

CHAPTER – 6

DETERMINATION OF SENIORITY FOR PROMOTION IN SERVICES UNDER THE STATE WITH SPECIAL REFERENCE TO THE STATE OF WEST BENGAL – AN EMPIRICAL STUDY

6.1. Overview

West Bengal, a state in India, is located in the eastern part of the country. It is bounded to the north by the state of Sikkim and the country of Bhutan, to the north-east by the state of Assam, to the south by the Bay of Bengal, to the south-west by the state of Odisha, to the west by the state of Jharkhand and Bihar and to the north west by the country of Nepal.⁵⁶⁶ Area-wise, West Bengal, ranks 14 among all the twenty-nine states in India. It can therefore, be inferred that the state of West Bengal, touching the Himalayas in the north and the Bay of Bengal to its south, is a large state for whose efficient governance a large number of public servants and government employees are required. In the light of the previous chapters relating to the concept, theory, problems, statutory norms and rules and various other aspects of promotion and seniority in Services under the State, it becomes essential to check the authenticity of the facts and to further explore the issues raised hereinbefore. Therefore, a study has been taken up to test the variables derived and to determine the efficiency of the promotion system based on seniority in the Government sector in the state of West Bengal.

Therefore, the Rules of seniority and promotion for various services under the State has been briefly discussed before delving into the study of the data collected for the purpose of the empirical study.

6.2. The Bureaucratic Hierarchy in West Bengal

The bureaucratic hierarchy in the administrative set-up of West Bengal may conveniently be classified for study into three levels – the top level, the middle level and the operational level. The three levels together constitute a department. The head of a

⁵⁶⁶ Robert E. Huke and D.M. Sen, West Bengal, State, India, retrieved from https://www.britannica.com/place/West_Bengal, visited on 22.07.2018 at 23:27

department is a minister who is assisted sometimes by one or more ministers. The top level is the secretariat, which is styled as the 'Home Secretary', the Judicial Secretary', etc. Members of Secretariat with higher pay are termed as 'Commissioners' such as the 'Finance Commissioner', the 'Education Commissioner', the 'Agriculture Commissioner' etc. Generally, the responsibility of larger secretariats are given to the Commissioners. As the term indicates, a Secretariat is to assist a Minister-in-Charge of the department, i.e., a Secretariat is the Secretariat of a Minister.

The Constitution of India prescribes the eligibility criteria of a Minister. It states that there shall be a Council of Ministers with the Chief Minister as the head to aid and advice the governor in exercise of his function as the head of the State.⁵⁶⁷ It is the responsibility of the Governor to appoint the Chief Minister and his Council of Minister on the advice of the Chief Minister. It is, therefore, evident, that the Vidhan Sabha of West Bengal is the competent authority in selecting a minister; the role of the Chief Minister in the matter of the appointment of ministers is no less effective. The Governor merely approves the appointment made by the legislatures.

These constitutional shibboleths do not, however, unfold the real mechanism. The political party that holds majority in the legislative assembly exercises effective authority in the selection of ministers from amongst their members elected to their legislature. That is, an individual's aspiration to become a minister is largely dependent upon his political importance. These Ministers, it is said in the Constitution, are collectively responsible to the legislative assembly as heads of the administrative departments of government.⁵⁶⁸

Similar to the political executives, the career personnel of the regularly constituted service of the Government are of different ranks and grades. They are hierarchically placed in the organisational matrix. The ministers, in discharging their functions, require the assistance of a large number of service personnel with whom they are directly or indirectly related.

⁵⁶⁷ Article 163(1)

⁵⁶⁸ Article 164(2)

6.3. Promotion and Seniority Policy of the Government of West Bengal

The Personnel and Administrative Reforms and E-Governance Department is entrusted with the task of providing human resources to the various establishments of the government of West Bengal from the Secretariat to the block level in appropriate positions as well as spearheading all E-governance related activities in West Bengal.

In consonance with the above major task, it also carries the onerous responsibility of managing the IAS, WBCS (Exe.) and West Bengal Secretariat Service Cadres in all respects. Apart from placement of officers and staff, this department is also concerned with service matters and career prospects of the members of the aforesaid cadres in a holistic manner.

In a Statement on Promotion Policy made in 1981⁵⁶⁹, it was stated that the Government is in full consonance with the view that there should be scope for promotion for all categories of employees and, in general, no employee should end his/her career where he began because of the lack of avenues of promotion.

Several measures taken to implement this policy of the Government are as under:

- i. With respect to state services, including State Health Services, State Civil Services and State Engineering Service, the posts available in scales 18 and 19 are to be filled through promotion. The principle of merit-cum-seniority is applicable for recruitment in such posts..
- ii. With effect from 1 April, 1981, following the recommendation of the Pay Commission, the quota of posts of Assistant Engineers filled by promotion of sub-assistant Engineers was raised from 30% - 40% for each departmental cadre. It was stated that henceforth, 15% of the total cadre strength of executive Engineers in each departmental cadre was decided to be filled by promotion from the rank of sub-assistant engineers; a minimum period of 10 years of satisfactory service as assistant engineer is constituted as the eligibility for such promotions.
- iii. In the case of subordinate services and junior services, the expansion of the scope for promotion was considered by raising the existing promotion quotas. The quota for

⁵⁶⁹ Statement of Policy vide Finance Department, No. 5916(62)-F, Government of West Bengal, April 20, 1981

promotion from subordinate service to junior services was refixed in the range of 60-75%. The quota for promotion from subordinate to State services and from junior services to corresponding state services was fixed at 40%. These promotions are available only to those personnel who have continuously and satisfactorily served for 15 years in their respective cadres.

iv. The scope for advancement has been significantly expanded at the Group 'C' and 'D' Levels. The criteria for promotion in these levels is seniority and satisfactory open performance report of the service holders. As announced on May 27, 1981, State Government employees on the revised scales of 1- 13 who have not earned any promotion even after 18 years of continuous satisfactory services were fitted into their next respective higher scales.

v. It has been decided that the prospects for advancement will be further enlarged for the lower grade employees according to the following provisions:-

- a. For all level and categories of Group 'D' employees, one-third of the posts will be carried on to the next higher scale next to the basic scales, and will be filled by selection on the basis of completion of 15 years of satisfactory service on the basic scales;
- b. Group 'D' employees who have passed school final examination will be offered promotion to the level of lower division assistants; 10 % of the posts of the lower division assistants will be kept reserved for this purpose. Posts such as duftaries, record suppliers, duplicating machine operators, etc carried on scales 2-4 will be filled only by promotion from Group 'D' employees
- c. A Group'D' employee, starting on scale 1 and earning no promotion (movement from scale 1 to scale 2 after 18 years of continuous service not being considered as promotion) even after 27 years of service, will be allowed to move from scale 2 to scale 3 without any change in post, designation or duties and other service conditions.
- d. Drivers, who have started from scale 5, will, after 15 years of satisfactory service, be eligible for fitment into scale 6; 1/3 of the total number of posts of drivers will be carried to higher scales.
- e. 1/3 of total posts of all technical and non-clerical personnel on scale upto 6 may similarly be set aside for such fitment; the eligibility in all such cases will again be a minimum of 15 years of satisfactory services.

- f. Typists and telephone operators are carried on three scales; scale 6 is the basic scale, while scales 9 and 11 are higher scales respectively. The ratio between the three scales are 5:4:1. Continuous satisfactory service for 10 years in the basic scale is constituted as the eligibility for movement to scale 9 and scale 11.
- g. For stenographers and personal assistants, the basic scale is scale 9 and the higher scales are scale 13 and 16. The ratio of distribution of the posts between the three scales will be 4:3:3.
- h. In case of sub-assistant engineers, surveyors, draftsmen and other diploma holders, one-third of the total posts will be on the higher scale as in other cases. The eligibility for movement to the higher scales will be 15 years of satisfactory service.
- vi. The ratio of posts of lower division assistants to those of upper division assistants is fixed at 1:1 for the Secretariat of the Directorates and of the regional offices.
- vii. The West Bengal Government has accepted in principle the Pay Commission's recommendations that all lower division assistants in the Secretariat be brought together in a combined cadre and similarly, the upper division assistants, section officers and Registrar to be brought in common pool.

Since vacant posts are filled up by promotion in a quarterly system by the Personnel department, the posts are filled up by the appointing authority, subordinate to the Governor, from the date(s) on which the posts fall vacant in order to give the employees the benefit of promotion with effect from the date(s) on which they are entitled as per the norms of seniority-cum-merit.⁵⁷⁰

A question which has now arisen is that whether the employees of Secretariat Department who are so promoted to the posts from the date of occurrence of vacancies may be allowed retrospective fixational benefits consequent upon such promotion to higher posts.

