

CFR NO. 21 (Sec. Rule 114)
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH. HYDERABAD.

O.A. No. 1216 / 199.7

K. Paudyal 15th Applicant(s)

Versus

The Commissioner C.F., New Delhi 4th Quater Respondent(s)

INDEX SHEET

Sl.No	Description of documents & Date	Pages.
1.	Docket orders.	182
2.	Interim Orders 18-9-97	438
33	Orders in M.A (s)	22 to 42
4.	Reply Statement. 29-10-98	47 to 66
5.	Rejoinder	
6.	Orders in (final Orders) 18-2-99	

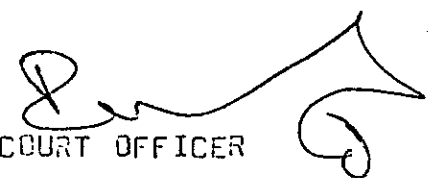
3/3/99
Signature of Dealing Head
in Record Section.

Signature of S.O.

C.A.V. SLIP

1. Circulated to Hon'ble Sri *E. Rangarajan MCA*
2. Case No. *OA-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 : *2/2/97*


COURT OFFICER

OA 1216/97²

Date	Office Note	Orders.
5-5-98	None present Call on 9-6-98 for memo and Reply <i>MDR</i> D.R.	5/2/99 None on either side. Judgment reserved.
9/6/98	None for the Appli- cant: mr R.N. Ready, S.C. for P.R. Proposed to file vakalat on <i>DW</i> behalf of R-1 & R-2 He seeks time for filing reply. Call on 14/7/98 for Reply. <i>MDR</i> Dy. Regr.	18/2/99 The OA is dismissed vide order on separate sheets. <i>MDR</i> HSSP MLD HSSP MLD
14-7-98	None present Call on 11-8-98 for memo & reply. <i>MDR</i> D.R.	<i>DW</i>
11/8/98	None present. Include it in the ready list 2/997. <i>MDR</i> Dy. Regr.	

Centre: 1 Administrative Tribunal Hyderabad Bench; Hyderabad.

C.A. No. 1216 of 1997.

K. Pandarab and 15 others Applicant(s).

V.F.R.B.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

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

2. Admt. Expedite.

3. Any promotion made
~~against~~ the posts from which
the applicants are reverted is
subject to the outcome of
this OA.

Admt/Noted

By
22/9/97

Issued
29/9/97

3/3/98

Before Dy. Regr.

None present. Notice
served on R2. R1
not yet returned served
but deemed to have
been served. Call on
7/4/98 for memo and
reply.

Jr
HRS SP
M(S)

HARN
M(S)

18/4/98

At the request of the Applicants
Council, list it on 4/1/99.
No further adjournment will
be given.

DSN

M. N.
Dy. Regr.

16/4/98

None present.
Call on 5/5/98 for
memo and reply

HRS SP
M(S)

HARN
M(S)

DSN

M. N.
Dy. Regr.

DSN

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH : HYDERABAD

ORIGINAL APPLICATION NO. 1216 OF 1997.

K. Pandarab and others

(Applicants(s))

VERSUS.

Union of India, Repd. by.

The central Provident fund Commission

Central office, Bhikaiji Cama Palace, N. Delhi
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 9-97

As 10/9/97
Scrutiny Asst.

Prithvi
DEPUTY REGISTRAR (JUDL)

11. Have legible copies of the annexure duly attested been filed. yes
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 envelopes (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. -
18. Whether this cause be heard by single Bench. -
19. Any other points. -
20. Result of the Scrutiny with initial of the scrutiny clerk. May be filed

cy 10/1/97
Scrutiny Assistant.

Section Officer.

Deputy Registrar.

Registrar.

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH: HYDERABAD.

Case No. 2892/99

Report in the Scrutiny of Application.

Presented by Mr. N. Ramesh Mohan Rao Date of Presentation.

Applicant(s) K. Pandarabai 15 Ors.

Respondent(s) The Central PF Commissioner, N. Delhi and Ors.

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/DD, for Rs.50/- Yes
10. Has the impugned orders original, duly attested legible
copy been filed. Yes

P.T.O.,

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH: HYDERABAD

I N D E X S E E T

O.A. NO. 1216 of 1997.

