

**GOVERNMENT OF ANDHRA PRADESH**  
**GENERAL ADMINISTRATION (SERVICES-D) DEPT.**

**Memo.No.20606/Ser.D/2007,**

**Dated: 25-10-2007.**

**Sub:-** Public Services – Preparation of list of approved candidates for promotion / appointment by transfer – review of the panel – Clarification – instructions cancelled – Orders – Issued.

**Ref:-** Govt. Memo.No.29114/Ser.D/99-3, G.A(Ser.D) Department ,  
Dated: 25-06-1999.

1. Rule 6 of Andhra Pradesh State & Subordinate Service Rules, 1996 deals with the procedure for preparation of list of approved candidates, otherwise called as panel for promotion or appointment by transfer to higher categories. The third proviso to the said rule, provided for review of the list of approved candidates, after a period of six months reckoned from the date of approval of the panel to consider for inclusion of the employees who subsequently passed the prescribed tests or acquired special qualification.
2. In the reference cited it as clarified that employees who appear for the tests before 1<sup>st</sup> September of the year which is the qualifying date for the panel year and whose results were published, subsequent to the qualifying date shall be considered as eligible by the Departmental Promotion Committee or Screening for inclusion in the panel and if the meeting of the Departmental Promotion Committee or Screening Committee had already taken place such cases must be placed before the review Departmental Promotion Committee or Screening Committee for review as provided in the Andhra Pradesh State & Subordinate Service Rules 1996.
3. Aggrieved by the said clarification, Sri. T. Sreenivas, Food Inspector has filed an O.A. No. 3957/2004 with a prayer to direct respondents to consider him for promotion to the post of Gazetted Food inspector by setting aside the orders issued by Health, Medical & Family Welfare Department in Memo.No.10787/L1/2004, dated: 09-07-2004 and also General Administration (Ser.D) Department Memo.No.2991/Ser.D/1999-3, Dated: 25-06-1999.

4. The APAT in its order dated: 28-02-2005 in O.A.No.3957/2004 with VMA No.557/04, while setting aside of the above said Memos, has directed the respondents,

“to place the matter before the Review DPC in so far as the applicant is concerned for reviewing the panel of 2003-04 ignoring the Memo., Dated: 25-06-1999 of the GAD and if he is found suitable and if his name is included in the panel, he shall be promoted from the date his junior was promoted, if necessary by reverting the 3<sup>rd</sup> unofficial respondent promoted in Memo.No.7609/EI/2003-04, Dated: 07-06-2004 or any juniors” and he is entitled for consequential benefits including the seniority and pay fixation etc, as per law. Accordingly, the O.A. is allowed VMA stands dismissed.

While issuing the said orders, the Tribunal has also observed that,-

“ I am inclined to accept the contention of the learned counsel for the applicant as if the person who appeared in May / June, could have got the results before 1<sup>st</sup> September or so before the panel is prepared there is no purpose behind proviso to Rule 6(b) to review the panel after six months. This proviso has been incorporated in the rule only to provide a chance to those persons who are not included in the panel taking 1<sup>st</sup> September as cut-off date, because of their non passing the requisite test for reviewing their case if they acquire requisite / specified qualification or pass Departmental Test within six months from the date of approval of the panel and it is only for those who passed later such a provision is meant. Therefore, the Memo issued by the GAD is not by way of supplementing or clarifying the proviso to Rule 6(b) but rather it has also altogether a different concept, which has been devised in the impugned memo. These executive instruction issued in the above memo. Dated: 29-11-1999 cannot alter the basic statutory rule, thus it is not in consonance of the Statutory Provision.”

5. Government after examining the entire issue, have decided to cancel the clarification issued in the Memo. No. 29114/Ser.D/99-3, General Administration(Ser.D) Department, Dated: 25-06-1999 and accordingly. Memo No. 2911/4/Ser.D/99-3, General Administration (Ser.D) Department, dated: 25-06-1999 is hereby cancelled.

**DR.P.KRISHNAIAH**  
**Secretary to Government (Services)**