

**PROCEEDINGS OF THE ANDHRA PRADESH STATE LEGAL SERVICES
AUTHORITY AT AMARAVATHI**

Present : **Sri Chinnamsetty Raju**
Member Secretary

Sub : APSLSA -Fixing and preparation of seniority list of the Superintendents working in various DLSAs in Andhra Pradesh – Objections of the Superintendents if any, called and received – Considered the objections of the Superintendents and finalised the seniority of the Superintendents- Final Seniority list - Reg.

- Read :**
1. APSLSA Service Rules, 1999 as amended from time to time.
 2. Note file Orders dt. 01.07.2021 and 19.07.2021 of the Hon'ble Executive Chairman, APSLSA.
 3. Provisional Seniority List in Roc.No.39-E1/Apslsa/2021, Date : 22-07-2021
 4. Note file Orders dt. 09.03.2022 of the Hon'ble Executive Chairman, APSLSA.

* * *

ORDER ROC.NO.16-E1/Estt./APSLSA/2022,

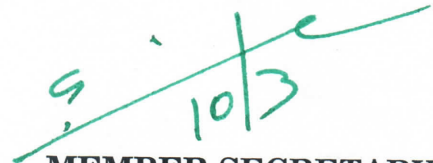
Dated : 10-03-2022

The Andhra Pradesh State Legal Services Authority at Amaravathi made the following Order:

The Andhra Pradesh State Legal Services Authority prepared seniority list of the Superintendents working in various District Legal Services Authorities in Andhra Pradesh and communicated the Provisional Seniority List to the individuals through the respective DLSA besides placing in the Official Website of the Andhra Pradesh State Legal Services Authority with a direction to submit their objections, if any, to the Provisional Seniority List of Superintendents of DLSAs vide reference 3rd cited.

In turn, some of the Superintendents have submitted their objections to the said list.

The Andhra Pradesh State Legal Services Authority having considered their objections, finalised the seniority of Superintendents of DLSAs and decided to place the Final Seniority List of Superintendents of DLSAs with objections and answers thereto vide Annexures A & C in the Official Website of the Andhra Pradesh State Legal Services Authority.


MEMBER SECRETARY

To

1. The Superintendents, DLSAs (through the Chairpersons of DLSAs concerned)
2. All the Chairpersons, District Legal Services Authorities in the State of Andhra Pradesh.

Objections received from the Superintendents to the Provisional Seniority list, and Consideration thereof

S.No.	Name of the Superintendent	Objections	Consideration of the objections
1.	Sri V. Subba Rao, DLSA, SPSR Nellore. (Presently at Guntur)	1. (a) If Senior Assistants had been promoted as Superintendents in a single proceeding, instead of two proceedings (dated 07-05-2012 and 10-07-2012) he would have been placed at serial No. 5 instead of serial No. 12 in the provisional seniority list of Superintendents, as per the Rule 36(ii) r/w Rule 36(iii) of the A.P. State and Subordinate Service Rules, 1996.	1. (a) Both the proceedings promoting the Senior Assistants as Superintendents were issued in the year 2012, i.e., more than nine years ago. There is no Rule which mandates that all Senior Assistants should be promoted as Superintendents under only one single proceeding. Promotions effected in the year 2012 under two different proceedings and two different dates cannot therefore be questioned, that too after nine years. Hence this objection is not tenable.
		1.(b) Some Superintendents in the provisional seniority list are junior to him by virtue of age.	1.(b) Provisional Seniority list of Superintendents is prepared considering firstly the date of promotion to that post and if the date of promotion of more than one promotee is the same, then age has been taken into consideration and whoever is aged has been considered as senior. The individual was promoted vide proceedings dated 10.7.2012 along with two others, whereas the remaining 10 individuals were appointed prior to him vide proceedings dated 7.5.2012. Hence, this objection is not tenable.