CAUSE TITLE K. Pandarish and 15 others

V L A S U S

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

SL.NO.	Description of Documents	Page No.
1.	Original Application	1 to 9
2.	Material Papers	10 to 15
3.	Vakalat	1.
4.	Objection Sheet	—
5.	Spere Copies 2 (Two)	
6.	Covers 2 A	

7. Reply statement filed by M.
B. Venkatesh were Recd on 29/10/98.

Regl - To set aside the impugned order dt 28.8.97 reverting the applicants to the post of LDCs from the post of UDCs. 4

Bench case

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

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

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.

Counsel for the Applicant.



Received
R.N. Reddy
S.C. for P.F.

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 HUBCO Visala,

Bhikaji Cama Place, New Delhi-66, and another... Respondents

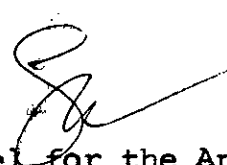
Material Papers: Index

...

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Annexure-2.	Letter, Dt. 4.7.1996.	12
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

6

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
Venkatramaiah ,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.Vijaya Lakshmi 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

: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.C.
(All are working in 2nd respondent's office)
R/o Hyderabad
- .. 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 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 Shavili & 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 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} ~~Matric~~ 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} ~~are~~ 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} ~~applicable~~ 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

:5:

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 ^{which was} supposed to have been ~~to have been~~ 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 an 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, they ^{applicants other than} ~~they~~ 5, 8, 12 & 14 have not taken the examination. ~~except applicants Nos 5, 8, 12 & 14~~

E) The Applicants submit that the respondents have issued the impugned proceedings reverting the applicants as LDCs with effect from ~~2x2x8~~ 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~~ 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~~ ^{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 ~~respondents~~

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 hold the posts of UDCs on a ^{regular} ~~ad hoc~~ 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 ⁱⁿ 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.

11. PARTICULARS OF THE ~~POSTAL ORDER~~ ^{D.D.}

- ^{D.D. NO. 02/964}
 1. ~~Name of the post office:~~
 2. ~~Postal order number:~~ ^{D.D. Date: - 9/9/97}
~~Date:~~ ^{Bank: - S.H. Eaten counter,}
^{High Court}

12. ENCLOSURES: Vakalat, Annexures, Covers and
 Ack.

^{Rs. 800/- 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. PANDIAH
^{P. Sattaiah}
 2) P. SATTIAH
^{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.

Chinnu Kinga Swami
8) N. ANARLI ~~ASWAMY~~

G. Venugopal
9) G. VENUGOPAL

M. M. M. M. M.
10) MD. MUZZAFARUDDIN

P. Subba Rao
11) P. SUBBA RAO

M. Vijaya Laxmi
12) M. VIJAYA LAXMI

S. S. Lohitha Rani
13) S. S. LOHITHA RANI

P. Nandi Vardhan
14) P. NANDI VARDHAN

R. Mangamma
15) R. MANGAMMA

V. Laxmaiah
16) V. LAXMAIAH

S. M.
Consent for the Applicants

A-1 -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 Provident Fund Commissioner Lr.No.P.IV/14(1)81,
Dated: 8-4-94 alongwith Notification Dt. 22.3.94, regarding
Amendement 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
(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/~~Cuddapah~~Cuddapah/Waran-
gal/Nizamabad.
5. All P.R.Inspectorates.
6. NOTICE BOARD.

Employees Provident Fund Organisation, Central Office
9th Floor, Mayur Bhavan, Cannught 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 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 along with 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

N O T I F I C A T I O N

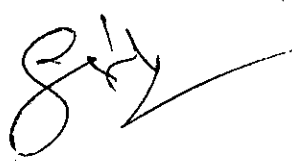
No.P.IV(14(1)81: In exercise of the powers conferred by Sub-Section 7(a) of Section 5(D) of the Employees' Provident Fund & Misc.Provisions Act, 1952 (19 of 1952), the Central Board hereby makes the following amendment to the Employees' Provident Fund Organisation Upper Division Clerks Recruitment Rules,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



A-2 12

Office of the Regional Provident Fund Commissioner
Andhra Pradesh: Barkatpura: Hyderabad-27.

