer/Officer of RO, Hyd.,
SROs, VSP/CDF/WAL/ML/LL)

16³⁸ C

Copy to:

(K.P. BRANCH)
REGIONAL P.W. COMMISSIONER (ADMN)
REGIONAL OFFICE
HYDERABAD

(19)

EMPLOYEES' PROVIDENT FUND ORGANISATION
UPPER DIVISION CLERKS
RECRUITMENT RULES, 1992.

NOTIFICATION

In exercise of the powers conferred by sub-section 7(a) of section 5(b) of the Employees' provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), the Central Board hereby makes the following rules for regulating the method of recruitment to the post of Upper Division Clerks under the Employees' Provident Fund Organisation, namely:-

1. Short title and commencement:- (1) These rules may be called Employees' Provident Fund Organisation "Upper Division Clerks" Recruitment Rules, 1992.

(2) They shall come into force from 18th July, 1992.

2. APPLICATION:- These rules shall apply to the post specified in column 1 of the Schedule annexed to these rules.

3. Number of posts, classification and scale of pay:- The number of posts, their classification and scale of pay attached thereto shall be as specified in column 2 to 4 of the aforesaid Schedule.

4. Method of recruitment, age limit and other qualifications:- The method of recruitment, age limit, qualifications and other matters connected therewith shall be as specified in columns 5 to 14 of the said Schedule.

5. Disqualification:- No person:-
(a) who has entered into or contracted a marriage with a person having a spouse living, or
(b) who, having a spouse living, has entered into or contracted a marriage with any person, shall be eligible for appointment to the said post;

Provided that the Central Board may, if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and that there are other grounds for so doing, exempt any person from the operation of this rule.

Notified vide notification No. P.IV/1(4)91 dated 18.07.1992.

1940-1941
1941-1942

April 11, 1938 - 8.97.

1876/87/12

Reb: ~~Reg. 184 (n) (1) (c) (i) with the former Division Clerk
as regards the~~

The following 27 officials, who are working as ODC(Adhoc) basis against examination post basis are reverted to the post of Lower Division Clerk with effect from 28.6.97.

Sl. No.	Name	Present place of working
	<u>Priz Sint. Kum</u>	
1.		
1.	N. Mallieswari	Vishakapatnam
2.	K. Pandaiah	Hyderabad
3.	E. R. V. Lakshmi Reddy	Cuddapah
4.	P. Sattaiah	Hyderabad
5.	M. V. Trivikrama Rao	Vishakapatnam
6.	K. R. Constant	Hyderabad
7.	M. Venkateswarulu	Hyderabad
8.	K. Sabitha	Hyderabad
9.	H. V. Subba Rao	Hyderabad
10.	H. Ravinder	Nizamabad
11.	K. Suryanarayana	Hyderabad
12.	M. Amalalinga Swamy	Hyderabad
13.	G. Venugopal	Hyderabad
14.	Mohd. Uzzafaruddin	Hyderabad
15.	P. Gurappa Rao	Hyderabad
16.	H. V. J. Lakshmi	Hyderabad
17.	H. S. Lokendra Roni	Hyderabad
18.	J. Nandhi Adhan	Hyderabad
19.	V. Madhavi Sudhan	Narangal
20.	R. Sam Jonma	Hyderabad
21.	D. R. Varma	Vishakapatnam
22.	B. V. S. Prabhakar Rao	Vishakapatnam
23.	K. Sivadurja Reddy	Vishakapatnam
24.	C. Haridwaran	Vishakapatnam
25.	C. Dharm Rao	Vishakapatnam
26.	C. H. M. Venkatesh	Vishakapatnam
27.	V. Lakshmi Reddy	Hyderabad

pair will be entitled in the order of Senior Division Clerk.

1. *Leucostethus* *leucostethus* (Linné) (Fig. 1)

1. Definitions

THE FEDERAL BUREAU OF INVESTIGATION, U. S. DEPARTMENT OF JUSTICE

TO MURRAY FEDERAL BUREAU OF INVESTIGATION

Copy to: Officer-in-Charge, SRO, IP/CP/IGL/IBB/CP/RO, Hyd.

Copy to: Pay Bills/Pre audit/Pre Fixation/Leave Register/Personal
File/Leave Sheet/all CS of Admin. Sections/RC Secretariat/
Addl. of C(S%)/OD(vi)/Returns/.