AMARAVATI, NELAPADU-522 237
A.P. State Legal Services Authority
(District & Sessions Judge)
Member Secretary

10/3/22
Member Secretary
(District & Sessions Judge)
A.P. State Legal Services Authority
AMARAVATI, NELAPADU-522 237

	<p>2. The second part of Rule 15(3) of the A.P. S.L.S.A. Rule 1999 (determination of seniority by the date of promotion), which is considered for the provisional seniority list of Superintendents, does not apply, because the proceedings for the promotion to the post of Superintendents were issued for smooth functioning of administration and providing financial benefits to the promotees without preferential claim for re-promotion and seniority in the post of Superintendent, and hence the first part of the said Rule (determination of seniority by the date of first appointment) should be considered.</p>	<p>2. When Senior Assistants were promoted in the year 2012 as Superintendents, the posts of Superintendents were not included in the APSLSA Service Rules, 1999. Hence, mere mention that the promotion proceedings were issued to Superintendents for smooth functioning of administration without preferential claim to seniority in the post of Superintendent, does not make the second part of Rule 15(3) of APSLSA Service Rules, 1996 inapplicable, and seniority in the post of Superintendent cannot be fixed by taking the date of first appointment as per the second part of the said Rule. Rule 15 of the said Rules clearly lays down that <u>all promotions</u> shall be in accordance with that Rule, and Rule 15(3) of the said Rules specifically provides that seniority shall be determined by the date of first appointment or promotion. Hence, the objection is not tenable.</p>
	<p>3. The provisional seniority list of Superintendents is prepared state-wise whereas the provisional seniority list of Senior Assistants dated 29-07-2021 is prepared zone-wise though both posts are zonal posts.</p>	<p>3. The posts of Senior Assistants are available in the DLSAs, Mediation Centers, APSLSA and APHCLSC, whereas the posts of Section Officer and Accounts are available in the APSLSA and APHCLSC which are situated only at State Level. Zonal DLSAs and Mediation Centers in those zones are separate units whereas APSLSA and APHCLSC are separate units as provided by Rule 9 of the APSLSA Service Rules, 1999. The feeder category to the post of Superintendent by way of</p>

10/3/21
 Member Secretary
 (District & Sessions Judge)
 A.P. State Legal Services Authority
 AMARAVATI, NELAPADU-522 237

AMARAVATI, NELAPADU-522 237
 A.P. State Legal Services Authority
 (District & Sessions Judge)
 Member Secretary

promotion is the Senior Assistant as per the APSLSA Service Rules, 1996 as amended in 2021. The feeder categories by way promotion to the post of Section Officer and Accounts Officer are Superintendents, Senior Assistants and Senior Stenographer. Hence, provisional seniority lists of Senior Assistants and Superintendents are prepared zonal-wise and State-wise respectively.

4.(a) Rule 36(ii) and Rule 36(iii) of A.P. State and Subordinate Service Rules, 1996 should not be considered ; instead Rule 33(a) r/w Rule 34 of the said Rules should be considered.

4.(a) Rule 33(a) of the A.P. State and Subordinate Service Rules, 1996 deals with the seniority of a person in a service, class, category or grade to be determined by the date of the first appointment to such service, class, category or grade. Since Superintendents were promoted from the category of Senior Assistants, this Rule is not applicable.

Rule 34 of the A.P. State and Subordinate Service Rules 1996 deals with the preparation of integrated or common seniority list of a particular class or category or grade belonging to different units of appointment for the purpose of promotion to a class or category having different units of appointment, with reference to the proviso of sub-rule (a) of Rule 33, without disturbing the *inter-se* seniority of the persons belonging to the same units.

10/3/22
 Member Secretary
 (District & Sessions Judge)
 A.P. State Legal Services Authority
 AMARAVATI, NELAPADU-522 237


AMARAVATI, NELAPADU-522 237
 A.P. State Legal Services Authority
 (District & Sessions Judge)
 Member Secretary

		<p>The proviso of Rule 33(a) of the said Rules speaks of the seniority of a probationer or approved probationer in a service, class or category from which he stood reverted on the 1st November 1996 or prior to that date.</p> <p>Hence Rule 33(a) r/w Rule 34 of the A.P. State and Subordinate Service Rule is not applicable.</p> <p>Since the Superintendents were promoted from the post of Senior Assistants, their provisional seniority in the post Superintendents is fixed by taking the date of their promotion as per Rule 15(3) of APSLSA Service Rules, 1999 and then their age. The objections are not therefore tenable.</p>
	<p>4. (b) Provisional seniority list based on the initial appointment as Senior Assistants zonal-wise be considered for re-promotion from the post of Superintendents in each and every zone, so that every zone will get a chance of Promotion to the post of Section Officer and Accounts Officer.</p>	<p>4. (b) The posts of Senior Assistants are available in the DLSAs, Mediation Centers, APSLSA and APHCLSC, whereas the posts of Section Officer and Accounts are available in the APSLSA and APHCLSC which are situated only at State Level. The feeder category to the post of Superintendent by way of promotion is Senior Assistant as per APSLSA Service Rules, 1996 as amended in 2021. Hence, provisional seniority lists of Senior Assistants and Superintendents are prepared zonal-wise and State-wise respectively.</p>