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	Hyderabad
11.	N.Ravinder	Neither	Nizamabad
12.	K.Suryanarayana	PH	Hyderabad
13.	T.Nalininandan Singh	Neither	Hyderabad
14.	M.Amaralinga Swamy	Neither	Hyderabad
15.	B.Uma Rani.	PH	Hyderabad
16.	B.Sateesh	Neither	Nizamabad
17.	G.Venugopal	PH	Hyderabad
18.	Mohd. Muzafarrudin	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-Postponment-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 -/H-20

Employees Provident Fund Organisation: Central Office
14, Vishala, Bhikaaji 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- 24

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.

.....

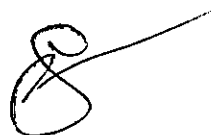
The following 27 officials who are working as UDC (Adhoc) basis against examination quota basis are reverted to the post of LDC with effect from 28.8.97.

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.Tribikrama 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. Muzzafaruddin	Hyderabad
15.	P.Subba Rao.	Hyderabad
16.	M.Vijayalakshmi	Hyderabad
17.	S.S.Lohitha Rani.	Hyderabad
18.	P.Nandivadhani	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 ~~LDC~~ LDC.

Sd/- 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 of 1987

Between:

K. Mandalaiah and others

--Petitioners

and

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 O.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.

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. 22.3.1984 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.P.F. 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 SLR(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 ^{Cases} 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

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. Pandaiyah, 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 adhoc 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 ear-marked

3rd page

Corrections.

Deponent.

25

-2-

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 O.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 O.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 through 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 O.A.Nos. passed on 31.10.97 by this Hon'ble Tribunal in O.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 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.

Deponent.

-6-

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.

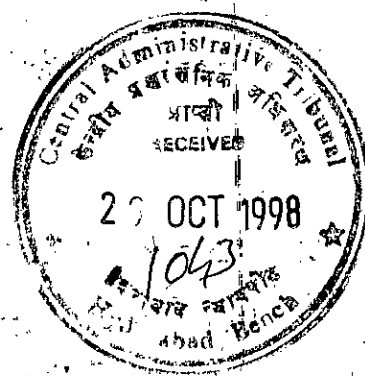
Deponent.

① Memo of Am. to be filed

29/10/98

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

[Handwritten signature]

23/10/98

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

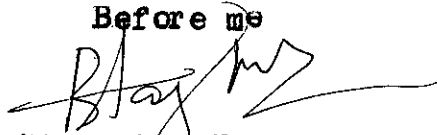
May be filed
29/10/98

In fact as per Central Provident 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.


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

N O T I F I C A T I O N

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 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 Hqs., 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 Hqs., as the case may be, on the result of departmental examination restricted to the Lower Division Clerks of the respective Regions of the Hqs., 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 TRUSTEES,
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 Lr.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.

(A. ANANTHAKSHMI)

ASSISTANT P.F. 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/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)

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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.PATTANAIK)

NEW DELHI:
JULY 15, 1996.

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 9817 OF 1994
(Arising out of SLP (C) No. 9374/90)

Union of India & Ors.

... Appellants

Vs.

Vinod Kumar & Ors.

... Respondents

O R D 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/-

P.A. 916
9/16
10/14

EMPLOYEES' PROVIDENT FUND ORGANISATION,
(CENTRAL OFFICE)
HIDCO VISHALA, BHIKAJI CHAWA PLACE,
NEW DELHI-110 006.

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

§ 14(1)

Date: 23/10/96
29 OCT 1996

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 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,

—(P)

(A.V. PADMANABHAN)

REGIONAL PROVIDENT FUND COMMISSIOER (R.F.)
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.A.T.R.S.S.

(5) All Z.T.Is.

(6) All Zonal Audit Officers.

(SATISH CHANDR.)

ASSISTANT PROVIDENT FUND COMMISSIONER
for CENTRAL PROVIDENT FUND COMMISSIONER.

P.A. (REMA)
916
1994

EMPLOYEES' PROVIDENT FUND ORGANISATION,
(CENTRAL OFFICE)
HUDCO VISHALA, BHIKARI CANAL FULCE,
NEW DELHI-110 002.

62

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

Dated 23/10/96
28 OCT 1996

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 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,

(A.V. PADMANABHAN)

REGIONAL PROVIDENT FUND COMMISSIONER (R.F.)
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.A.T.R.S.S.
- (5) All Z.T.Is.
- (6) All Zonal Audit Officers.

(SATISH CHANDR.)
ASSISTANT PROVIDENT FUND COMMISSIONER
for CENTRAL PROVIDENT FUND COMMISSIONER.