On careful perusal of the matter, the following principles of promotion have been fixed:

- i. In case of normal promotion to the common cadre posts in the Secretariat in respect of which the appointing authority is an authority subordinate to that of the

⁵⁷⁰ Memorandum No- 4982-F, Finance Department, Audit Branch, Government of West Bengal, dated 17th June 2005, Kolkata.

Governor, the posts may be filled up from the dates of occurrence of the vacancies and their pay in the promotional posts may be fixed from such date(s) of promotion.

- ii. In respect of the posts in the Secretariat for which the appointing authority is the Governor, normal promotion will take effect from the date of assumption of charge.
- iii. In case of non-functional promotion to the posts which have been created in consequence of application of promotion policy circulars, Career Advancement Schemes, 1990 and Modified Career Advancement Schemes, 2001, in terms of which scale/higher scale is awarded from the date of eligibility/occurrence of the vacancy regardless of the date of issue of the order for filling up the vacancy, retrospective fixational benefit consequent upon such non-functional promotion may be allowed.

6.3.1. The Modified Career Advancement Scheme

The Fourth Pay Commission, in its 2 Part, Volume I of the Report, suggested a Modified Advancement Scheme.⁵⁷¹ The Government of West Bengal had decided to extend the benefit of his modified Career Advancement Scheme, after evaluation of norms of attendance, integrity, performance, efficiency and ability for different categories of employees. The provision of the career Advancement Scheme introduced vide Finance Department No. 6075-F, dated the 21 June, 1990, has been modified by this Modified Career Advancement Scheme.

The required length of completion of 10 years of service, as prevalent now, under the existing order for movement to the first higher scale will be reduced to 8 years, and the movement to the higher scale will be reduced to 16 years in place of the existing 20 years. The government employees in scale Nos. 1-12 on completion of a further 9 years of continuous and satisfactory service, and after fulfilling the 'norms' mentioned earlier, will move to the scale second-next above the first higher scale, provided the concerned Government employee has not got benefit of promotion or advancement to a scale similar to or above the third higher scale before 25 years of service. While computing the requisite length of service in all these cases, the length of service rendered in the revised scale as well as in the corresponding unrevised scale under the previous W.B.S. (R.O.P.A.) Rules, has been taken into account.

⁵⁷¹ Vide Memorandum No. 10620-F, Finance (Audit) Department, Government of West Bengal, dated 19th December, 2000

6.3.2. Seniority Rules in the State Services of West Bengal

a) The West Bengal Services (Determination of Seniority) Rules, 1981

The West Bengal Services (Determination of Seniority) rules, 1981⁵⁷² which came into force on the 11 March, 1981 apply to all Government servant except –

- (1) Members of the All India Services ;
- (2) Members of the West Bengal Higher Judicial Service ;
- (3) Members of the West Bengal Civil Service (Judicial) ;
- (4) Members of the West Bengal Civil Service ;
- (5) Members of the West Bengal Police Service .

i. Determination of Seniority of direct recruits

The relative seniority of all persons appointed directly through competitive examination or interview or training or otherwise shall be determined by the order of merit in which they are selected. The appointments shall be made on the recommendation of the Commission or selecting authority. All those who are appointed as a result of an earlier selection will be deemed to be senior to those appointed on the result of a subsequent selection. In case, where appointment of persons initially made otherwise than in accordance with the relevant recruitment rules is subsequently regularised in consultation with the Commission, where necessary, seniority of such persona shall be determined from the date of regularisation and not from the date of appointment. The inter-se-seniority amongst such persons shall, however, depend on the date of appointment of each such person in the department or office concerned.

Further if any person selected for appointment to any post dose not join within two months of the offer of appointment, his seniority shall count from the date on which he joins the post unless the appointing authority for reasons to be recorded in writing condones the delay.⁵⁷³

⁵⁷² Vide Notification No. 1882-F, Audit Branch, Finance Department, Government of West Bengal

⁵⁷³ R. 3 of the West Bengal (Determination of Seniority Rules, 1981

A list of candidates for the purpose of selection for appointment shall be prepared in all case by the selecting authority, when there will be recruitment in a single process of selection of more than one person.

Where the inter-se-seniority amongst several persons has not been determined prior to the coming into force of these rules, such seniority shall, on the coming into force of these rules, be determined on the basis of actual date of their joining. When the date of joining of all such persons is the same, seniority shall be determined on the basis of date of birth, person retiring earlier being adjudged as senior. When the date of birth is the same, seniority shall be determined on the basis of total marks obtained by each in the examination, passing of which is the qualification prescribed for recruitment to the particular post, cadre or grade.

In so far as the determination of relative seniority of persons selected either by the Commission or by other selecting authority for appointment to different posts in the same grade with different qualifications such as posts of assistant Professors in History, Economics, Physics, Chemistry, etc. is concerned, seniority shall be determined from the date of joining.

ii. Determination of seniority of promotees⁵⁷⁴

- (1) Seniority of persons appointed on promotion to any post, cadre or grade shall be determined from the date of joining such post, cadre or grade.
- (2) When there will be appointment in a single process of selection of more than one person, the relative seniority of persons so appointed shall be determined according to the order of selections for such promotion.
- (3) Persons appointed on the result of an earlier selection shall be senior to those appointed on results of a subsequent selection.
- (4) Where promotions to a post, cadre or grade are made from one post. Cadre or grade, the relative seniority of the promotes, from different posts, cadre or grades shall be according to the order of merit determined by the Commission or the selecting

⁵⁷⁴ R. 4

authority, if such posts, cadres or grades do not come within the purview of the Commission.

A list of candidates for the purpose of selection for promotion shall be prepared in all cases by the selecting authority when appointments are made on promotion in a single process of selection of more than one person.

Where the inter-se-seniority amongst several persons has not been determined prior to the coming into force of these rules, such seniority shall, on the coming into force of these rules, be determined on the basis of date of joining. When the date of joining of such persons is the same, seniority in the promotion post, cadre or grade shall follow the seniority in the lower feeder post, cadre or grade.

iii. Relative seniority of direct recruits and promotees⁵⁷⁵ –

(1) The relative seniority between a promotee and a direct recruit shall be determined by the year of appointment or promotion of each in the post, cadre or grade irrespective of the date of joining.

(2) The promotees shall be en-bloc senior to the direct recruits of the same year.

iv. Determination of seniority of transferees⁵⁷⁶ –

(1) The relative seniority of persons appointed by transfer to a post, cadre or grade from the feeder post, cadre or grade of the same department or office or from other departments or offices of the Government shall be determined by the order of selection for such transfer.

(2) When such transfers involve two or more persons selected from different departments or offices on the same occasion, the appointing authority for such appointment on transfer shall indicate the order of merit of the selected persons in each case.

(3) The relative seniority between a promotee, a transferee and a direct recruit shall be determined by the year of promotion or transfer or recruitment, promotees being en-bloc senior to the direct recruits of the same year.

⁵⁷⁵ R. 5

⁵⁷⁶ R. 6

b) The West Bengal Civil Service (Executive) (Determination of Seniority) Rules, 2008

In order to determine and regulate the inter-se seniority of the members of the West Bengal Civil Service (Executive) as constituted under Rule 3 of the West Bengal Civil Service (Executive) Recruitment Rules, 1978 and Rule 2 of the West Bengal Services (Unification of State Services) Rules, 1979, the West Bengal Civil Service (Executive) (Determination of Seniority) Rules, 2008 was made by the Governor of West Bengal.⁵⁷⁷

i. Seniority of Members of West Bengal Civil Service (Executive)

The relative seniority of members of the West Bengal Civil Service (Executive) is determined according to the following provisions:

1. The members of the erstwhile West Bengal Civil Service (Executive) before 1 March, 1974 on the basis of the competitive examinations held by the Commission in the years 1970 and 1972 and to the erstwhile senior scale of the unified Service on the basis of the competitive examination held by the Commission in the year 1973 and 1974 shall be senior to the members who, immediately before the 1 April, 1970, by virtue of the provisions of the West Bengal Services (Unification of State Services) Rules, 1979. However, the members of the erstwhile West Bengal Junior Civil Service promoted to the erstwhile West Bengal Civil Service (Executive) in the years 1971 and 1972 shall be senior respectively to the members recruited to the erstwhile West Bengal Civil Service (Executive) on the basis of the competitive examinations held by the Commission in the years 1970 and 1972. The members of the erstwhile West Bengal Civil Service (Executive) in the year 1973 shall be senior to the members recruited directly in the Senior scale of the West Bengal Civil Service (Executive) on the basis of the competitive examination held by the Commissioner in the year 1973.

