



No. 72322/SD1/79/GAD

General Administration  
(Services-D) Department  
Dated, Trivandrum,  
11<sup>th</sup> June, 1979

From

The Special Secretary to Government

To

The Managing Director

Sir,

Sub:- Public Services – Public Sector Undertakings to which recruitments are made through Public Service Commission – Agreements with Trade Unions on appointments and promotions in violation of recruitment rules – Avoidance of – Instructions.

The Public Service Commission has brought to the notice of Government instances where certain Corporations/Companies to which recruitments are made through the Commission entered into agreements with employees' organizations in the matter of appointments and promotions against specific provisions in the rules of recruitment without obtaining the prior concurrence of the Commission and thereafter approached the Commission for the stamp of its approval. It is also reported that there are instances where the candidates selected and advised by the Commission could not join duty due to the opposition from the employees' associations on the contention that the method of appointment had since been changed following settlement with the Trade Unions. In one case where the Commission had agreed to change the Special Rules to facilitate promotion from the lower category to which recruitment was made by the Commission, issuance of formal orders was delayed, but the advice given by the Commission has quoted to deny appointment to a candidate advised by the Commission earlier, on the plea that the method of recruitment to the post had been revised as promotion, dispensing with direct recruitment. Another recent instance has been reported where a public sector concern sought the approval of Commission for filling up certain vacancies, which according to the relevant Special Rules, were to be apportioned between direct recruits and promotes in varying proportion solely by promotion. When there are open vacancies and candidates are available in the ranked list prepared by the Commission, the legal position as per certain court verdicts is that the candidates in the ranked list have a vested right to be appointed against those vacancies. It has also to be noted that when entry of direct recruits is stalled and vacancies filled up solely by promotion, candidates with higher qualifications are by-passed in favour of candidates with lower qualifications from lower categories. It is further noticed that settlements with trade unions in industrial disputes, sometimes, even envisage promotions to posts which are within the purview of the Commission from categories of posts to which recruitments are not made either by the Public Service Commission or according to the rules and procedure adopted by the Commission in matters of recruitment. Changes in the special rules can be brought about only with the prior concurrence of the Commission and in certain cases only under orders of Government, In the circumstances, I am to inform you that, in future, commitments to Trade Unions against specific provisions of the rules of recruitment should not be made anticipating the concurrence of the Commission and that special care should be taken ensure that irregularities of the nature referred to above do not recur. Receipt of this communication may be acknowledged.

Yours faithfully

(Sd.)

*For Special Secretary to Government.*