8

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)

(S.V.S. RAGHUPATHI RAO)
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/Jarugumthi..... 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.

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

(K.S. ARYA) 14/7/76
REGIONAL P.F. COMMISSIONER (ADM)
REGIONAL OFFICE : HYDERABAD A.P

14/7

No. AF/Adm. II/UDC(Adhoc)/Prom./90/

DATE: 04-01-1991

ORDER NO. 107/90

Sub: Promotion to the post of Upper Division Clerk on purely adhoc basis - regarding.

The following 24 Lower Division Clerks/Data Entry Operators are promoted to the post of Upper Division Clerk in the Scale of pay of Rs. 1200-30-1550-1800-2050 on purely temporary and adhoc basis for a short period against the vacancies reserved for examination table with effect from the date of assumption of charge at their present place of working.

Sl. No.	Name Smt/Shri/Kum/	Whether SC/ST/PI	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. Sathaiiah	"	Hyderabad
6.	M.V. Trivikrama Rao	PI	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	PI	Hyderabad
13.	T. Nalininandan Singh	Neither	Hyderabad
14.	M. Amaralinga Swamy	"	Hyderabad
15.	B. Uma Rani	PI	Hyderabad
16.	B. Sateesh	Neither	Nizamabad
17.	G. Venugopal	PI	Hyderabad
18.	Mohd. Mazafarrudin	Neither	Hyderabad
19.	P. Shiva Durga	"	Hyderabad
20.	P. Subba Rao	"	Hyderabad
21.	K. Ramachary	"	Hyderabad
22.	M. Vijayalaxmi	PI	Hyderabad
23.	S.S. Lohita Rani	SC	Hyderabad
24.	P. Nandivardhan	Neither	Hyderabad

Contd...2.

10

"2"

4. They are liable for transfer to sub-regional office/ regional office as per administrative requirements.

(Hindi version follows)

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

To,
The individuals
concerned.
(Through SROs concerned)

Copy to:

1. OIC, SRO, Vizag. - With a request to forward copy of assumption of charge in r/o the above officials as BDC. He should also ensure that the officials are on duty and no vigilance cases are pending and penalties if any have ended.
2. Adml. CPFC(SZ)/DD.Vlg(SZ)/RC's Sects.
3. SROs at Nizamabad, Cuddapah, Wanaparthy, for circulation.
4. All Inspectors/Gen. Secy/Unit Secy. of EPSSU, Hyd.
5. SC-ST Staff Association/Notice Board.
6. Pay bills/PAC/SR/Pay fixation/SC/ST Seat/Leave Sect.
7. Hqs of Adm. Sections/Vlg/Branch Office, Cash Section.

(K.P. BABUKUTTY)
REGIONAL P.F. COMMISSIONER (ADM)

11/12/96

(161) (9) 34

EPF ORGANISATION : REGIONAL OFFICE
ANDHRA PRADESH : BARKATPURA : HYDERABAD - 500077.

No.AP/Adm.II/UDC(Prom)/Adhoc/96/1371.

DE./11-12-96.

O R D E R NO. 214 / 1996

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

The following 8 (eight) LDCs/DEOs are promoted to the post of Upper Division Clerks in the scale of pay of Rs.1200-30-1560-40-10-2040 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	Wheth- or SC/ST 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. Sujil, 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 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 EPF Organisation from time to time.

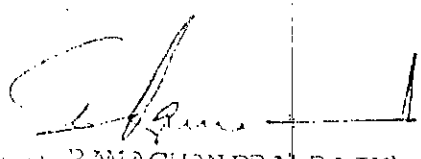
P.T.O.

12

- 2 -

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

(Hindi version follows)


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

To :
The Individuals concerned
(Through SRO -concerned)

Copy to

Wvt Lt AD/VP/Adm/52/PE/22/3366-17792.

1. OIC SRO, Vizag, with a request to forward copy of assumption of charge in r/o the above officials as UDC. He should also ensure that the official is on duty and no vigilance cases pending and petabilities if any have ended.
2. Addl CEE(S2)/DD. Vig(S2)/RC's Sectt
3. SROs at : Nizambad, Cuddapah, Warangal, Guntur - for circulation
4. All Inspectorates/Gen Secy Unit Secy of EPFSU, Hyd
5. SC-ST Staff Association/Notice Board.
6. Pw bills/PAC/SR/Pay fixation/AC/PT/leave Sectt.
7. HCs of Adm. Sections/Vig/Branch Officer Cash Section.

