

## POSTAL OFFICERS' ASSOCIATION {INDIA}

Central headquarters: 17/3B Kali Bari Marg, New-Delhi-110001.

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To  
Secretary (Posts)  
Department of Posts  
Dak Bhawan, Sansad Marg  
New Delhi-110001

**Subject: Draft seniority list between the Direct Recruit Officers (from the Batch 2005 onwards) and Promotee officers of the Indian Postal Service, Group 'A' – representation regarding**

Reference: Department of Posts letter No. 4-23/2013-SPG dated 01.04.2014

Respected Madam,

A kind reference is invited to Department's letter dated 01.04.2014 uploaded on its website [www.indiapost.gov.in](http://www.indiapost.gov.in) vide which a draft revised seniority list from the batch 2005 onwards has been circulated and representations of the affected officers have been sought by 15.04.2014 vide Para 3 thereof. On behalf of the members of my Association, I submit the following for your sympathetic consideration:

1. The Department last put on its website a Civil List of Officers of Indian Postal Service Group A as on 01.10.2012. Considering holding the OM dated 03.03.2008 as non-existent/withdrawn ab-initio vide Para 5(a) and laying down the further guidelines on seniority up to 27.11.2012 & thereafter in Para 5(b) to 5(i) vide DoPT OM No. 20011/1/2012-Estt (D) dated 04.03.2014; the Department has drafted the instant seniority list.

2. As per the Civil List as on 01.10.2012, the officers appearing against SI 315, 318, 319 were appearing junior to the undersigned but as per the draft seniority list, all the three officers indicated have been shown senior to me, which is the subject matter of present representation being common issue for other promotee officers also. All these officers have been awarded higher seniority ignoring the rules and instructions and in support thereof, I submit the following:-

(a) Consolidated Orders on Seniority issued vide DoPT OM No. 22011/7/86-Estt (D) dated 03.07.1986 prescribe fixation of inter-se seniority of direct recruits and promotees only where there is specific quota laid down in the statutory recruitment rules for direct recruits and promotees. So far as prevalent statutory recruitment rules for Junior Time

Scale is concerned, there is no such specific quota laid down and thus, Para 2.4.1 & 2.4.2 of OM dated 03.07.1986 have relevance subject to the exclusion that carrying forward of unfilled quota of vacancies earmarked for direct recruits has no application as laid down in Para 2.4.2 of OM dated 03.07.1986 & in Para 5(g) of DoPT OM No. 20011/1/2012-Estt (D) dated 04.03.2014. To make this issue crystal clear, I would like to submit the following:-

- (i) Vide Rule 5(1)(a) of Indian Postal Service Group A Rules, 1987, there had initially been a quota of 60:40 for direct recruits/promotees in Junior Time Scale and vacancies of all other grades were prescribed to be filled up by promotion only. Vide 1994 amendment rules, the said rule had undergone a change and the ratio was laid down as 50:50 for direct recruits and promotees in Junior Time Scale with exclusion of probationary reserves from the total duty posts. Subsequent thereto vide 1997 amendment rules, this rule again underwent a change. The amended provision as it exists in Rule 5(1)(a)(iii) provides that the number of persons recruited in a year by direct recruitment on the basis of results of the Civil Services examination conducted by the Commission [UPSC] shall not exceed 25% of the total regular posts in JTS and the remaining posts will be filled by promotion from Group B. Rule 5(1)(a)(iv) allowed temporary inclusion of unfilled STS vacancies due to non-availability of officers having requisite service for being filled up by promotion provided the total number of promotee officers in various grades of the service does not exceed 33.33% of the total cadre strength. Thus, the existing rules in nutshell provide for the following, which are effective from 18.03.1997 (date of publication of 1997 amendment rules in GSR 185).
- (ii) In view of the overall ceiling on number of vacancies to be filled by direct recruitment in a year, the statutory recruitment rules do not permit carry forward of unfilled vacancies to the next recruitment year (s). On the other hand, the statutory recruitment rules permit adding of unfilled vacancies of STS to the JTS vacancies to the promotion quota. To put it straight, supposing there are 32 vacancies each in first year as well as second year. In view of the ceiling of 25% for direct recruitment quota, the first year vacancies for direct recruitment come to 8 and the promotion quota vacancies come to 24. Supposing, the direct recruitment through UPSC is only 04 in the first year. In the next year, total vacancies  $32+4 = 36$ . Thereby, the direct recruitment quota for the second year comes to 9 with promotion quota as 27.