Copy to: US/3, EPPGU, 9/3/903.

(K.P. DURUKUTTY)
Regional P.C. committee member

6. Power to relax: Where the Central Board is of the opinion that it is necessary or expedient so to do, it may, by order for reasons to be recorded in writing relax any of the provisions of these rules with respect to any class or category of persons.

7. Saving:- Nothing in these rules shall affect reservations, relaxation of age limit and other concessions required to be provided for the Scheduled Castes, the Scheduled Tribes, the Ex-servicemen and other special categories of persons, in accordance with the orders issued by the Central Govt. from time to time in this regard.

1. In case of Rejection, the case is rejected, instances by direct promotion/deputation/ by promotion, or by promotion or by promotion or by deputation/trans- fer & percentage of the vacancies to be filled by various methods.

(9)

(10)

(11)

(12)

(13) (14)

Not applicable

Not eligible on the basis of seniority subject of IDCs serving in the Group C departmental units to the rejection of unit.

(i) 50% by promotion on the basis of department examination.

FOR PROMOTION
Not applicable
Promotion committee consisting of the following:-
i) R.P.C. in charge in the Region/RPGC(LA) for EGOS Office - Chairman
ii) A.P.R.C. in charge of Administration - Member

iii) An Officer of Agency serving in the Region outside the member regions/ offices on the result of examination restricted to the existing IDCs of the respective regions/ offices who possess the minimum educational qualification of equivalent years of completed service in the Region/RPGC(LA) for the Region outside the member regions/ offices.

As per W

1. In case of Rejection, the case is rejected, instances by direct promotion/deputation/ by promotion, or by promotion or by promotion or by promotion/trans- fer & percentage of the vacancies to be filled by various methods.

2. In case of Rejection, the case is rejected, instances by direct promotion/deputation/ by promotion, or by promotion or by promotion or by promotion/trans- fer & percentage of the vacancies to be filled by various methods.

(22)

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THE SCHEDULE

Name of post	*No. of Posts	Classification	Scale of Pay	Whether Selection non-selection post	Whether benefit of added years of service admissible under rule 30 of the C.C.S(Pension) rules, 1972	Age limit for direct recruits	Educational and other qualifications required for direct recruits
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
UPPER DIVISION CLERKS. (Hrns. and Regional Offices)	7122 (1991)	Group 'C' (Ministerial)	Rs. 1200-30-not 1560-EB-40 -2040	not Applicable	Not Applicable	Not Applicable	Not Applicable

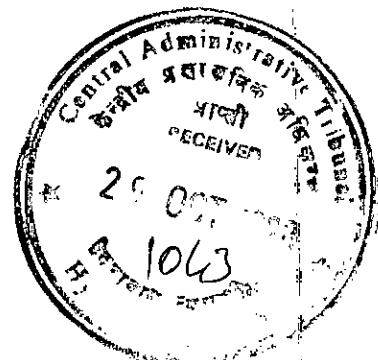
*Subject to variation dependent on workload.

21

HYDERABAD: DISTRICT
Central Administrative tribunal;
Additional Bench
at Hyderabad.

O.A.No.1216 of 1997

MATERIAL PAPERS



Sri Bathula Venkateswara Rao
Counsel for the Respondents
&
Standing Counsel for
Employees Provident Fund.

42

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD

O.A. NO.1216/97

Between:

1. K.Pandaiah
2. P.Sattaiah
3. K.R.Constant
4. M.Venkateswarulu
5. K.Sabitha
6. M.V.Subba Rao
7. K.Suryanarayana
8. M.Amarlinga Swamy
9. G.Venugopal
10. Md.Muzafaruddin

Dt. of Order: 18.9.97.

11. P.Subba Rao
12. M.Vijaya Lakshmi
13. S.S.Lohitha Rani
14. P.Nandi Vardhan
15. R.Mamgamma
16. M.V.Laxmaiah

..Applicants.

And

1. The Central Provident Fund Commissioner, Central Office,
14 HUDCO Visala, Bhikaji Cama Place, New Delhi.
2. The Regional Provident Fund Commissioner, A.P.Region,
Bhavishyanidhi, Barkatpura, Hyderabad.

..Respondents.