EMPLOYEES PROGRESS BOARD
ANDHRA PRADESH BARKHUR

NO. AP/Adm.II/UDC (Prom) /Adhoc/02/VK

ORDER No. 10-11/1997

Sub Promotion to the post of UDC on purely adhoc basis - 02

* * *

The following 2 (Two) LDCs are promoted to the post of Upper Division Clerks in the scale of pay of RS 1200-30-1560-FB-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/Sri	Whether Present Place of posting on working promotion	
		SC/ST PH	Place of posting on working promotion
1.	M.N.M Deveswar		SRO-VSP
2.	V. Laxmaiah	Exam PH	SRO - VSP 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 APF examination from time to time

and on...../-

500 227

20.8.1997

No. 12/100-11/1997 dt. 22.8.97

10/8/1997

With immediate effect promotion to the post of UDC under Examination - Reg.

Ref: C. P.C.'s Memo. 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 10 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 regul basis.
1.	2.	3.	4.
1.	M. Durga Prasad, LDC	NZB	NZB
2.	G. Ram Mohan, LDC	HYD	HYD
3.	K. V. S. N. Varahala, LDC	VSP	VSP
4.	K. Ramachari, LDC (A Hoc)	HYD	HYD
5.	T. Sreedhar, LDC	NZB	NZB
6.	B. Brindha Singh, LDC	NZB	NZB
7.	H. Prasad, LDC/DEO	GNT	GNT
8.	K. K. Bhaskar Yadav, LDC	GNT	GNT
9.	M. Raja Lakshmi, LDC	GNT	GNT
10.	V. S. Ramakrishna, LDC	VSP	VSP
11.	A. Vijayalakshmi, LDC	VSP	VSP
12.	R. Suresh, LDC/DEO	NZB	NZB
13.	A. V. Sathyenarayana, LDC	NZB	NZB
14.	R. Ravikumar, LDC	HYD	HYD
15.	M. Noor Shaid, LDC/DEO	NZB	NZB
16.	P. M. V. S. Sanyanarayana, LDC	GNT	GNT
17.	S. Choolakeshwar, LDC (A Hoc) UDC	HYD	HYD
18.	M. Narinayana, LDC/DEO	GNT	GNT
19.	T. Nalini Devi Singh UDC (A Hoc)	HYD	HYD
20.	M. Gopalakrishna, UDC (A Hoc) VSP	VSP	VSP

102.	S. Dattatraya Kumar (SC) LDC	VSP	VSP
101.	A.M. Pothuachari (SC)	HXD	HXD
100.	P. Srinivas Rao, LDC	HXD	HXD
99.	K. Koyasagar, LDC	HXD	HXD
98.	K. Suresh Babu, LDC	HXD	HXD
97.	D. Gopal Rao, LDC (SC)	VSP	VSP
96.	M.M.V. Srinivas Rao, LDC	GNT	GNT
95.	S.V. Srinivas Rao, LDC	HXD	HXD
94.	K. Srinivas Rao, LDC	HXD	HXD
93.	D. Mohan Rao, LDC (SC)	HXD	HXD
92.	S.V. Srinivas Rao, LDC	GNT	GNT
91.	D. Srinivas Rao, LDC (SC)	GNT	GNT
90.	S.V. Srinivas Rao, LDC	HXD	HXD
89.	M. Srinivas Rao, LDC	HXD	HXD
88.	D. Srinivas Rao, LDC (SC)	HXD	HXD
87.	S. Srinivas Rao, LDC/DEO	VSP	VSP
86.	T. Sreenivas Rao, LDC	VSP	VSP
85.	S. Srinivas Rao, LDC	HXD	HXD
84.	M. Srinivas Rao, LDC/DEO	VSP	VSP
83.	K. Srinivas Rao, LDC (SC)	HXD	HXD
82.	G. Srinivas Rao, LDC	HXD	HXD
81.	K.R. Srinivas Rao, LDC	GNT	GNT
80.	A. Srinivas Rao, LDC	HXD	HXD
79.	D. Srinivas Rao, LDC	VSP	VSP
78.	Ch. Srinivas Rao, LDC	VSP	VSP
77.	U. Srinivas Rao, LDC (SC)	VSP	VSP
76.	Usha Rao, LDC/DEO	HXD	HXD
75.	N.M.V. Srinivas Rao, LDC	VSP	VSP
74.	G.V.N.L. Rao, LDC	VSP	VSP
73.	P. Srinivas Rao, LDC	HXD	HXD
72.	K.V. Srinivas Rao, LDC (SC)	VSP	VSP
71.	G. Srinivas Rao, LDC	VSP	VSP
70.	B.K. Srinivas Rao, LDC/DEO	HXD	HXD
69.	S. Srinivas Rao, LDC	VSP	VSP
68.	P.L.S. Srinivas Rao, LDC	GNT	GNT
67.	S.V. Srinivas Rao, LDC (SC)	VSP	VSP
66.	S. Srinivas Rao, LDC	GNT	GNT
65.	K. Srinivas Rao, LDC	HXD	HXD
64.	S. Srinivas Rao, LDC	HXD	HXD
63.	B. Srinivas Rao, LDC	HXD	HXD
62.	K. Srinivas Rao, LDC	HXD	HXD

