

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
OFFICE OF THE SECY-CUM-COMMISSIONER (LABOUR): ADMINISTRATION BRANCH
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F.No.1/31/785/LC/Estt./12/1294-1299

Date: 15/03/2021

ORDER

A Revised Draft Seniority List of Assistant Labour Commissioners (re-designated as Deputy Labour Commissioner) from the Seniority No.36 to 48 in pursuance of DoPT OM dated 04.03.2014 was issued vide circular F.No.1/31/785/LC/Estt./12/901-914 dated 05.03.2020. Opportunity was given to the respective officers for filing objections, if any, vis-à-vis the said Revised Draft Seniority List of Assistant Labour Commissioners (re-designated as Deputy Labour Commissioner).

Objections received from the various officers were examined in accordance with the extant instructions of the DoPT and same are appended here below:

Sr. No.	NAME OF THE OFFICER/s	OBJECTIONS/CLAIMS	REPLY
1.	Sh. S.K. Gupta	Sh. S.K Gupta, Assistant Labour Commissioner has claimed date of joining in the Grade of Assistant Labour Commissioner as 05.02.2013 on the ground of Adhoc Service rendered in the respective cadre before being appointed as Assistant Labour Commissioner on regular basis under the direct recruitment quota through UPSC.	Sh. S.K. Gupta joined in the cadre of Assistant Labour Commissioner on 14.09.14 after being recommended by the UPSC for regular appointment in the grade under the DIRECT RECRUITMENT QUOTA for the vacancy against recruitment year 2013. As per the provisions contained in the OM No. 22011/3/75-Estt (D) dated 29.10.75 issued by the Deptt. of Personal & A.R., MHA, Govt. of India, Service rendered on ad-hoc basis in the grade concerned would not count for the purpose of seniority in that grade and for eligibility for promotion to next higher grade.
2.	Dr. Rati Singh Phogat, Sh. V.K. Singh	Respective Officers have requested to finalize seniority in promotion quota from the date of vacancy occurring in the year 2013 instead of year 2016. Respective Officers placed reliance upon the judgement dated 19.11.2019 of Hon'ble	Judgments passed by Hon'ble Courts have not been taken into consideration during disposing off the said representation, as court cases are based on different factual matrix.



		Supreme Court of India in the matter of K. Meghchandra Singh and Ors. Vs. Ningam Siro and Ors. and judgment dated 19.01.2014 in the matter of Major General H.M. Singh Vs. Union of India and Ors.	As per the contents of para 6.4.4, OM No. 22011/5/86/-Estt(D) Dated 10.04.1989 issued by DoPT, GOI promotions will have only prospective effect even in cases where the vacancies relate to earlier years.
3.	Sh. K.M.Singh	<p>Sh. K.M. Singh has claimed seniority position above Sh. Sanjay Kumar Gupta (Seniority No. 42). Sh. K.M. Singh has placed reliance upon judgment passed by the Hon'ble Supreme Court in the matter of K. Mehgachandra Singh and Ors. Vs. Ningam Siro and Ors.</p> <p>Sh. K.M. Singh has also raised objection against the reopening of seniority list.</p>	<p>Judgments passed by Hon'ble Courts have not been taken into consideration during disposing off the said representation, as the court cases are based on different factual matrix.</p> <p>Draft seniority list dated 05.03.2020 was prepared in the light of the provisions of the OM No.2011/1/2012-Estt. (D) dated 04.03.2014 issued by the DoPT, Govt. of India. The said OM has not been withdrawn/declared non-existent/ amended by the DoPT, Govt. of India (as on date).</p> <p>Sh. S.K. Gupta (at Sr. No. 42 in the draft seniority list issued vide circular no. F.1/31/785/LC/Estt./12/90 1-914 dated 05.03.20) was placed rightly above Sh. K.M. Singh (at Sr. no 43 in the draft seniority list (ibid)).</p> <p>Sh. Sushil Kumar and Sh. K.M. Singh were appointed to the post of Assistant Labour Commissioner, under the PROMOTION QUOTA, on the basis of the recommendation of the DPC convened by UPSC for the recruitment year 2013.</p> <p>Sh. S.K. Gupta and Sh. Amardeep were appointed to the post of Assistant Labour Commissioner for the recruitment year 2013, under the DIRECT RECRUITMENT QUOTA, on the basis of recommendation of the</p>

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			<p>UPSC.</p> <p>Thus, applying the principle of Rotation of quota based on the available Direct Recruits and Promotees appointed against the vacancies of the Recruitment Year 2013, Sh. Sushil Kumar (being the first PROMOTEE) was placed at Sr. No. 41, followed by Sh. S.K. Gupta at Sr. no. 42 (being the first DIRECT RECRUIT), in the same order Sh. K.M. Singh was placed at Sr.No. 43 (being the second PROMOTEE) followed by Sh. Amardeep at Sr. 44 (being the second DIRECT RECRUIT).</p> <p>DoPT OM dated 04.03.2014 referred here before, nowhere bars re-opening of Seniority List issued post the date of the said OM.</p>
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Accordingly plea taken by the above named officers are rejected.

This is issued with the approval of Secretary cum Commissioner (Labour).



(ANITA RANA)

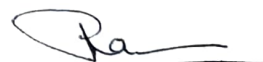
Dy. Labour Commissioner/HOO

Date: 15/03/2021

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Copy to:

1. P.A to Secretary cum Commissioner (Labour), Labour Department, GNCTD.
2. P.P.S to Special Labour Commissioner, Labour Department, GNCTD.
3. P.A to Additional Labour Commissioner, Labour Department, GNCTD.
4. Officers Concerned.
5. System Analyst, Labour Department, GNCTD with request to upload the order on the website of the Department.
6. Guard File.



(ANITA RANA)

Dy. Labour Commissioner/HOO