Further, the members of the Service who were members of the erstwhile West Bengal Junior Civil Service immediately before 1 April, 1970 but were not promoted to the erstwhile West Bengal Civil Service (Executive) in the years 1971, 1972 and 1973, shall be immediately junior to the members of the erstwhile West Bengal Junior Civil Service immediately before the 1 April, 1970.

⁵⁷⁷ Vide Notification No. 3279-P&AR (WBCS)/1D-146/99 pt. dated 3rd September, 2008

2. The members recruited to the erstwhile West Bengal Junior Civil Service after the 1 April, 1970 but before the 1 March, 1974 or to the erstwhile junior scale of the unified Service on the basis of the competitive examination held by the Commission in the years, 1973 and 1974 shall be junior to such members of the erstwhile West Bengal Junior Civil Service immediately before the 1 April, 1970.
3. The members of the Service in the erstwhile junior scale recruited directly during the years 1975, 1976, 1977 and 1978 on the basis of the competitive examination held by the commission during the years 1973 and 1974.
4. The relative seniority of the direct recruits shall be determined by the order of the merit list of the examination held by the Commission in which they are selected for appointment to the service, members appointed on the result of subsequent years of examination.
5. The seniority of the promotees shall be determined according to their “year of allotment” and the relative seniority of promotees shall be determined by the order in which they are selected for appointment to the service on the recommendation of the Commission, members appointed on the result of an earlier selection being senior to the members appointed on the result of a subsequent selection. The “year of allotment” in context to the West Bengal Civil Service (Executive) is – (a) in case of direct recruits and promotees, the year in respect of which vacancies are reported to the Commission; and (b) in case of Special Recruits, the year in which the Commission’s recommendations are forwarded to the Government.
6. The relative seniority of special recruits shall be determined by the order in which they are selected for appointment to the Service on the recommendation of the Commission, members appointed on the result of an earlier selection being senior to the members appointed on the result of a subsequent selection.
7. The members of the Service recruited on the basis of the examination held by the Commission in the year 1978 in accordance with the provision of the sub-rule (3) of R.4 of the recruitment rules, shall be junior to the direct recruits of that year.
8. The relative seniority between a promotee, a special recruit and a direct recruit shall be determined according to the respective year of allotment, promotees of a year of allotment being en-bloc senior to the special recruits and the direct recruits of the same year, and the special recruits of an year being en-bloc senior to the direct recruits of the same year – irrespective of their date of joining.

9. The provision of the West Bengal Services (Determination of Seniority) Rules, 1981, to the extent those are not inconsistent with the provisions mentioned in the above paras shall also apply for the purpose of determination of the relative seniority of the members of the service.

6.3.3. Promotion and Seniority Policy in Sub-Ordinate and Higher Judiciary in the State of West Bengal

In exercise of the power conferred upon by the proviso to Article 309 of the Constitution and in supersession of all previous notifications on the subject matter, the Governor, in consultation with the High Court at Calcutta under Article 233 of the Constitution or, as the case may be, in consultation with the Public Service Commission, West Bengal, and High Court at Calcutta under Article 234 of the Constitution, made the West Bengal Judicial (Conditions of Services) Rules, 2004. These rules are divided into two parts; Part I of these rules applies to the Judicial Officers (sub-ordinate judiciary) other than District Judges and Part II applies to the Higher Judicial Officers in the rank of District Judges.⁵⁷⁸

a. Judicial Officers other than District Judges

The Judicial Officers other than District Judges of the West Bengal Judicial Service include the following posts forming the cadre⁵⁷⁹ -

- Civil Judge/ Judicial Magistrate/ Metropolitan Magistrate/ Municipal Magistrate/ Magistrate of Juvenile Board
- Chief Metropolitan Magistrate/ Additional Chief Metropolitan Magistrate/ Chief Judicial Magistrate/ Additional chief Judicial Magistrate/ Senior Civil Judge/ Assistant sessions Judge/ Sub-Divisional Judicial Magistrate/ Senior Municipal Magistrate/ The Judge, Presidency Small Causes Court/ The Registrar, District Judges Court.

The gradation of the above posts for the purpose of Assured Career Progression (ACP) is as follows⁵⁸⁰:-

- Civil Judge (Junior Division) at entry level
- Civil Judge (Senior Division) at intermediary level

⁵⁷⁸ Notification No- 262-J. L- Dt. 28th September, 2004.

⁵⁷⁹ Rule 6, West Bengal Judicial (Conditions of Services) Rules, 2004

⁵⁸⁰ Rule 7, West Bengal Judicial (Conditions of Services) Rules, 2004

The grade of Civil Judge (Junior Division) at entry level shall consist of the following sub-heads⁵⁸¹:

- Civil Judge
- Civil Judge, Grade II
- Civil Judge, Grade I

The grade of Civil Judge (Senior Division) at intermediary level shall consist of the following sub-heads⁵⁸²:

- Senior Civil Judge
- Upper Senior Judge
- Superior Senior Judge

The appointment by way of selection through promotion in the posts mentioned in R. 6 (1)(b) from the posts mentioned in R.6 (1)(a) shall be made on the basis of merit-cum-seniority by the High Court. Such appointment by way of selection through promotion shall be made on the 1 day of January of the year in which selection is to be made.

*i. Seniority*⁵⁸³

The relative seniority inter-se of the Judicial Officers other than the District Judges appointed to the post mentioned in Clause (a) of sub-rule (1) of Rule 6 in the service against the vacancies occurring in any particular year, shall be determined according to the order of merit upon the result of examination conducted by the Commission.

The relative seniority inter-se of Judicial Officers other than the District Judges appointed to the posts mentioned in R. 6 (1)(b) shall be according to the order in which their name appear in the merit list approved and issued by the High Court.

The relative seniority inter-se of persons appointed under the West Bengal Civil Service (Judicial) before coming into force of these rules, shall be governed by the West Bengal Civil Service (Judicial) (Determination of Seniority) Rules, 1961 for the time being in force.

⁵⁸¹ Rule 7(2), West Bengal Judicial (Conditions of Services) Rules, 2004

⁵⁸² Rule 7(3) , West Bengal Judicial (Conditions of Services) Rules, 2004

⁵⁸³ Rule 12, West Bengal Judicial (Conditions of Services) Rules, 2004

b. Higher Judicial Official in the rank of District Judges

The Cadre of the Higher Judicial Officers in the rank of District Judges includes the following posts viz. District Judge, District Judge in selection grade and District Judge in Super Time Scale.

Appointment of District Judges, as mentioned above, are made by:

1. Direct recruitment from the Bar
2. By selection through promotion on the basis of merit-cum-seniority and on passing of a suitability test from amongst the Judicial Officers as mentioned in R. 6 (1)(b)
3. By promotion strictly on the basis of merit through limited competitive examination of Judicial Officers as mentioned in R. 6 (1)(b)

The number of vacancies in this cadre to be filled by direct recruitment and by promotion shall not be more than 25 percent in each criteria of the total permanent strength and such recruitment shall be made annually as far as possible.

i. Seniority of Higher Judicial Officers in the Rank of District Judges

The seniority of higher Judicial Officers in the rank of District Judges shall be determined according to:

1. Date of continuous officiation in case of officers promoted to the posts as referred to in R. 24 (1)(a)
2. The date of order of appointment in the case of direct recruitment to the above mentioned posts
3. The date or order of select to posts as referred in Rule 24 or such date as specified by the High Court

ii. Inter-se Seniority

In cases when the date of officiation of the higher Judicial Officers in the rank of District Judges and the date of joining or appointment of the direct recruit in the same cadre is same, the inter-se seniority of the District Judges shall be fixed according to the 40 point roster as determined by the High Court from time to time.

The inter-se seniority amongst the higher Judicial Officers in the rank of District Judges promoted by an order of the same date or amongst direct recruits appointed by an order of the same date, shall follow the order in which their names have been recommended by the High Court.

6.4. Determination of Seniority in Various ‘Services’ within the State of West Bengal

6.4.1. Approach of the Survey

The study has been carried out with the help of primary survey. In consonance with the object for pursuing this study, the service holders within the territorial jurisdiction of the State of West Bengal have been targeted for conducting the survey and collection of data for this purpose. The target groups for the survey consist of only Government employees in various departments of the State within the territorial jurisdiction of the State of West Bengal, which include-

- a. The employees in various Services of the State as defined under Article 12
- b. The Defence Personnel
- c. The teaching Faculty under the Career Advancement Scheme in Universities, Colleges and Research Institutes
- d. The employees in Local Bodies

6.4.2. Methodology and Sample Size

The methodology adopted for the survey in hand is both stratified and purposive sampling. The universe selected for the purpose of study is the employees under the Service under the State. The universe has been divided into four strata as above-mentioned in 6.4.1.. From each of the stratum, respondents have been randomly and purposively selected for collection of the data. A total number of Twenty-Five (25) respondents from each of the above target groups, which adds upto a Hundred (100) respondents, have been randomly and purposively selected for the purpose of the survey.