21.	Sk. Shabir Ali, UDC/DEO	ND	HYD
22.	R.D. Dharmajaya, UDC/DEO	ND	HYD
23.	D.V.S.S. Choudhary, UDC	VSP	VSP
24.	Sk. Hassan Ali, UDC (Jharkhand)	NZB	NZB
25.	K. Muralidhar, LDC	ND	ND
26.	Khaaja Lal Choudhary, UDC (Jharkhand)	ND	ND
27.	K.V. Sheshadri, UDC/DEO	NZB	NZB
28.	B. Chakrabarty, UDC	NZB	NZB
29.	F. Srinivasa Raju, LDC	HYD	HYD
30.	V. Rajani, UDC (Jharkhand)	HYD	HYD
31.	Poornima Jagadeesh, LDC/DEO	ND	HYD
32.	Srinivas Reddy, LDC/DEO	VSP	VSP
33.	G. Vittorha, UDC/DEO	ND	VSP
34.	B. Srinivas Reddy, UDC	VSP	VSP
35.	M.R. Reddy, UDC	VSP	VSP
36.	R. Reddy, UDC (Jharkhand)	ND	VSP
37.	Sk. Shabir Ali, UDC	ND	HYD
38.	P. Ramakrishna, UDC	VSP	GNT
39.	P. Reddy, UDC	VSP	VSP
40.	M. Reddy, UDC	VSP	VSP
41.	M. Nand, UDC (Jharkhand)	ND	GNT
42.	B. Srinivas Reddy, UDC	ND	ND
43.	K. Srinivasa Rao, UDC/DEO	ND	NZB
44.	K.V. Suresh Kumar, LDC	ND	GNT
45.	P. Madhukrishna, UDC/DEO	ND	GNT
46.	K.S. Pratap Singh, UDC	ND	VSP
47.	M.S.S.C. Sekhar Sharma, LDC	VSP	VSP
48.	H. Suresh Kumar, UDC/DEO	VSP	VSP
49.	M. Ramesh, LDC	VSP	VSP
50.	K. Vishwanadham, LDC	VSP	VSP
51.	M. Surender Kumar, UDC/DEO	VSP	VSP
52.	Sk. Mehboob Subhani, LDC	VSP	VSP
53.	V. Gopalakrishna, LDC	VSP	VSP
54.	B. Uma Rani, UDC (Jharkhand)	VSP	VSP
55.	R. Suresh Kumar, LDC	VSP	VSP
56.	B.V.S.S. Raju, LDC	VSP	VSP
57.	G. Chennabackhar, UDC	VSP	VSP
58.	Pacton Elias, LDC	VSP	VSP
59.	G. Ravichandra Reddy, LDC	VSP	VSP
60.	S. Susha Kumar, UDC	VSP	VSP
61.	Rajesh Kumar J., UDC/DEO	VSP	VSP

103. B. Narasing Prasad (12) LDC

HYD

HYD

104. K. Bapuji (30) LDC (1200)

VSP

VSP

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

2. These candidates holding LDC on Adhoc basis are deemed to be promoted on regular basis w.e.f. 29.3.1997.

3. The above mentioned 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 comply the period of probation to the satisfaction of competent authority will render them liable to reversion.