Counsel for the Applicants : Mr.N.Rama Mohan Rao

Counsel for the Respondents : Mr.R.N.Reddy

CORAM:

THE HON'BLE SHRI R.RANGARAJAN : MEMBER (A)

THE HON'BLE SHRI B.S.JAI PARAMESHWAR : MEMBER (J)

THE TRIBUNAL MADE THE FOLLOWING ORDER:

Heard Sri N.Ram Mohan Rao for the applicants and Sri R.N.Reddy for the respondents.

2. Admit & Expedite.

3. Any promotion made in the posts from which the applicants are reverted is subject to the outcome of this O.A.

Amrit 1997
DEPUTY REGISTRAR (J)

..2..

Copy to:

1. The Central Provident Fund Commissioner, Central Office,
14 HUDCO Vishala, Bhikaji Cama Place,
New Delhi.
2. The Regional Provident Fund Commissioner, A.P. Region,
Bhavishyanidhi, Barkatpura, Hyderabad.
3. One copy to Mr. N. Rama Mohan Rao, Advocate, CAT, Hyderabad.
4. One copy to Mr. R. N. Reddy, Addl. CGSC, CAT, Hyderabad.
5. One duplicate copy.

YLKR

310
In the CAT, Hyd. Bench
Hyderabad.

The Hon'ble H: Rangarajan M(A)

And

The Hon'ble B.S. Tai Parameshwar

M(G)

DT 18.9.97

OA No 1216/97

Interim order

केन्द्रीय प्रशासनिक अधिकार अधिकार
Central Administrative Tribunal
HYDERABAD BRANCH

22 SEP 1997

हृषीकेश व्यापरी
HYDERABAD BRANCH

OA No. 1216/97

Judgement to be delivered, per Hon'ble Member (Admn. I) is placed below for kind perusal please.

V. Saligyanarayana
P.S.

~~HMA. I~~

17/1/97

~~HMJ~~ ~~For~~
~~12/1/97~~

~~List for
judgement~~

~~17/2~~

47

CENTRAL ADMINISTRATIVE TRIBUNAL,
HYDERABAD BENCH: HYDERABAD

C.A. NO. 1216 CF 1997

DATE OF DECISION: 18/2/99

K. Pandiah & 615 others PETITIONER(S)

SV Ram Mohan Rao ADVOCATE FOR THE
PETITIONER(S)

VERSUS

Central P.C. Commissioner N. Belli & Anr. RESPONDENT(S)

B. Venkateswar Rao ADVOCATE FOR THE
RESPONDENT(S)

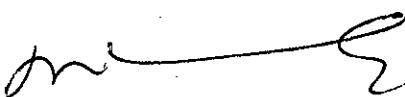
THE HON'BLE Sri R. Rangarajan, Member (A)

THE HON'BLE Sri B.S. Tai Parameshwar, Member (S)

1. Whether Reporters of local papers may be allowed to see the judgement?
2. To be referred to the Reporter ~~or not?~~ - yes -
3. Whether their Lordships wish to see the fair copy of the judgement?
4. Whether the judgement ~~xxx~~ is to be circulated to the other Benches?

JUDGEMENT DELIVERED BY HON'BLE Sri R. Rangarajan, Member (A)


HBSRP
T(S)


HRRN
T(A)

48

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDRABAD

ORIGINAL APPLICATION NO.1216 of 1997

DATE OF ORDER: 18th FEBRUARY, 1999

BETWEEN:

1. K.PANDAIAH,
2. P.SATTAIAH,
3. K.R.CONSTANT,
4. M.VENKATESWARLU,
5. K.SABITHA,
6. M.V.SUBBA RAO,
7. K.SURYANARAYANA,
8. M.AMARLINGA SWAMY,
9. G.VENUGOPAL,
10. Md.MUZZAFARUDDIN,
11. P.SUBBA RAO,
12. M.VIJAYALAXMI,
13. S.S.LOHITHA RANI,
14. P.NANDI VARDHAN,
15. R.MANGAMMA,
16. V.LAXMAIAH.

.. APPLICANTS

AND

1. The Central Provident Fund Commissioner,
Central Office, 14, HUDCO Visala,
Bhikaji Cama Place,
New Delhi - 66,
2. The Regional Provident Fund Commissioner,
A.P.Region, Bhavishyanidhi,
Barkatpura,
Hyderabad 500 029.