The data has been collected by distribution of a structured questionnaire to the respondents with closed questions. The Questionnaire⁵⁸⁴ consists of two parts, vis., Part - A and Part – B. Part – A deals with personal information of the respondents. Part – B of Questionnaire deals with the professional details which is relevant for the purpose of the data analysis. The Questions numbering from 1 to 5 are not relevant for the study as they

⁵⁸⁴ The Questionnaire is provided under Annexure I of the Thesis.

give us information about the nature of occupation and the details of the institution in which they are employed. Further, it has been found out on conclusion of the survey, that all the respondents upon whom the survey was conducted, hold posts substantial in nature and there was no such case where they held adhoc or temporary posts. Therefore, responses provided for Question No. 6 and 7 are not being tabulated in the Tables provided herein. It is worth mentioning here that Question No. 29, where the personal opinion of the respondents regarding the promotional system based on seniority has been asked, there has been no response from the respondents; hence, this question has not been included in the Tables represented here. Since the respondents for the purpose of this survey were selected with the objective to find the basis of seniority, therefore, the direct recruits were intentionally avoided. Hence, 100% of the respondents were promotees and none of them are holding any post by direct recruitment.

The data so collected are represented in the form of Tables and Graphs as provided herein below in this Chapter.

6.4.3. Determination of Seniority for Promotion in Government Departments and Corporations within the Territory of West Bengal

Among the employees of the State in West Bengal who had responded to the questionnaire, all of them have either been promoted or considered for promotion at some point of time in their career. 84% of them revealed that they have been promoted or considered for promotion in due time. 40% of the respondents said that they have been promoted to the next higher post on the basis of seniority only and 20% of them said that their promotion was purely made according to merit only. 64% said that their promotion was made according to seniority-cum-merit and 28% opined that their promotion was made according to merit-cum-seniority. According to 72% of the respondents, they have been considered for promotion or promoted more than once. Question no. 15 has been divided into several other questions. This question takes into consideration of a respondent's initial and the most recent promotion, if anyone has been promoted or considered for promotion more than once. In response to the question that whether merit was taken into consideration while making the first promotion, 28% of them said that merit was taken into consideration in making their promotion. 40% of them said that seniority was the basis of making their promotion. 68% of the respondents' promotion was made according to seniority-cum-merit in the first instance

and 28% said that merit-cum-seniority played a major role in making their first promotion. In making their most recent promotion, 16% of the respondents responded that promotion was made according to merit, 48% said that seniority was taken into consideration, 52% of their promotion was made according to seniority-cum-merit and 28% said that their promotion was made according to merit-cum-seniority.

Table No. 6.1

Principles Of Promotion And Seniority In Government Departments And Corporations Within The Territory Of West Bengal

Serial No.	Questions	Responses of Government Departments	
		Yes (%)	No (%)
6	Whether post is of substantial nature?	100	0
7	Post is ad-hoc/temporary/officiating	0	100
8	Considered for promotion/promoted to a higher rank	100	0
9	Considered for promotion in due time	84	16
10	Promotion according to seniority	40	60
11	Promotion according to merit	20	80
12	Promotion according to seniority-cum-merit	64	36
13	Promotion according to merit-cum-seniority	28	72
14	Promoted/considered more than once	72	28
15 a	1st promotion according to merit	28	72
15 b	1st promotion according to seniority	40	60
15 c	1st promotion according to seniority-cum-merit	68	32
15 d	1st promotion according to merit-cum-seniority	28	62
15 e	Most recent promotion according to merit	16	84
15 f	Most recent promotion according to seniority	48	52
15 g	Most recent promotion according to seniority cum merit	52	48
15 h	Most recent promotion according to merit-cum-seniority	28	72
16	Current position by direct recruitment	0	100
17	Current position by promotion	100	0
19	Seniority calculated by continuous length of service	100	0
20	Seniority calculated by continuous length of officiation in service	32	68
21	Seniority determined from day of appointment	100	0
22	Seniority determined from day of confirmation	8	92
23	Determination of merit by interview	36	64
24	Determination of merit by written exam	40	60
27	Principle of quota applied	100	0

The next set of questions deals with the mode of determination of seniority for promotion. All the respondents said that seniority for the purpose of promotion was calculated by the continuous of service. 32% said that continuous length of officiation was taken into consideration for calculating seniority, 100% respondents' seniority was determined from the day of appointment and only 8% of their date of confirmation was taken into consideration. Where merit is a criteria for determining seniority, 36% said that merit is adjudged by interview and 40% of them said that written examination determines the merit.

In case of inter-se seniority, preference was given to either to the promotees (according to 28%) or both direct recruits and promotees (72%). For deciding inter-se seniority, the principle of quota is applicable in 100% of the cases. However, the ratio of quota fixed for direct recruits to promotees varies from service to service. 28% said that the ratio of direct recruits to promotees is 1:1; in 40% of the cases the quota fixed is 1:4; in 16% of the cases the ratio is 1:3. The ratio is 1:2 in 12% of the respondents and 4% viewed that the ratio is 1:5.

6.4.4. Determination of Seniority in Defence Services within the Territory of West Bengal

In defence services, no promotion is made solely on the basis of seniority or merit. Merit-cum-Seniority plays a deciding role in matters of promotion in this sector. This has also been proved by the survey conducted upon the defence personnel. All the respondents of this sector have been either considered for promotion or have already been promoted. 92% of them have been promoted in their due time. 36% reported that promotion is determined by seniority and promotion of 48% of them has been made upon merit only. 56% of the respondents seniority-cum-merit was considered while making promotion and 36% said that merit-cum-seniority was taken into consideration while making a promotion.

In cases where promotion has been made more than once, the questions which were raised before the respondents were regarding promotion made in the initial stage of the service and promotion made at the most recent time. 44% said that while making the first promotion, merit was taken into consideration; 32% respondent's first promotion was made by seniority; 48% and 32% of the respondent's initial promotion are made by

seniority-cum-merit and merit-cum-seniority respectively. According to 36% respondents, their most recent promotion has been made by merit; 24% said that their seniority was taken into account; 56% of the responses revealed that promotion was made on the basis of seniority-cum-merit and 32% of their promotion made on the basis of merit-cum-seniority.

Table No. 6.2

Principles Of Promotion And Seniority In Defence Services Within The Territory Of West Bengal

Serial No.	Questions	Responses of Defense Departments	
		Yes (%)	No (%)
6	Whether post is of substantial nature?	100	0
7	Post is ad-hoc/temporary/officiating	0	100
8	Considered for promotion/promoted to a higher rank	100	0
9	Considered for promotion in due time	92	8
10	Promotion according to seniority	36	64
11	Promotion according to merit	48	52
12	Promotion according to seniority-cum-merit	56	44
13	Promotion according to merit-cum-seniority	36	64
14	Promoted/considered more than once	76	24
15 a	1st promotion according to merit	44	56
15 b	1st promotion according to seniority	32	68
15 c	1st promotion according to seniority-cum-merit	48	52
15 d	1st promotion according to merit-cum-seniority	32	68
15 e	Most recent promotion according to merit	36	64
15 f	Most recent promotion according to seniority	24	76
15 g	Most recent promotion according to seniority cum merit	56	44
15 h	Most recent promotion according to merit-cum-seniority	32	68
16	Current position by direct recruitment	100	0
17	Current position by promotion	0	100
19	Seniority calculated by continuous length of service	92	8
20	Seniority calculated by continuous length of officiation in service	56	44
21	Seniority determined from day of appointment	84	16
22	Seniority determined from day of confirmation	8	92
23	Determination of merit by interview	28	72
24	Determination of merit by written exam	52	48
27	Principle of quota applied	100	0

While calculating the seniority of the respondents of this category, it was found that of 92% of their seniority is determined by continuous length of service; 56% of them were promoted taking into consideration their continuous length of officiation; 84% of their

seniority was calculated from their date of appointment and calculation of seniority from the date of confirmation was done in 8% of them.

For those who were promoted by merit, 28% said that their merit is determined by an interview and 52% of them had to undergo a written examination for determining the merit.

Taking into consideration of the inter-se seniority among the direct recruits and promotees, 40% revealed that promotees are given preference and for 60% both direct recruits and promotees were provided equal opportunity for promotion.

The principle of quota is applied in matter of promotion in this category; 36% said that the quota fixed for promotion is in the ratio of 1:1 for direct recruits and promotees, 32% said that the quota fixed is 1:3 and the ratio of 1:4 is fixed for 4% of the respondents. 28% of the respondents had refrained themselves from answering this question.

