



सत्यमेव जयते

# कर्मचारी भविष्य निधि संगठन

Employees Provident Fund Organisation

(श्रम एवं रोजगार मंत्रालय, भारत सरकार)

(MINISTRY OF LABOUR & EMPLOYMENT, GOVERNMENT OF INDIA)

मुख्य कार्यालय/Head Office

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No. Exam.3(3)2024/LDCESS/clarifications/86

Date 04/07/2024

To,

All ACCs (HQ) (Zonal Offices)  
All ACCs (Zonal Offices)

**Subject:-** Consideration of eligibility of seniors for appearing in the Limited Departmental Competitive Examination (LDCE) for promotion to the post of Section Supervisor (SS) where juniors are being considered- regarding.

Sir/Madam,

This office has received several representations of the officials from various offices on the subject cited above.

2. In this regard it is clarified that DoP&T OM No.AB-14017/12/88-Estt(RR) dated 25.03.1996 provides that in the light of the Supreme Court Judgment dated 08.03.1988 in R. Prabha Devi & Ors Vs. GoI & Ors decided to amend Para 3.1.2 of part III of DoPT OM No. AB-14017/12/87-Estt(RR) dated 19.03.1988 stood amended to read as under:-

*"To avoid such a situation the following note may be inserted below the relevant service rules/ Column in the schedule to the Recruitment Rules*

*Where juniors who have completed their qualifying /eligibility service are being considered for promotion, their seniors would also be considered provided they are not short of the requisite qualifying/eligibility service by more than half of such qualifying /eligibility service or two years, whichever is less, and have successfully completed their probation period for promotion to the next higher grade alongwith their juniors who have already completed such qualifying /eligibility service".*

3. The provision under DoPT OM dated 25.03.1996 are enabling provision on the basis of which a "Note" may be inserted in the Recruitment Rules for the effect that seniors who have completed the probation period may also be considered for promotion when their juniors who have completed the requisite service are being considered. Whereas, the

Recruitment Rules dated 30.01.2019 for the post of Section Supervisor do not contain any such Note and there is no such provision in Limited Departmental Examination Scheme for promotion to the post of Section Supervisor on the ground that seniors who have completed the probation period may also be considered for promotion when their juniors who have completed the requisite service are being considered.

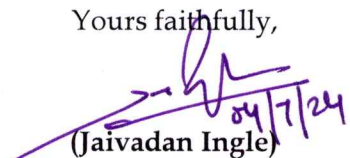
3. Further, DoP&T vide their OM No. AB-14017/12/97-Estt.(RR) dated 24.09.1997 has clarified that in its judgment of 08.03.1988 in the case of R. Prabha Devi & Ors Vs. GoI &Ors, the Supreme Court has specifically held as follows"-

*"Seniority in a particular cadre does not entitle a public servant for promotion to a higher post unless he fulfills the eligibility condition prescribed by the relevant rule. A person must be eligible for promotion having regard to the qualifications prescribed for the post before he can be considered for promotion Sonority will be relevant only amongst persons eligible. Seniority cannot be substituted for eligibility nor it can over-ride in the matter of promotion to the next higher post."*

4. In view of the position stated above, Social Security Assistants who have not completed minimum 9 years of regular service as on 01.01.2024 are not eligible for appearing in the above examination.

5. It is also requested to dispose off such representations received in the offices under your jurisdiction under intimation to this office.

Yours faithfully,

  
(Jaivadan Ingle)

Regional P.F. Commissioner-I (Recruitment Division)