.. RESPONDENTS

COUNSEL FOR THE APPLICANTS: Mr.N.RAMA MOHANA RAO

COUNSEL FOR THE RESPONDENTS: Mr.B.VENKATESWARA RAO

CORAM:

HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.)

HON'BLE SHRI B.S.JAI PARAMESHWAR, MEMBER (JUDL.)

JUDGMENT

ORDER (PER HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.))

None on either side. Heard Sri. Siva for Sri. Ram Mohan Rao
today i.e 18.2.99.

2. There are 16 applicants in this OA. All the applicants were recruited directly as LDCs except

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applicants 2 and 3 who were promoted as LDCs against the Departmental Promotion quota of 35% reserved for departmental staff. The applicants 2 and 3 were holding the posts of Electrician and Peon respectively before their promotion as LDC. The applicant No.15 was not recruited through the Employment Exchange but appointed directly on compassionate grounds. All the other applicants except those mentioned above were recruited as LDCs on being sponsored by the employment exchange and having come out successful in the selection. As per the Employees Provident Fund Organisation "Upper Division Clerks Recruitment Rules, 1992, the promotions to the post of UDC are to be effected to the extent of 50% by promotion on the basis of the seniority subject to rejection of unfit and the rest of the 50% also by promotion on the basis of the departmental examination. The minimum educational qualification for both modes of promotion is Matriculation or equivalent and have completed 2 years of service in the cadre." The above 1992 rules are enclosed at page 19 as Annexure to the respondents' reply. The applicants submit that they have completed two years of service in the grade of LDC in the year 1994 as they were appointed in the year 1992.

3. The above recruitment rules were amended by the Notification No.P.IV/14(1)01, dated 22.3.94 enclosed at Page 1 of the reply statement. All the conditions in this notification remain the same as the Revised Recruitment Rules of 1992 but the service eligibility condition is changed to 4 years as LDC for both modes of promotion. That was challenged and the Supreme Court in Civil Appeal

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No.9817/96 dated 15.7.96 (Page 3 to the reply) had reduced it once again to two years on the ground that "prior approval was not obtained for increasing the service eligibility condition and the ex-post facto approval was obtained but in the teeth of the language of the proviso the ex post facto approval is not an approval in the eye of law." Hence the service eligibility condition was once again reduced to 2 years from 4 years.

4. The details of the UDC posts kept reserved for the departmental examination quota are given at page 5 of the reply. It is seen from the details that the departmental examination quota brought forward from 1992 was 63, vacancies from 1.1.93 to 31.12.93 were calculated as 81, vacancies filled from 1.1.93 to 31.12.93 were 17, thus the carry forward vacancies as on 31.12.93 were 127. The vacancies that had occurred thereafter were 9 and the vacancies filled were 25. In the year 1994, the carried forward vacancies were 111 and vacancies occurred were 35 thereby totalling 146 vacancies. No vacancy was filled in that year. Thereafter five vacancies had occurred thereby total number of vacancies assessed as 151. In the year 1996, two vacancies were filled leaving the balance of vacancies to the extent of 149. The vacancies brought forward in 1996 were 149 and two vacancies had occurred in the meantime thereby totalling the number of vacancies to 151. In the year 1997, 104 vacancies were filled thus a balance of 47 vacancies were left as on 1.1.98.

5. The respondents deny the fact that the Steno Typists, Telex Operators and Telephone Operators are ~~not~~

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eligible for promotion as UDC as these posts are not in existence at the time of filing the reply. However, it is not a point for consideration in this OA.

6. The respondents further submit in the reply that the applicants were not eligible for consideration in 1993 as LDCs who had put in the service of two years as on 1.10.93 only are eligible. Further subsequent examinations were conducted in October, 1994, August, 1995, March, 1997 and December, 1997. The eligibility for appearing UDC departmental examination was LDCs with four years of service for the examination held in October, 1994 and August 1995 and two years as LDC for departmental examination held in March 1997 and December, 1997. The applicants thus became ineligible for 1994 and 1995 examination whereas they became eligible for 1997 examination. No candidate was found successful who appeared for the examination held in the year 1994 and August 1995. In the results of the examination held in December 1997, 40 candidates had passed including one Shri K.Pandiah, the 1st applicant herein and the remaining applicants had failed in the examination.