6.4.5. Determination of Seniority among Teachers of Universities, Colleges and Research Institutions within the Territory of West Bengal

The Career Advancement Scheme introduced by the Universities Grants Commission is the basic principle on which promotion of teachers of Universities, Colleges and other research institutions are made.

92% of them were promoted or considered for promotion in due time; the view of the rest was that there was that as and when a faculty member acquires the necessary API (Academic Progression Index) he/she becomes eligible for promotion and can be accordingly promoted.

8% of the teachers said that they were promoted on the basis of seniority only and 32% of them were promoted based on merit only. 24% respondent teachers were promoted according to seniority-cum-merit while 72% of the promotion have been made by merit-cum-seniority.

84% of the respondents were promoted more than once. Among them, the initial promotion made according to merit was 52%; initial promotion made according to seniority was for 12% respondents; seniority-cum-merit and merit-cum-seniority of 16% and 60% respondents respectively have been considered for promotion. In case of the most recent promotion, for 32% respondents merit was taken into consideration and for

16% of them seniority was considered; seniority-cum-merit and merit-cum-seniority was considered in 28% and 68% teachers respectively.

Table No. 6.3
Principles Of Promotion And Seniority In Higher Education (With Special Reference To Career Advancement Scheme) Within The Territory Of West Bengal

Serial No.	Questions	Responses of University and Colleges	
		Yes (%)	No (%)
6	Whether post is of substantial nature?	100	0
7	Post is ad-hoc/temporary/officiating	0	100
8	Considered for promotion/promoted to a higher rank	100	0
9	Considered for promotion in due time	92	8
10	Promotion according to seniority	8	92
11	Promotion according to merit	32	68
12	Promotion according to seniority-cum-merit	24	76
13	Promotion according to merit-cum-seniority	72	28
14	Promoted/considered more than once	84	16
15 a	1st promotion according to merit	52	48
15 b	1st promotion according to seniority	12	88
15 c	1st promotion according to seniority-cum-merit	16	84
15 d	1st promotion according to merit-cum-seniority	60	40
15 e	Most recent promotion according to merit	32	68
15 f	Most recent promotion according to seniority	16	84
15 g	Most recent promotion according to seniority cum merit	28	72
15 h	Most recent promotion according to merit-cum-seniority	68	32
16	Current position by direct recruitment	8	92
17	Current position by promotion	100	0
19	Seniority calculated by continuous length of service	84	16
20	Seniority calculated by continuous length of officiation in service	12	88
21	Seniority determined from day of appointment	84	16
22	Seniority determined from day of confirmation	12	88
23	Determination of merit by interview	8	92
24	Determination of merit by written exam	60	40
27	Principle of quota applied	100	0

While determining the seniority of the respondents, it was found that seniority for promotion, was fixed by calculating - (i) the continuous length of service of 84% of the respondents; (ii) the continuous length of officiation in service of 12% respondents; (iii) from the day of appointment of the respondents in 84% cases; and (iv) from the date of confirmation in 12% cases.

In cases of deciding the merit of the respondents, 8% of them had to face an interview board and of the rest 92% respondents, merit was calculated according to the confidential reports. No written examination is held for the respondents for determining the merit.

Regarding the inter-se seniority, 12% of the promote respondents were given preference and 88% said that preference is given to both direct recruits and promotees. For promotion of the all the respondents, the principle of quota is applied. The ratio which is fixed for recruitment in a particular grade among the direct recruits and promotees varied from respondent to respondent. 80% of them said that the ratio fixed is 1:1, 16% said the ratio is 1:2 and 4% viewed it to be 1:3.

6.4.6. Determination of Employees of Local Bodies within the Territory of West Bengal

For quite sometime, local bodies and employees of local bodies were kept outside the purview of the definition of 'State' as provided under Article 12. However, now it is a settled discourse that employees of local bodies are considered as employees of the 'State'. On conducting the survey upon the selected employees of pre-selected local bodies, the following findings emerged –

- a. 48% of the employees were promoted in due time, while promotion 52% of them were delayed;
- b. 8% of the respondents were promoted solely on the principle of merit or seniority;
- c. Promotion of 52% respondents was made according to seniority-cum-merit and 16% were promoted by merit-cum-seniority;
- d. 46% of the respondents were promoted more than once. Among them, none of their first promotion was solely on merit, while 76% of them were promoted by seniority only. In making the initial promotion, 56% employee-respondent were promoted by seniority-cum-merit and none of them promoted by merit-cum-seniority. In relation to the most recent promotion, 12% were promoted according to merit only, 76% according to seniority only, 56% according to seniority-cum-merit and none of them according to merit-cum-seniority.
- e. Seniority of all (100%) the employee-respondent was fixed by calculating the continuous length of service and for none of them, the continuous length of officiation

was taken into account. Seniority was determined from the date of appointment for the respondents (100%) and not from the date of confirmation.

f. While determining the merit, 4% had to face the interview and 20% of them had a written examination.

g. In cases of inter-se seniority, preference was given to promotees (12%) or both direct recruits and promotees (88%).

Table No. 6.4
Principles Of Promotion And Seniority Among Employees Of Local Bodies Within The Territory
Of West Bengal

Serial No.	Questions	Responses of Local Bodies	
		Yes (%)	No (%)
6	Whether post is of substantial nature?	100	0
7	Post is ad-hoc/temporary/officiating	0	100
8	Considered for promotion/promoted to a higher rank	72	28
9	Considered for promotion in due time	48	52
10	Promotion according to seniority	8	92
11	Promotion according to merit	8	92
12	Promotion according to seniority-cum-merit	52	48
13	Promotion according to merit-cum-seniority	16	84
14	Promoted/considered more than once	56	44
15 a	1st promotion according to merit	0	100
15 b	1st promotion according to seniority	76	24
15 c	1st promotion according to seniority-cum-merit	56	44
15 d	1st promotion according to merit-cum-seniority	0	100
15 e	Most recent promotion according to merit	12	88
15 f	Most recent promotion according to seniority	76	24
15 g	Most recent promotion according to seniority cum merit	56	44
15 h	Most recent promotion according to merit-cum-seniority	0	100
16	Current position by direct recruitment	36	64
17	Current position by promotion	64	36
19	Seniority calculated by continuous length of service	100	0
20	Seniority calculated by continuous length of officiation in service	0	100
21	Seniority determined from day of appointment	100	0
22	Seniority determined from day of confirmation	0	100
23	Determination of merit by interview	4	96
24	Determination of merit by written exam	20	80
27	Principle of quota applied	92	8

h. In 92% of the cases among the respondents, the principle of quota was applicable. Among the direct recruits and promotees, 28% of the respondent viewed that the quota

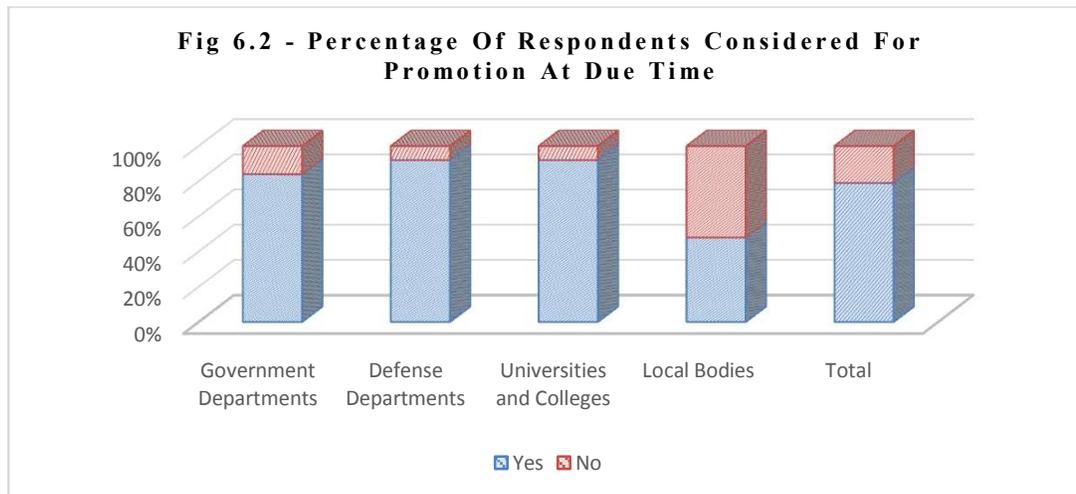
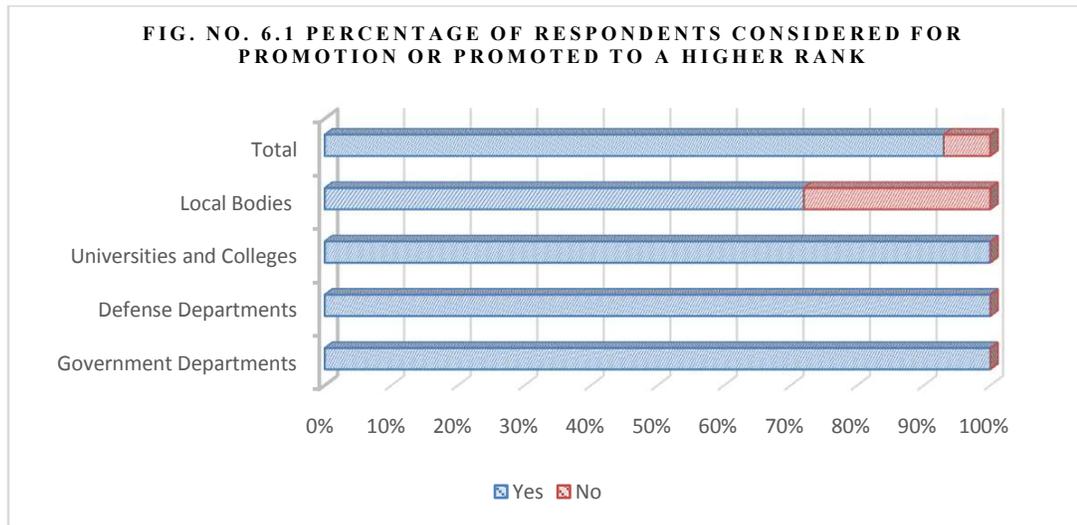
fixed for their promotion is 1:3, ratio of 1:2 was fixed for 24% respondents, 1:4 for 16% respondents; 1:5, 5:1, 1:8 and 3:5 for 4% respondents each. 8% respondents said the quota system was not applicable for them.

