

2. Proceedings in the Public Grievances Commission

2.1 Shri Sita Ram, Section Officer representing the respondent department filed an action taken report and the same is taken on record. He stated that previous advice of Services Department are "the instruction laid down in GOI, DOPT OM No.22011/5/86-Estt.(D) dated 10.4.1989 in Part-II, Para 3.1 also merits reproductions in this case which is as under:-

Holding of DPC meetings need not be delayed or postponed on the ground that recruitment rules for a post are being reviewed/amended. A vacancy shall be filled in accordance with the recruitment rules in force on the date of vacancy, unless rules, made subsequently have been expressly given retrospective effect. Since amendments to recruitment rules normally have only prospective application, the existing vacancies should be filled as per the recruitment rules in forced.

Further, as per DOPT instructions contained in para 6.4.4 of OM dated 10.4.1989, promotions would be made in the order of the consolidated select list, and such promotion would have only prospective effect even in cases when the vacancies relate to earlier year(s), which has also been quoted by UPSC in its letter dated 06.09.2017.

The proposal was re-submitted to UPSC for re-consideration in pursuance of the directions of PGC.

Further Sh. Chetan Bhatia, SREO(Admn.) along with Sh. Pawan Kumar, SREO, visited UPSC and discussed the matter with Sh.G.M. Upadhyaya, Under Secretary/Consultant, UPSC, on 02.4.2018 in respect of the proposal of Sh. R.P. Dhiran for promotion to the post of Assistant Director(VG/EMI)/Joint Director. It was further advised by Consultant, UPSC that the matter may be sent to DOPT through MHA for seeking further advice in the matter as they have already gone through the facts and position of the present case.

Further, Dy.Secretary(Services), GNCT of Delhi vide letter dated 02.4.2019 informed that in this case, no new facts have been cited to seek further advice. The advice already rendered is reiterated for taking further appropriate action at the directorate level.

OM No.22011/4/98-Estt(D) dated 12.10.1995 and OM No.22011/3/98-Estt(D) dated 14.08.2003 referred by Services Department does not elucidate and specifically guide on the very specific points involved in the present case. Hence no action lies on the part of the respondent department.

2.2 In view of the submissions made by the representative of the respondent department, the matter of Shri R.P. Dhiran has been sufficiently examined and followed up with the concerned authorities and as per clarifications received vis-a-vis rules and guidelines, no further action is required to be taken by the respondent department in the instant matter. Further, it appears and as stated by complainant, he is pressing his point only to prove it, he knows it very well that he can not get any benefit because he has become overage and nothing can be done retrospectively.

3. Directions of the PGC

3.1 In view of the above deliberations and material on record, the case is disposed in this Commission. The complainant is advised to approach court of law, if he so wishes, for redressal of his grievances.

(MRS. MADHU SHARAN)
MEMBER

Grievance No.PGC/2014/Emp./23

Dated:

Copy to:

1. The Director, Dte.of Employment, Govt. of NCT of Delhi, IARI Complex, Pusa, New Delhi-110012.
2. SREO(Admn.), GNCT of Delhi, Dte.of Employment, IARI Complex, Pusa, New Delhi-110012.
3. Sh. R.P. Dhiran.