7. In view of the vacancies available in the post of UDCs against the departmental promotion quota, the applicants 1 to 14 were promoted on adhoc basis by the order dated 4.7.97, 15th applicant by the order dated 11.12.96 and 16th applicant by the order dted 21.8.97 clearly indicating therein to the effect that they are liable for reversion as and when LDC candidates qualified in the departmental examination are available. The adhoc promotion orders handed over to the applicants are enclosed



at page 7, 9 and 11 to the reply. In all these promotion orders, the promotions were stated to be purely temporary and those were promoted only temporarily on adhoc basis against the vacancies reserved for the examination quota and that adhoc promotion will not confer on them any right to claim seniority in the event of their promotion to the post of UDC on regular basis and they are also liable for reversion at any time without notice as and when vacancies for the examination qualified quota are filled by the eligible candidates. As the vacancies had come down due to various departmental examinations held, the applicants were reverted as LDC to make way for the qualified candidates by the impugned order dated 28.8.97 (Page 18 to the reply).

8. This OA is filed to set aside the impugned order NO.AP/Adm.II/UDC(Promotion)/Adhoc/1330, dated 28.8.97 whereby the applicants were reverted to the post of LDC from the post of UDC which they were holding on adhoc basis by holding the same as arbitrary, illegal and violative of Articles 14 and 16 of the Constitution of India and for consequential declaration that they are entitled to hold the post of UDC on regular basis with effect from the date of their initial promotion as such with all consequential benefits that flow out of such declaration.

9. An interim order was passed in this OA on 18.9.97 whereby it was directed that "any promotion made in the post from which the applicants are reverted is subject to outcome of this OA".

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10. The applicants at the outset contend that the vacancies earmarked for the examination quota cannot be carried forward as is being done in the case of the posts reserved for SC/ST due to the constitutional provision.

11. No rule or extant instructions of Govt. of India for the above contention has been produced by the applicants. The recruitment rule also does not prohibit the respondents to carry forward the unfilled vacancies. The Department of Personnel and Training in the quota rota rule notification of 1959 which was amended on 7.2.86 had ~~not~~ permitted for carry forward ~~vacancies~~ earmarked for direct recruits and also for promotional quota, if the same cannot be filled during the relevant year. Because of the carry forward of the vacancies, a number of seniority disputes had arisen which are being adjudicated every now and then. In the present case, there is no rota rule. But there is quota for seniority-cum-merit promotion and the promotion on the basis of the examination on passing of the examination. The present case of promotion is similar to the promotion under the quota rota rule except that there is no rota rule. Comparison with the above rule leads us to decide that the carry forward of the vacancies under the examination quota is in no way prohibited and also do not prejudice the case of the applicants. The applicants are not prohibited to sit for the examination at any time either initially or at the carry forward stage if they fulfil the requisite conditions for appearing for the examination. Hence this contention of the applicants has no basis and hence has to be rejected.





12. The other main contentions of the applicants in this OA are as follows:-

(i) The Recruitment Rules cannot be interpreted as to provide separate quota for promotion by seniority-cum-merit and seniority-cum-suitability as on the basis of the qualifying examination, promotion is to the same cadre of UDC. However, the applicants accept that the system of examination quota has been introduced by the respondents only with a view to provide an opportunity to the juniors to compete and get accelerated promotion. The main purpose behind such rule was to encourage and strengthen the cadre by young and meritorious persons. Inspite of that they submit that the rule cannot be interpreted as to provide separate quota for promotion;

(ii) The applicants were reverted on the premise that they are holding the post meant for the examination quota and that the reversion cannot be sustained for the same reason that there is no provision for carry forward vacancies meant for the examination quota. In the absence of specific provision providing for carry forward vacancies in respect of any quota the respondents cannot carry forward the vacancies if the vacancies are filled up by senior eligible employees. The carry forward of vacancies is available only to constitutional reservations like that of Scheduled Castes and Scheduled Tribes and no other case it can be carried forward; and

(iii) None had qualified in the examination conducted in the year 1994-95 and 1995-96. Hence those

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vacancies ought to have been filled by the available senior LDCs subject to rejection of unfit. The applicants had been rightly promoted against those vacancies as they were found fit. In view of the fact that there cannot be two quotas for the promotion to the same post of UDCs, seniors who were eligible to hold the post ought to have been promoted regularly and promotions of the applicants who were senior and eligible on adhoc basis against the examination quota itself is not in accordance with the rules and hence they are not liable to be reverted.