- (iii) In the example quoted as per (ii) above, supposing there are 04 unfilled vacancies in STS due to non-availability of officers of requisite service in the first year and the second year. Then, under the statutory recruitment rules, in the first year the quota of direct recruitment remains as 8 while the promotion quota increases to 28 (24+4). In the second year, the quota of direct recruitment remains as 9 while the promotion quota increases to 31 (27+4).
- (iv) In conformity with the statutory recruitment rules as it exist today, the ceiling of 25% in a year on direct recruitment laid down in Rule 5(1)(a) (iii) and proviso of adding unfilled STS vacancies laid down in Rule 5(1)(a)(iv) makes the quota as variable for all practical purposes. Therefore, the view taken by the Department in Para 1 of its letter No. 4-23/2013-SPG dated 01.04.2014 about quota of 25% for the direct recruitment and 75% by promotion is misleading and is open to challenge in the court of law. In view of this peculiar nature of provisions in the statutory recruitment rules, there is no application of DoPT OMs No. 22011/7/86-Estt (D) dated 03.07.1986 and No. 20011/1/2012-Estt (D) dated 04.03.2014 so far as the carrying forward of vacancies is concerned.
- (v) Therefore, the Department need to adhere to the seniority provisions contained in Para 2.4.1 & 2.4.2 of DoPT OM dated 03.07.1986 based on actual available quota of direct recruits and promotees on a year to year basis holding the provision of carry forward as null and void in view of specific provision contained in statutory recruitment rules.
- (vi) In fact, DoPT OM No. 20011/1/2006-Estt (D) dated 03.03.2008 is more relevant in our case. The revised seniority list circulated vide No. 4-23/2013-SPG dated 01.04.2014 is neither supported by rules nor maintainable by statutory recruitment rules. Thus, drawing of seniority without supporting provisions is challengeable.

(b) Instructions issued by the Department of Personnel & Training (DoPT) vide OM No. 20011/1/2012-Estt. (D) dated 04/03/2014 referred to in the Directorate letter No. 4-23/2013-SPG dated 1<sup>st</sup> April, 2014 are in the context of DoPT's OM No. 20011/1/2006-Estt. (D) dated 03/03/2008 and not related to their OM No. 22011/7/86-Estt. (D) dated 03/07/1986. Also, the instructions contained in DoPT OM dated 04-03-2014 are effective from 27-11-2012, the date on which the Supreme Court pronounced the judgment in Civil Appeal No. 7514-7515/2005 in the case of N R Parmar Vs. Uol & Ors. Since my seniority in IPoS (JTS) Group 'A' was fixed with effect from 2006, instructions contained in DoPT OM dated 04-03-2014, effective from 27-11-2012, are not at all applicable in my case.

3. Seniority of some of members of my Association fixed in the year 2006 in IPoS (JTS) Group 'A' was notified / published in the Civil List issued in the year 2009. This seniority has continued till now undisputed and unchallenged and has thus attained finality long ago. On the basis of my seniority in IPoS (JTS) Group 'A' Cadre fixed with effect from 2006, these members of my Association were promoted by the Department on regular basis to the next higher cadre, IPoS (STS) Group 'A', with effect from 01-04-2010. After this a Civil List was also issued in the year 2012 (corrected up to 01-10-2012) by the Department and this was also accepted by all concerned without any dispute and challenge and hence became final.

4. Further, Annexure I to this Department's letter No. 4-23/2013-SPG dated 01.04.2014 given other startling revelations. Even there is no adherence to the provisions of statutory recruitment rules for Indian Postal Service Group A so far as cap of 25% on direct recruitment is concerned, which is detailed below:-

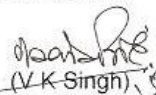
| Vacancy Year | Actual No. of Direct Recruited persons | Actual No. of promotees |
|--------------|--|-------------------------|
| 2004-05      | 6                                      | 59                      |
| 2005-06      | 4                                      | 49                      |
| 2006-07      | 3                                      | 54                      |
| 2007-08      | 7                                      | 59                      |
| 2008-09      | 5                                      | 46                      |
| 2009-10      | 17                                     | 31                      |
| 2010-11      | 12                                     | 24                      |
| 2011-12      | 12                                     | 33                      |
| 2012-13      | 11                                     | Not initiated as yet    |

This clearly shows that even the cap of 25% is violated from the years 2009-10 onwards.

5. In the light of the foregoing detailed submission, It has become very clear that the proposal of the Department to revise the seniority of the members of my Association recruited in IPoS (JTS) Group 'A' since 2006 is without any concrete base and hence needs to be dropped.

With profound regards,

Yours Faithfully

  
(V.K. Singh)  
General Secretary 15/4/12