AMARAVATI, NELAPADU-522 237
A.P. State Legal Services Authority
(District & Sessions Judge)
Member Secretary

10/3/22
Member Secretary
(District & Sessions Judge)
A.P. State Legal Services Authority
AMARAVATI, NELAPADU-522 237

			<p>No seniority was fixed in the cadre of Senior Assistants, hence seniority in that cadre cannot be taken into consideration for consideration of promotion to the posts of Section Officer and Accounts Officer.</p> <p>If zone-wise seniority in the cadre of Senior Assistants and then zone-wise seniority in the cadre of Superintendents are considered for promotion to the post of Section Officer and Accounts Officer in APSLSA and APHCLSC, which are separate units, the possibility of juniors getting promotion as Section Officer and Accounts Officer depriving seniors and aged cannot be ruled out. Hence, the objections are not tenable.</p>
2.	Smt. N. Padmavathamma, DLSA, Kurnool	1. Rule 36(ii) and Rule 36(iii) of the A.P. State and Subordinate Service Rules, 1996 may not be considered for determining seniority in Superintendent cadre since the proceedings for the promotion to the post of Superintendents were issued for smooth functioning of administration and providing financial benefits to the promotees without preferential claim for re-promotion and seniority in the post of Superintendent, and hence seniority list has to be prepared based on the date of first appointment which determines the length of	<p>1. Answers to objection Nos. 2 and 4(a) of Sri V. Subba Rao hold good for these objections. Hence, the objections are not tenable.</p>

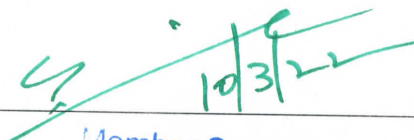

Member Secretary
(District & Sessions Judge)
A.P. State Legal Services Authority
AMARAVATI, NELAPADU-522 237

AMARAVATI, NELAPADU-522 237
 A.P. State Legal Services Authority
 (District & Sessions Judge)
 Member Secretary

		<p>service in the initial/feeder category i.e., Senior Assistant.</p> <p>The <i>inter-se</i> seniority of persons belonging to the same unit shall not be disturbed in the preparation of common seniority lists of persons belonging to different units of appointment as per Rule 33(a) r/w. Rule 34 of the A.P. State and Subordinate Service Rules of 1996.</p>	
		<p>2. In <i>Direct Recruit Clause II Engineering Officers Association vs. State of Maharastra</i> AIR 1990 SC 1607, a Five-Judge Bench of the Hon'ble Apex Court has clarified that once a person is appointed to a post according to Rule, his seniority has to be accounted from the date of his appointment and not according to the date of confirmation.</p>	<p>2. Date of confirmation is not taken into consideration but date of promotion has been considered as per Rule 15(3) of APSLSA Service Rules, 1999 for the provisional seniority list of Superintendents. Hence, the cited judgement is not applicable, also on facts, since the point involved therein is with regard to seniority between direct recruits and promotees.</p>
3.	Smt. D. Rani, DLSA, Ongole	<p>If a common proceeding for the promotion to the post of Superintendents from Senior Assistants had been issued in the year 2012, instead of two separate proceedings, her name would have to be shown at Sl.No. 5 instead of 13 in the provisional seniority of Superintendents.</p>	<p>Answer to objection No. 1(a) of Sri V. Subba Rao holds good for this objection also. Hence, the objection is not tenable.</p>
4.	Smt. R.S. Pratima DLSA, Chittoor	<p>1. Seniority cannot be claimed in the cadre of Superintendents, since promotions are made purely on temporary basis without giving preferential claim to future re-promotion or seniority as per the promotion proceedings issued by APSLSA, dated 7.5.2012 and 10.7.2012.</p>	<p>1. Answer to objection No. 2 of Sri V. Subba Rao holds good for this objection. Hence, the objection is not tenable.</p>