6.5. A Comparative Analysis of the Selected ‘Services’ under the ‘State’ within the Territory of West Bengal

On a perusal of the overall response of the questionnaires and on analysing the data of all the selected government sectors, i.e., the Government Departments, the Defence Sector, the Higher Education Sector with reference to the teachers of the Universities, Colleges and Research Institutions under the Career Advancement Scheme of the UGC and the employees of Local Bodies, the position of the scheme of career advancement and the importance of seniority in doing so, can be summed up and the following observations may be derived:

6.5.1. Right to Promotion or Right to be Considered for Promotion

It has already been discussed in detail (Chapter- 2) that there is no right to promotion. However, there is a right to be considered for promotion and such right cannot be denied to any employee serving the government. Fig. No. 6.1 reveals that other than the employees of the local bodies, all the employees from the other sectors have been either promoted or considered for promotion for atleast once. It can be derived that 90% of government employees get the opportunity of career advancement. However, whether promotion takes place on due time has a varied result. Fig. No. 6.2 shows the difference of opinion in this matter. The figure shows that in local bodies takes the longest time to provide promotion. 52% of them viewed that promotion did not take place on due time. In Government departments 16% of them were not promoted in due time. 92% in defence sector and higher education sector were promoted on time.



6.5.2. Determination of Promotion According to Seniority or Merit

The well known procedures of making promotions are according to seniority or merit or seniority-cum-merit or merit-cum-seniority. On compiling the data, it is found out that all the above-mentioned procedures are equally important for making promotion of employees of the government. Fig. Nos. 6.3, 6.4, 6.5 and 6.6 show that in none of the sectors, promotion is made on the sole criteria of seniority or merit.

Fig 6.3 Percentage Of Respondents Whom Promotion Was Granted According to Seniority

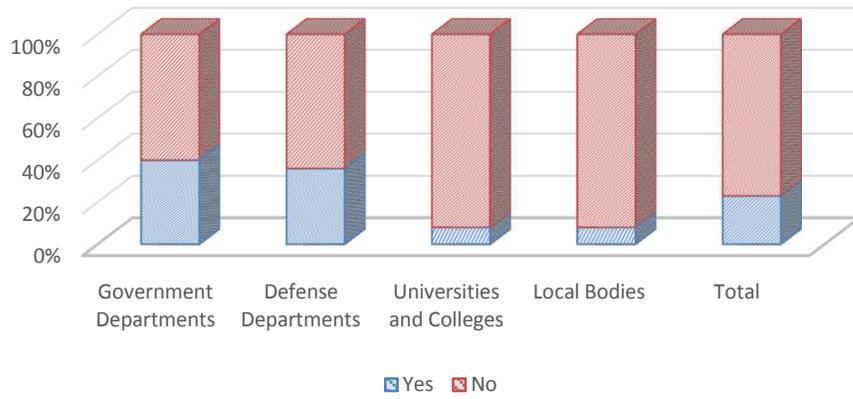
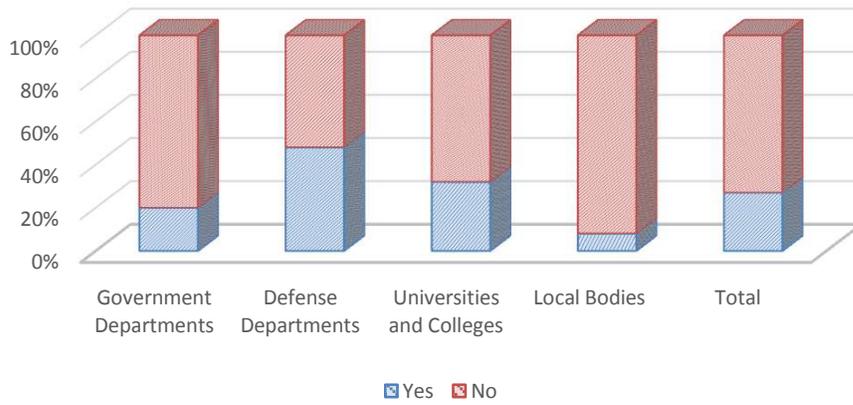
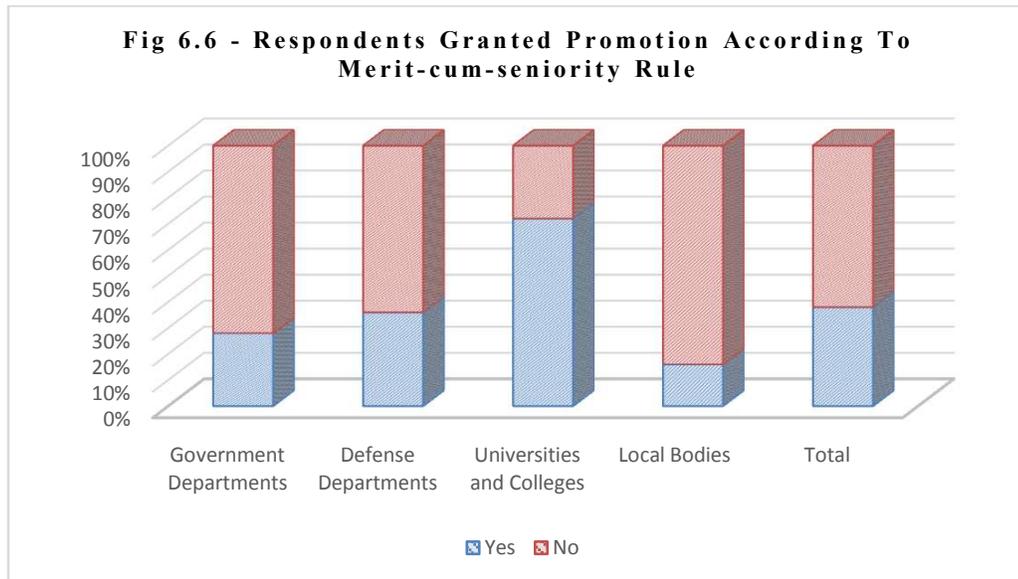
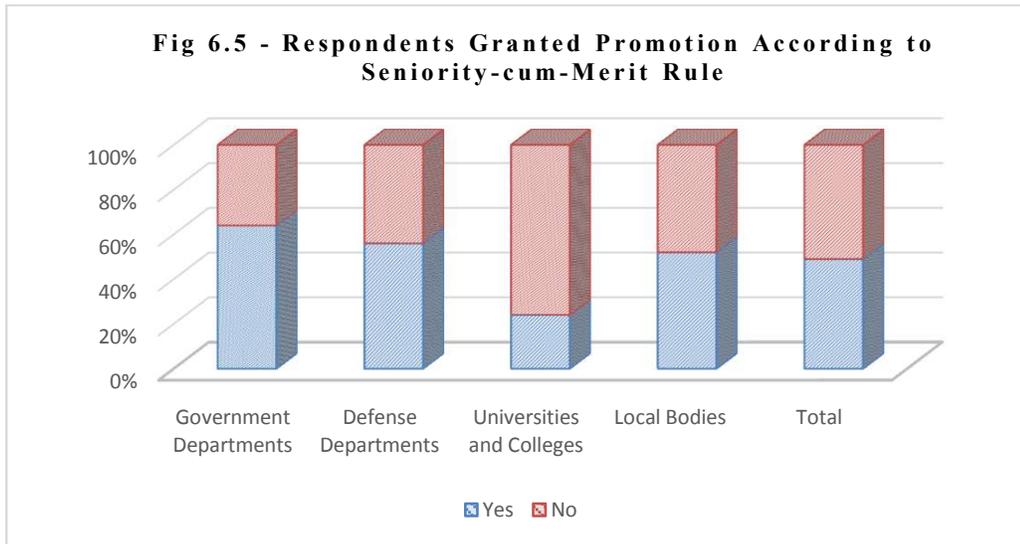