13. The first contention of the applicants in this OA is that the promotion is to the post of UDC and hence two modes of selection for filling up the post one by seniority-cum-suitability and the other through the examination from the lower category of LDC is not in order. If there are no fit employees for promotion against the LDCE quota then those senior most suitable person should be promoted and their promotion should be deemed to be regular and not adhoc. Hence their reversion itself is arbitrary.

14. The applicants themselves admit that 50% promotion quota through the examination is to encourage the juniors to compete and to get accelerated promotion and this is to further strengthen the opportunities to the meritorious persons. If that be the case, the question of promotion of seniors on the basis of seniority-cum-suitability does not arise in the vacancies earmarked for examination quota. If the examination quota is also filled by seniority-cum-merit basis, the cadre cannot be strengthened by young meritorious persons. Thus filling up

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the LDCE quota on the basis of seniority-cum-suitability will only defeat the purpose of recruitment rule. In almost all the Departments, filling up the post in the higher grade through LDCE is a common feature. The department in which the applicants are working is no exception to that rule. Hence when the recruitment rule stipulates that 50% vacancies in the UDCs have to be filled by meritorious candidates on the basis of the examination, such stipulation cannot be treated as arbitrary or illegal. Those vacancies can be filled only as per the recruitment rule. If enough number of candidates are not available to fill up the LDCE quota, in order to tide over the exigencies of service due to vacancy position adhoc promotions can be resorted to. But such adhoc promotions will not give any right to the adhoc promotees for regular promotion and also right to continue them without reversion when the qualified candidates on the basis of the examination are made available subsequently.

15. In view of what is stated above, the applicants cannot claim regular absorption as UDC from the date of their adhoc promotion nor they can agitate against their reversion when suitable candidates qualified in the examination are available. In view of what is stated above, the impugned reversion order dated 28.8.97 which is challenged in this OA is not tenable.

16. It is seen from the reply that all the applicants had appeared for the competitive examination but were found to be unsuccessful in the examination. After having submitted themselves to the examination and declared

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unsuccessful in the examination, they cannot question the system of the examination. If at all they are aggrieved in the holding of the examination they should have challenged that examination itself without appearing. Even if they want to appear for the examination they should obtain necessary orders from this Tribunal by filing OA challenging the examination and appear for the examination subject to the outcome in the OA. But such course of action was also not taken by the applicants herein. The Apex Court repeatedly observes that unsuccessful candidates cannot question the result of the examination and their reversion after posting of the successful candidates if they had submitted to the examination without murmur. That observation will hold good squarely in this case. The applicants having been found unsuccessful in the examination cannot question the conduct of the examination and also have no right to question the reversion when the successful candidates were posted vice them.

17. The adhoc promotion orders issued to the applicants clearly stipulates that they are liable for reversion at any time without notice as and when vacancies against the examination qualified quota are filled by the eligible candidates. If they are aggrieved by this stipulation then they should have challenged that particular stipulation and get it deleted when they were posted as adhoc promotees to the post of UDC. The applicants did not take that course of action also. Hence challenging the reversion order now is unwarranted. When such a stipulation is already there in the adhoc promotion order they have to obey that order without any reservation.

18. The applicants may now contend that the service eligibility condition of 4 years for appearing for

DR *DR*

examination quota had been struck down by the Apex Court and hence they should be allowed to sit for the examination held in the year 1994 and 1995 by conducting a review selection for them for that year and if are found successful, then they should be deemed to have been promoted against those vacancies occurred in the years for which examination was conducted in the years 1994 and 1995.

19. The above contention though not found in the OA is presumed so that the whole issue can be solved without repeatedly approaching the Tribunal. The above view can be upheld if they have not written the examination held in the year 1997 or had passed the subsequent examination in the first attempt if they had appeared for the subsequent examination in later years. "The pre-dated promotion is permissible only if an employee passess the examination held subsequently in the first attempt" is the considered view of this Tribunal in a number of earlier cases. In the present case the applicants, except the applicant NO.1, had failed in the examination held in the year 1997 which is the subsequent examination after 1994 and 1995 when they were eligible for appearing for the examination due to striking down of the amended recruitment rule by the Apex Court. Hence this presumption also will not come to the rescue of the applicants except applicant No.1.