9. 10/3/22
Member Secretary
(District & Sessions Judge)
A.P. State Legal Services Authority
AMARAVATI, NELAPADU-522 237

	<p>2. Provisional seniority list is not prepared zone-wise as per Rule 9 of APSLSA Service Rules 1999 in terms of presidential orders.</p> <p>3. Names placed from Serial Nos. 1 to 10 and Serial Nos. 11 to 13 in the provisional seniority list in the cadre of Superintendent are as per Rule 2 of APSLSA Service Rules 1999 and clause (a) of Rule 33 of A.P. State and Subordinate Service Rules 1996 (basing on length of Service) but not as per sub-rule 3 of Rule 15 r/w Rule 2 of APSLSA Service Rules 1999 and clause (iii) of Rule 36 of A.P. State and Subordinate Service Rules 1996 and the Judgement of Hon'ble Supreme Court in D.P. Das vs. Union of India (2011) 8 SCC 115 as mentioned in the provisional seniority list.</p> <p>4. Clause (iii) of Rule 36 of A.P. State and Subordinate Service Rules 1996 and the Judgement in D.P. Das vs. Union of India are applicable to determine the seniority of the persons where the dates of commencement of probation are same either in the feeder category of posts i.e., Senior Assistant post or in the promotion post i.e., Superintendent post but the persons placed in the provisional seniority list assumed charge in the Seniority Assistant post/Promotional post of Superintendent on different dates and the dates of commencement of probation are not at all same either in the feeder category post or the promotional post.</p>	<p>2. Answer to objection 3 of Sri V. Subba Rao holds good for this objection. Hence, the objection is not tenable.</p> <p>3. Provisional seniority list is prepared by taking the date of promotion to the post of Superintendent as per Rule 15(3) of APSLSA Service Rules 1999. It is also in accordance with the Judgement of the Hon'ble Supreme Court in <i>D.P. Das vs. Union of India</i> {(2011) 8 SCC 115} which lays down that for determination of seniority of the officers who are recommended on the same dates, age is the only valid and fair basis; as such their seniority should be decided on the basis of age of the candidates who have been recommended. Hence, the objection is not tenable.</p> <p>4. Even if the dates of commencement of probation either in the category of Senior Assistant or Superintendent, and the dates of assumption of charge in the post of Senior Assistant or Superintendent are different in different zones, since Rule 15(3) of APSLSA Service Rules 1999 says that seniority of a person in a category shall be determined by the date of his first appointment or promotion to such category, provisional seniority list of Superintendents has been prepared by taking the date of promotion to the category of Superintendent and also the age. Hence, the objection is not tenable.</p>
--	---	---


 Member Secretary
 District & Sessions Judge)
 A.P. State Legal Services Authority
 NELAPADU-522 237

	<p>5. Prayer: Prepare zone-wise seniority list in the feeder category post i.e., Senior Assistant basing on the length of service/from the date of joining duty as per sub-rule (3) of Rule 15 r/w Rule 2 of APSLSA Service Rules 1999 and clause (a) of Rule 33 of A.P. State and Subordinate Service Rules 1996 and declare the persons appointed on the result of earlier selection shall be senior to those appointed on the result of subsequent selection.</p>	<p>5. Answer to Objection No. 4 (b) of Sri V. Subba Rao holds good for this prayer and hence the prayer cannot be accepted.</p>
	<p>6. Prayer: Prepare zone-wise seniority list in promotional post i.e., Superintendent, determining the seniority from the date of assuming charge/commencement of probation in the promotion post as per sub-Rrle (3) of Rule 15 r/w Rule 2 of the APSLSA Service Rules 1999 and clause (a) of Rule 32 of A.P. State and Subordinate Service Rules 1996 and declare the persons joined on earlier date in the promotion post shall be senior to those joined on subsequent date irrespective of dates of issuance of zonal-wise promotion proceedings.</p>	<p>6. Answer to Objection No. 4 (b) of Sri V. Subba Rao holds good for this prayer and hence the prayer cannot be accepted.</p>