4. Consequently on their promotion to the grade of LDC on regular basis they may be entitled for fixation of pay from the date of accrual of next increment in the prevailing pay scale 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 EPF Organisation from time to time.

6. They are also liable for transfer and posting to other Offices in terms on the basis of vacancy position on administrative exigencies. Those working as Data Entry operators will continue to discharge duties as LDC until substitute is posted in their place without any additional allowance.

(S.M.S.S. RAMCHANDRA RAJU)
REGIONAL P.F. COMMISSIONER
ANDHRA PRADESH

To:

The Individuals concerned.

(Through Branch Officer/OIC of RO, Hyd.,
SROs, VSP/CLP/WGL/WH/WR)

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- ... The DIC concerned will ensure that the candidates are solved order only after ensuring that there are no vigilance cases pending against them/ matters if any has ended including on the date of regular promotion.

- 29/0

(K.P. BAKHETI)
REGIONAL P.P. COMMISSIONER (ADMIN)
REGIONAL OFFICE
HYDERABAD

(19)

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

N O T I F I C A T I O N

In exercise of the powers conferred by sub-section 7(a) of section 5(D) 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 fore-said Schedule.

4. Method of recruitment, age limit and other qualification etc.:- 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.

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.

...in the case of
promotees.

...of Rectt.
...whether by direct
rectt. or by pro-
motion or by
deputation/trans-
fer & percentage
of the vacancies
to be filled by
various methods.

In case of rectt. by
promotion/deputation/
transfer, grades from
which promotion/depu-
tation/transfer to be
made.

12. a D.O exists
what is its
composition.
Circumstances
in which DFO
consulting in
making rectt.

(9)

(10)

(11)

(12)

(13)

(14)

Not applicable

Not applicable on the basis of seniority subject to the rejection of unfit.

ii) 50% by promo-
tion on the
basis of
departmental
examination.

i) 50% by promotion of LDCs serving in the respective Regions/ Offices who possess the minimum educa-
tional qualification of Matriculation or equivalent and have completed 2 years of service in the cadre, on the basis of seniority subject to the rejection of unfit.

FOR PROMOTION

Group C departmental promotion committee consisting of the following:-

i) R.P.F.C. incharge in the Region/RPFC(LA) for HQs office-- Chairman

ii) A.P.F.C incharge of Administration-- Member

iii) An Officer of appropriate rank from outside-- Member

ii) 50% by promotion of LDCs serving in the respective Regions/ offices on the result of a departmental examination restricted to the existing LDCs of the respective Regions/ offices who possess the minimum educational quali-
fication of Matriculation or equivalent and have completed 2 years of service in the cadre of LDC on the last day of the month in which the examination is held.

Refer

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...
...

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THE SCHEDULE

Name of post	*No. of Posts	Classi- fication	Scale of Pay	Whether Selection non-selec- tion post	Whether benefit of added years of service admissible under rule 30 of the C.C.S(Pen sion) 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. (Hqs. and Regional Offices)	7122 (1991)	Group 'C' (Minister- ial)	Rs. 1200-30-not 1560-EB-40 -2040	Applicable	Not Applicable	Not Applicable	Not Applicable

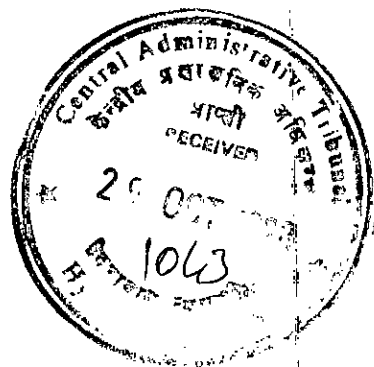
*Subject to variation dependent on workload.

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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.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD

O.A.NO.1216/97

Between:

Dt. of Order: 18.9.97.

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

11. P.Subba Rao
12. M.Vijaya Lakshmi
13. S.S.Lohitha Rani
14. P.Nandi Vardhan
15. R.Mangamma
16. W.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

CBRAM:

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. Admitte. Expedite.

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

[Signature]
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

110

In the CAT, Hyd Bench,
Hyderabad.