Fig 6.4 - Percentage Of Respondents Whom Promotion was Granted According to Merit



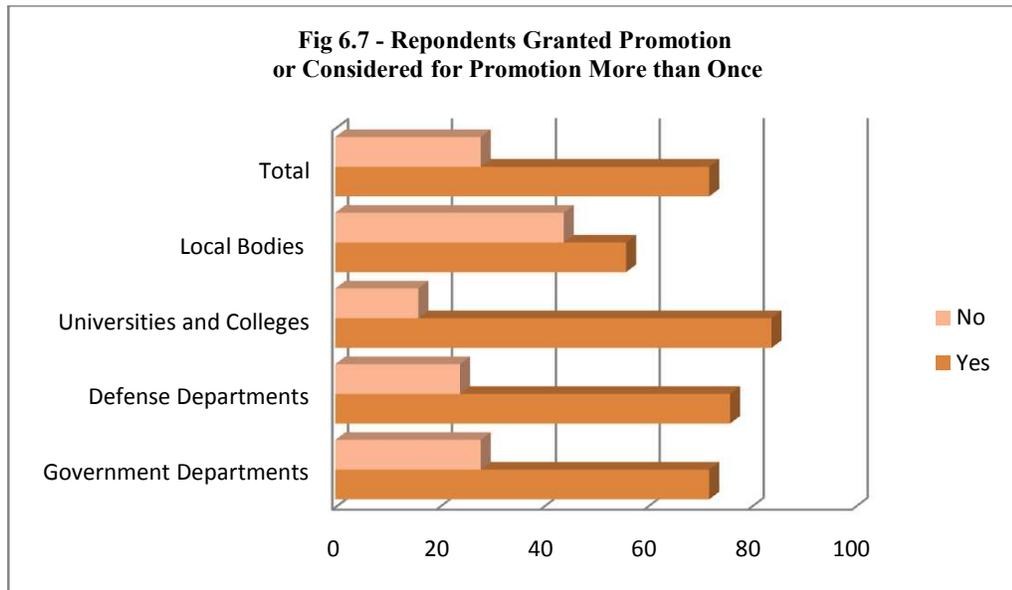


Special mention of Fig. Nos. 6.5 and 6.6 is required here. It will be seen that in all the sectors, promotion is made either according to seniority-cum-merit or merit-cum-seniority. Fig. No. 6.5 shows that while making promotion, among all the sectors adopting the method of seniority-cum-merit, in Government Departments give highest preference to seniority to merit (64%) followed by the employees of the local bodies (52%) in comparison to the other sectors. It is also seen that while promoting teachers of

Universities, Colleges and Research Institutions, by applying the method of merit-cum-seniority, highest preference is given to merit in comparison to the other sectors.(Fig. No. 6.6) This is followed by the Defence Sector where the defence personnel is promoted by merit-cum-seniority giving preference to merit over seniority.(Fig. No. 6.6)

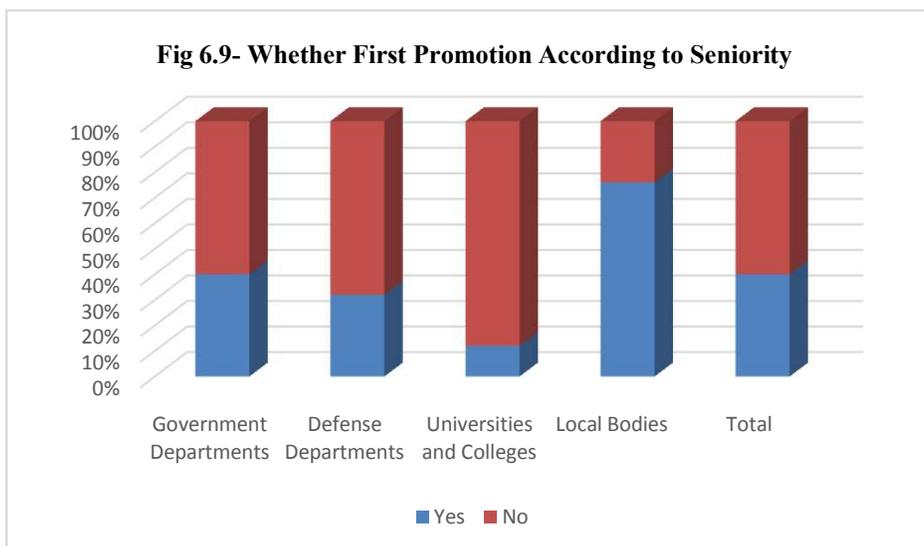
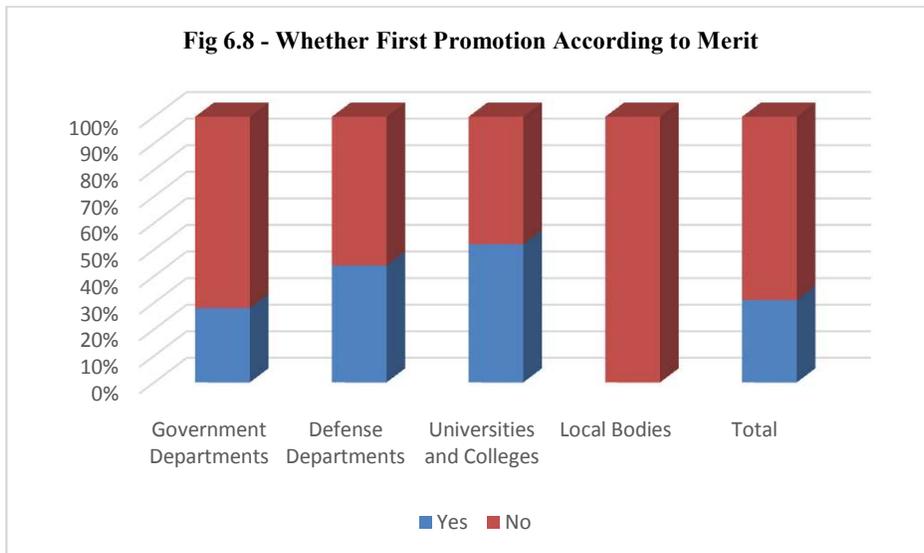
6.5.3. Principles of Promotion Where It is Made More than Once

During the career span of an employee, there may be number of occasions when he/she may be promoted. In this chapter, the initial and the most recent occurrence of the promotion of the respondents have been taken into consideration. The intention of adopting such method is to find out whether there is any change in the trend of principles of promotion. It has already been pointed out that promotion is not made on the sole criteria of seniority or merit. Where only seniority is considered, performance appraisal plays a very important role. On analysing the data collected, it can be inferred that as an employee moves up the ladder of service more and more importance is given to merit. Where an employee is promoted for the first time on the principle of seniority or seniority-cum-merit, his promotion for the next higher cadre or grade may be made on the basis of merit-cum-seniority. However, it is important to note that there are no circumstances where seniority has been avoided.