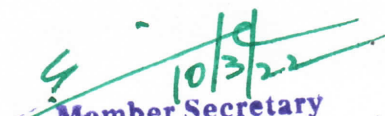

 Member Secretary
 (District & Sessions Judge)
 A.P. State Legal Services Authority
 AMARAVATI, NELAPADU-522 237

Member Secretary
 (District & Sessions Judge)
 A.P. State Legal Services Authority
 AMARAVATI, NELAPADU-522 237

Annexure-C

Final Seniority list of Superintendents of District Legal Services Authorities
basing on **date of Promotion to the category/ sub category and Age**

Sl. No.	Name of the Employee	Caste	Date of Birth & Age	Date of Appointment in the present Category i.e promotion (Date and number of proceedings)
1.	Runjala Venkata Naga Mani, Superintendent, DLSA, Krishna at Machilipatnam.	SC	08.04.1965 56 years	07.05.2012 (Order Roc.No.293/ APSLSA-AW/2012-Estt., dt. 07.05.2012)
2.	K.V.V.S. Sreenivas, Superintendent, DLSA, West Godavari at Eluru.	BC	12.01.1968 53 years	07.05.2012 (Order Roc.No.293/ APSLSA-AW/2012-Estt., dt. 07.05.2012)
3.	K.V.Usha Sree, Superintendent, DLSA, Ananthapuramu.	BC-A	20.06.1970 51 years	07.05.2012 (Order Roc.No.293/ APSLSA-AW/2012-Estt., dt. 07.05.2012)
4.	B.Vasavi, Superintendent, DLSA, East Godavari at Rajamahendravaram.	BC-D	15.07.1971 50 years	07.05.2012 (Order Roc.No.293/ APSLSA-AW/2012-Estt., dt. 07.05.2012)
5.	P.Jayasri, Superintendent, DLSA, Srikakulam.	BC-D	18.07.1973 48 years	07.05.2012 (Order Roc.No.293/ APSLSA-AW/2012-Estt., dt. 07.05.2012)
6.	N.Padmavathamma, Superintendent, DLSA, Kurnool.	BC-A	10.09.1973 48 years	07.05.2012 (Order Roc.No.293/ APSLSA-AW/2012-Estt., dt. 07.05.2012)
7.	G.Prasanth, Superintendent, DLSA, Y.S.R.Kadapa District.	OC	22.06.1974 47 years	07.05.2012 (Order Roc.No.293/ APSLSA-AW/2012-Estt., dt. 07.05.2012)
8.	A.Karunavathi, Superintendent, DLSA, Visakhapatnam.	SC	03.05.1975 46 years	07.05.2012 (Order Roc.No.293/ APSLSA-AW/2012-Estt., dt. 07.05.2012)


Member Secretary
A.P. State Legal Services Authority
NELAPADU, AMARAVATHI-522 237.

Sl. No.	Name of the Employee	Caste	Date of Birth & Age	Date of Appointment in the present Category i.e promotion (Date and number of proceedings)
9.	R.S.Prathima, Superintendent, DLSA, Chittoor.	SC	10.07.1976 45 years	07.05.2012 (Order Roc.No.293/ APSLSA-AW/2012-Estt., dt. 07.05.2012)
10.	E.S.Sudhakar, Superintendent, DLSA, Vizianagaram.	OC	16.02.1977 44 years	07.05.2012 (Order Roc.No.293/ APSLSA-AW/2012-Estt., dt. 07.05.2012)
11.	Y. Sumathi, Superintendent, DLSA, Guntur.	O.C.	10.06.1968 53 years	10.07.2012 (Order Roc.No.293/ APSLSA-AW/2012-Estt., dt. 10.07.2012)
12.	Veenapaneni Subba Rao, Superintendent, DLSA, S.P.S.R.Nellore District.	OC	15.8.1970 51 years	10.07.2012 (Order Roc.No.293/ APSLSA-AW/2012-Estt., dt. 10.07.2012)
13.	D. Rani, Superintendent, DLSA, Prakasam at Ongole.	SC	15.06.1973 48 years	10.07.2012 (Order Roc.No.293/ APSLSA-AW/2012-Estt., dt. 10.07.2012)

9. 10/3/22

MEMBER SECRETARY
APSLSA

Member Secretary
A.P. State Legal Services Authority
NELAPADU, AMARAVATHI-522 237.