The Hon'ble H. Rangarajan M(A)

And

The Hon'ble B.S. Jai Parameshwar
M(F)

DT 18.9.97

OA No. 1216/97

Interim order

केन्द्रीय प्रशासनिक अधिकरण Central Administrative Tribunal देश/DESPATCH 22 SEP 1997 हैदराबाद ब्याचपीठ HYDERABAD BENCH
--

OA No. 1216/97

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

HMA.IA
12/4/99V. Sathyanarayana
P.S.HMJJan
12/1/99List for
judgmentK. Srinivas
17/2

47

CENTRAL ADMINISTRATIVE TRIBUNAL,
HYDERABAD BENCH: HYDERABAD

C.A. NO. 1216 CF 1997

DATE OF DECISION: 18/2/99

K. Panditiah & 15 others PETITIONER(S)

N. Ram Mohan Rao ADVOCATE FOR THE
PETITIONER(S)

VERSUS

Central P.F. Commissioner N. Alluri Anji RESPONDENT(S)


B. Venkatesan Rao ADVOCATE FOR THE
RESPONDENT(S)

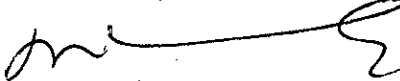
THE HON'BLE Sri R. Rangarajan, Member (A)

THE HON'BLE Sri B.S. Jai Parameshwari, Member (J)

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 ~~xxxx~~ is to be circulated to the other Benches?

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


H.B.S.P.
M(J)


H.R.N.
M(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.PANDIAIAH,
2. P.SATTIAIAH,
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. Swa to Sri. Ram Raman Rao
today ie 18.2.99.

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

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



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 dtd 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".





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 permitted for carry forward ^{the} 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 ^{merit} seniority-cum-~~merit~~ ^{seniority} 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. In spite 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



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



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



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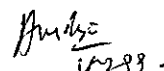
tune with the recruitment rules. Such a posting cannot give him any right for continuing in that promoted post regularly. Employees posted as per the recruitment rules even if delayed or posted later after following the rules by carrying forward the unfilled vacancies, is to be treated as being posted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


(R. RANGARAJAN)
MEMBER (ADMN.)

18/2/99
DATED : 18th February, 1999


18/2/99

vsn

1-3-99
Ist and IInd Court.

Copy to:

1. HDHND
2. HHRP M(A)
3. HGSPP M(J)
4. D.R.(A)
5. SPARE

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

G.A.NO : 1216/97

ADMITTED AND INTERIM DIRECTIONS
ISSUED.

ALLOWED

DISPOSED OF WITH DIRECTIONS

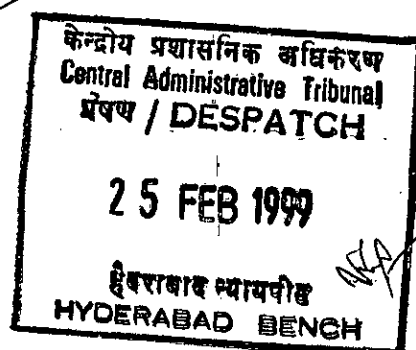
DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

14 (Covers)



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
and

.. Applicants

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 ~~xxx~~ 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 ~~foffice~~ce, 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
^{thus}
~~that~~ they maybe 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 ~~xxxx~~
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. Jambhach
DEPONENT

BEFORE ME:

[Signature]
ADVOCATE: HYDERABAD

2nd & last page
corrections

(P. Ganesh Kumar Rao)

Reg! - Seeking permission to
file single application

HYDERABAD DIST.

CENTRAL ADMN. TRIBUNAL AT HYD

MA OF 1997

in

OA Sr OF 1997



MISC. APPLICATION

Received copy
Nooty
R.N. Nooty
S.C. for P.F.

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

Maybe filed
on
10/9/97

4(5)(a)

Application filed U/R ~~243~~ of the Admn. Tribunal's Act, 1985

M.A.No. 882 of 1997
in
O.A.Sr.No. 9892 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.Subbaraam (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~~ 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.Nandix 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). ... Applicants

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. ... Respondents

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.

MA 882/97 in OAS 2892/97

12.9.97

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

2. MA is not opposed. Under
the circumstances referred
to, the MA is allowed as prayed
for. Register the O.A. if it is
otherwise in order and list
it for admission on 15.9.97.

#B53P
M(3)

✓
HRAH
M(4)

मूल/ORIGINAL

सामान्य/GENERAL

सिविल केस/DEVT. CASE

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: HYDERABAD.

M.A. NO. 882 OF 1997.

IN

O.A. NO. 2892 OF 1997

Singh OA Petition.

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

AND

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