20. The applicants as stated above cannot ask for regularisation of their services. In this present case there is only a quota rule and no rota rule. Hence the seniority of the selected candidates to the post of UDC either on the basis of seniority-cum-merit or on the basis of the examination had to be decided on the basis of the

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existing rules. The only question that may arise is as to how, the seniority of those promoted against the examination quota for the vacancies that had arisen year after year which were not filled earlier has to be fixed. The seniority position though not a point for consideration in this OA, the respondents are cautioned to avoid any seniority disputes later. The respondents have to fix the seniority in accordance with law so as to avoid any dispute later. This observation is also necessary in view of the fact that the first applicant had passed the examination held in the year 1997 in the first attempt.

21. The above view of ours is also strengthened by the observation of the Apex Court in the reported case 1999(1) SCC 278 (U.P.Secretariat U.D.A.Association v. State of U.P), wherein it is observed that "it is not in dispute that appointments have been made in officiating capacity against the vacancies reserved for direct recruitment though no recruitment had taken place. They are not according to the rules and within the quota. Direct recruitment is to be treated from the date on which a candidate actually joined the service, though vacancies did exist prior to that. As a consequence, the promotees are also required to be fitted into the service from the date when they are entitled to fitment in accordance with the quota and rota prescribed under the rules."

22. From the above citation, it is clear that the recruitment rule is sacred. No deviation from the rule is permissible. If some one is promoted in contravention of the recruitment rules, the same has to be treated as not in

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tune with the recruitment rules. Such a posting cannot give him any right for continuing in that promoted post regularly. Employees posted as per the recruitment rules even if delayed or posted later after following the rules by carrying forward the unfilled vacancies, is to be treated as being posted regularly. If that posting requires reversion of the adhoc appointees posted against ^{that} quota, is an inevitable incidence and such reversion cannot be challenged.

23.. In view of the foregoing, we find no merit in this OA and the OA is liable only to be dismissed and accordingly it is dismissed. No order as to costs.


(B.S.JAI PARAMESHWAR)

MEMBER (JUDL)

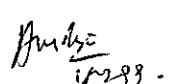
18/2/99


(R.RANGARAJAN)

MEMBER (ADMN.)

DATED : 18th February, 1999

vsn


18/2/99

Copy to:

1. HDHNO
2. HHRP (A)
3. HSSP (J)
4. D.R. (A)
5. SPARE

Copy to 5th AVS Rayli

1-3-99
1st and IIInd Court.
Typed By
Compared by

Checked by
Approved by

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: HYDERABAD.

THE HON'BLE MR. JUSTICE D.H. NASIR:
VICE CHAIRMAN

THE HON'BLE H. RAJENDRA PRASAD:
MEMBER (A)

THE HON'BLE R. RANGARAJAN:
MEMBER (A)

THE HON'BLE MR. B.S. JAI PARAMESHWAR:
MEMBER (J)

DATED:

18/2/99

ORDER/JUDGMENT

M.A./R.A/C.P.NO.

IN

D.A.NO.: 1216/97

ADMITTED AND INTERIM DIRECTIONS
ISSUED.

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO C:STS

(H/cons)

केन्द्रीय प्रशासनिक अधिकार अधिकार Central Administrative Tribunal प्रेषण / DESPATCH
25 FEB 1999
हैदराबाद भाष्यकारी HYDERABAD BENCH

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ADDL.BENCH AT HYDERABAD

M.A. NO.

882 OF 1997

in

O.A.SR NO.

22892 OF 1997

Between:

K.Pandaiah and others .. Applicants
and

1. The Central Provident Fund Commissioner
Central Office 14 HUDCO Visala,
Bhikaji Cama place, New Delhi
and another .. Respondents

..

AFFIDAVIT OF THE 1ST APPLICANT

I, K. Pandaiah S/o K.Narayana aged 32 years
working in 2nd respondent office R/o Hyderabad do
hereby solemnly and sincerely affirm and state on oath
as follows:-

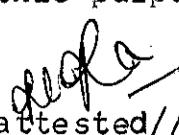
1st
1. I am the ~~2nd~~ applicant herein and also in the
main O.A. and as such I am well acquainted with the
facts of the case. I am deposing this affidavit on
my behalf and also ~~on~~ behalf of the other applicants
as I have been authorised by them to do so.

