

A U.P. PUBLIC SERVICE COMMISSION, ALLAHABAD

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VINOD KUMAR SRIVASTAVA AND ORS.

JULY 31, 1995

B [K. RAMASWAMY AND K.S. PARIPOORNAN, JJ.]

U.P. Labour Service Rules, 1991 : Rule 5

Assistant Labour Commissioners—Promotion—Directions regarding.

C The Public Service Commission selected candidates for the post of Assistant Labour Commissioners and forwarded the select list to the Government for approval subject to the result of a writ petition filed by a candidate who has since retired.

D Disposing the appeal with regard to the claim of the other officers, this Court.

HELD : The claims of others for promotion require to be considered and finalised. The Government is directed to finalise the list as recommended by the Public Service Commission and then make promotion to

E the substantive posts according to Rules of all the persons recommended by the Public Service Commission within the quota prescribed under Rule 5 of the U.P. Labour Service Rules, 1991. [425-C-D]

CIVIL APPELLATE JURISDICTION : Civil Appeal No. 7400 of 1995.

F From the Judgment and Order dated 19.5.94 of the Allahabad High Court in C.M.W.P. No. Nil of 1994.

Gaurab Banerjee and Devendra Singh for the Appellants.

Goodwill Indeevar for the Respondent

Ms. Rachna Gupta and A.K. Srivastava for the Respondent No. 3-4.

The following Order of the Court was delivered :

H Leave granted.

We have heard the counsel for the parties. The admitted facts as transpired from the record are that the Assistant Labour Commissioners are eligible to be promoted according to Rule 5 of the U.P. Labour Service Rules, 1991 to their quota of 50%. The balance 50% shall be filled in by direct recruitment. Twenty- three posts are available for promotion. The Selection Committee consisting of members of the Public Service Commission and the Departmental personnel considered the *inter se* claims from feeder posts on September 13, 1993 and forwarded to the Government the select list for approval subject to the result in W.P. No. 5744/86. One Mr. Awasthi who filed that writ petition has since been retired as Dy Labour Officer pursuant to the direction issued by the Court, the claims of others for promotion require to be considered and finalised. We direct the Government to finalise the list as recommended by the Public Service Commission and then make promotion to the substantive posts according to Rules of all the persons recommended by the Public Service Commission within the quota prescribed under the Rules. The appeal is disposed of. No costs.

T.N.A.

Appeal disposed of.

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