2. I and all other applicants are working in 2nd
respondent office ie Regional Provident Office, A.P.
Region, Barkatpura, Hyderabad. We are holding the posts
of UDCs at present but reverted through proceedings
dt. 28.8.97 of the 2nd respondent, aggrieved by which
I and other applicants filed the O.A.

3. All the Applicants have a common cause of action
~~15us~~
~~that~~ they may be permitted to file one common O.A. instead
of separate O.As. The Applicants have paid individual
court fee for this purpose.

1st page

corrections //attested//


K. Pandaiah
DEPONENT

:2:

Hence it is prayed that this Hon'ble ~~xxx~~
Tribunal in the interest of justice be pleased to
permit the Applicants to file single Original Application
and pass such other order or orders deemed fit and
proper in the circumstances of the case.

Sworn and signed before me
at Hyderabad on this
4th day of Sept., 1997

K. J. Firdaus
DEPONENT

BEFOR ME:

PCP RA
ADVOCATE: HYDERABAD

2nd & last page
corrections

(P. Chanchmal Rao)

Reg! - Seeking permission to
file single OA application

HYDERABAD DIST.

CENTRAL ADMN. TRIBUNAL AT HYD

MA OF 1997

in

OA Sr OF 1997



MISC. APPLICATION

Received copy
Robby
R.N. Gleddy
R.N. P.F.
R.C. FO
S.C.

M/s Nooty Ramamohanarao,
Mr. Shiva, Subbarao &
Abhinand
Counsel for petitioner

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4(5)(a)

Application filed U/R ~~8/8~~ of the Admn.Tribunal's Act, 1985

M.A.No. 882 of 1997
in
O.A.Sr.No. 2892 of 1997

Between:-

1. K.Pandaiah, S/o. K.Narayana, 32 years,
2. P.Sattaiah, S/o. P.Balaiah, 34 years.
3. K.R.Constant, S/o. K.Charless, 27 years.
4. M.Venkateswarlu, S/o. M.Govindaswamy, 29 years.
5. K.Sabitha, D/o. J.Rangaiah, 29 years.
6. M.V.Subbarao (Ex-Ser.) S/o. Venkatramaiah, 52 years.
7. K.Suryanarayana, S/o. K.Satyanarayana, 33 years.
8. M.Amarlinga Swamy, S/o. M.Venkateswarlu, 28 years.
9. G.Venugopal, S/o. G.Ramulu, 31 years.
10. Md.Muzzafaruddin, S/o. Md.Mazharuddin, 30 years.
11. P.Subba Rao, (Ex-Ser.), S/o. Raghavacharyulu, 51 years.
12. M.Vijayalaxmi, D/o.M.Krishnaiah, 27 years.
13. S.S.Lohitha Rani, D/o. Satyanarayana, 30 years.
14. P.Naddix Vardhan, S/o. Pandaraiah, 31 years.
15. R.Mangamma, D/o. R.Balaiah, 23 years.
16. V.Laxmaiah, Ex-Ser., S/o. V.Balaiah, 46 years,
(All are working as UDCs in 2nd respondent's
Office, R/o. Hyderabad).

AND

1. The Central Provident Fund Commissioner,
Central Office, 14 HUDCO Visala,
Bhikaji Complex, New Delhi-66.
2. The Regional Provident Fund Commissioner
A.P.Region, Bhavishyanidhi, Barkatpura,
Hyderabad-500 029.

For the reasons and in the circumstances stated, in the accompanying affidavit, the Applicants herein pray that this Hon'ble Tribunal may be pleased to permit the Applicants to file single Original Application, and pass such other and further order or orders as are deemed fit and proper in the circumstances of the case.

Hyderabad,

Dated: 7.9.1997.

Counsel for the Applicants.

MA882/97 in OAS 2892/97

ORIGINAL

12-9-97

Heard Sri N. Rama Mohan Rao
for the applicants and Sri
R. N. Reddy for the respon-
dents.

2. MA is not opposed. Under
the circumstances referred
to, the MA is allowed as prayed
for. Register the OA if it is
otherwise in order and list
it for admission on 15-9-97.

HBSP
M(S)

HRAN
M(H)

M.A. NO. 882 OF 1997.
IN

O.A. NO. 2892 OF 1997

Single OA Petition

Mr. N. Rama Mohan Rao
COUNSEL FOR THE APPLICANTS.

AND
Mr. R. N. Reddy
Sr. ADDL. STANDING COUNSEL FOR
C.G. Rlys.