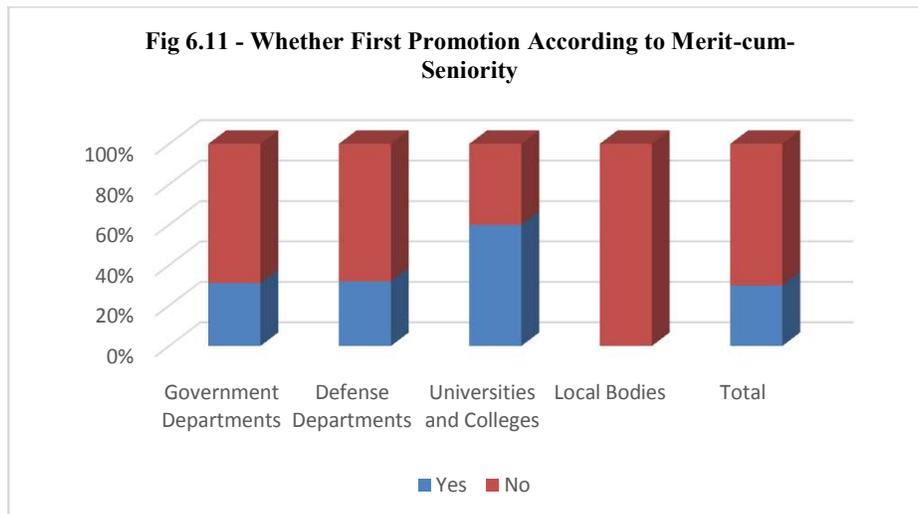
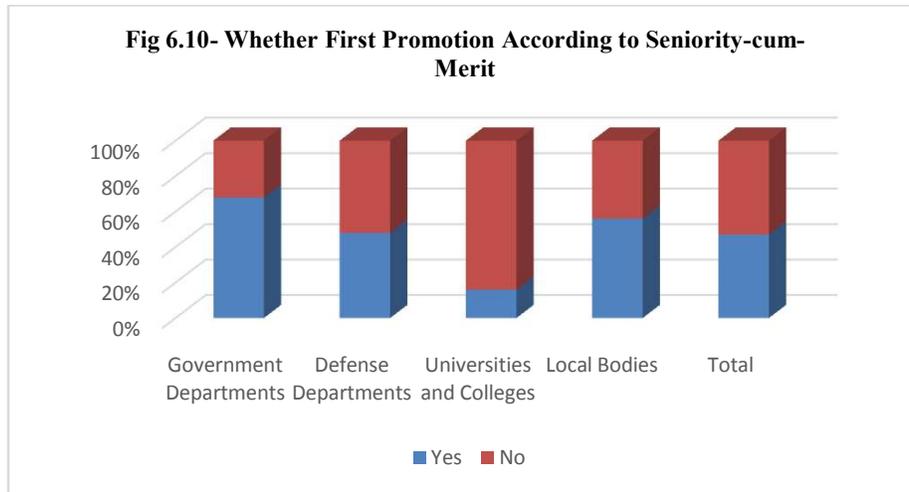


From the above Fig. No. 6.7, it can be deduced that the majority of the respondents have been promoted or considered for promotion more than once.

Fig. Nos. 6.8, 6.9, 6.10 and 6.11 show that initial promotion is made according to seniority or seniority-cum-merit, in which situation both seniority and merit is taken into account but seniority is given more importance. It is seen that while making the first promotion in the government department, 28% of the total respondents were promoted according to merit, in the defence sector promotion of 44% of the respondents were made considering their merit, in higher education 52% and none were promoted in local bodies by merit in the first instance.



On the other hand, Fig. No. 6.10 shows that on an average, majority of the initial promotions are made according to seniority-cum-merit and in Fig. No. 6.11, it is shown that lesser number of respondents were initially promoted by the application of the principle of merit-cum-seniority. It is to be noted that none of the employees of the local bodies were promoted applying this principle.



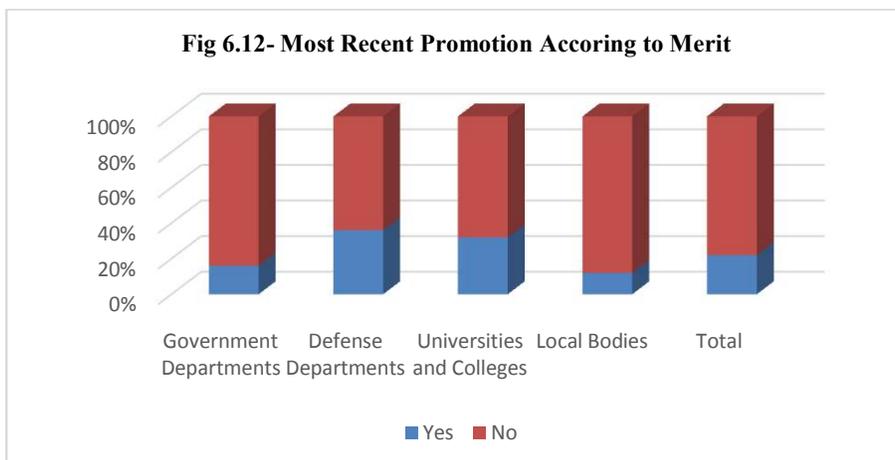
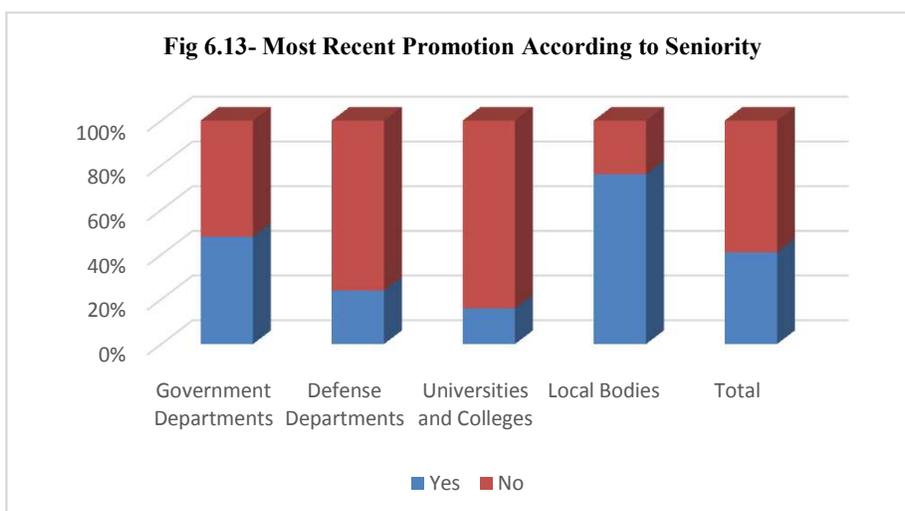


Fig. No. 6.13



It is seen that the principle of seniority plays a major role in promoting respondents of Government Departments and Local Bodies, whether it is made at the initial stage or in later stages of the services.(Fig. No. 6.13 and Fig. No. 6.9)

Fig 6.14 - Whether Most Recent Promotion According to Seniority-cum-Merit

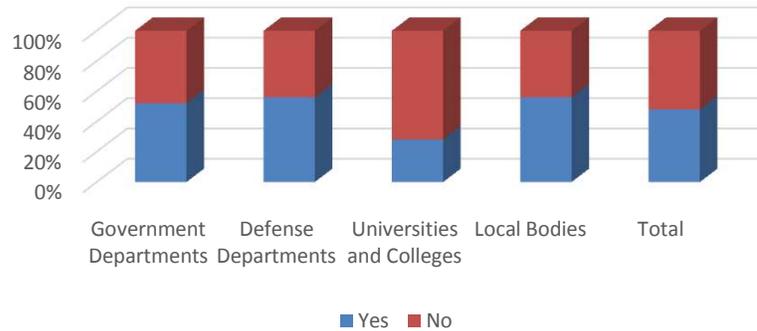
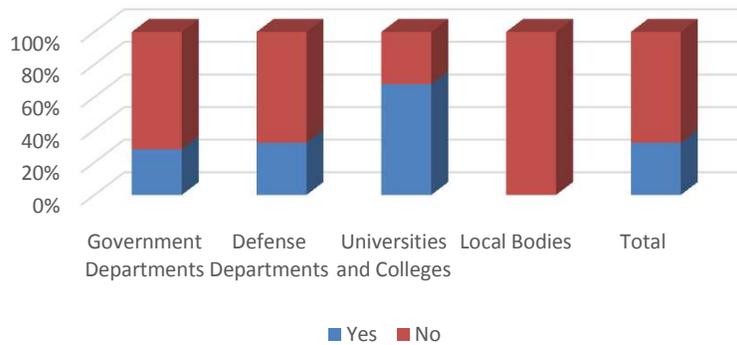


Fig 6.15 - Whether Most Recent Promotion According to Merit-cum-Seniority



As the respondents moved upwards in the service, it can be seen that the element of merit gets more importance than seniority in some of the services. In Fig. No. 6.15, it is seen that as high as 68% of the respondents in higher education is promoted according to merit-cum-seniority in later stages of service. Combining all the services together, it is found out that 32% of the total respondents have been promoted by merit-cum-seniority in the later stages of their services. On the other hand, combining all the services together, it is found that considering the first promotion of the respondents, promotion made according to merit-cum-seniority is 30% (Fig. No. 6.11)

6.5.4. Computation of Seniority in the Selected Service Sector

There are certain methods of computing seniority for advancing an employee in the ladder of service. The basic tenets for fixing seniority are based on continuous length of service or continuous length of officiation. Again while calculating the continuous length of service, either the date of appointment or the date of confirmation is taken into consideration.

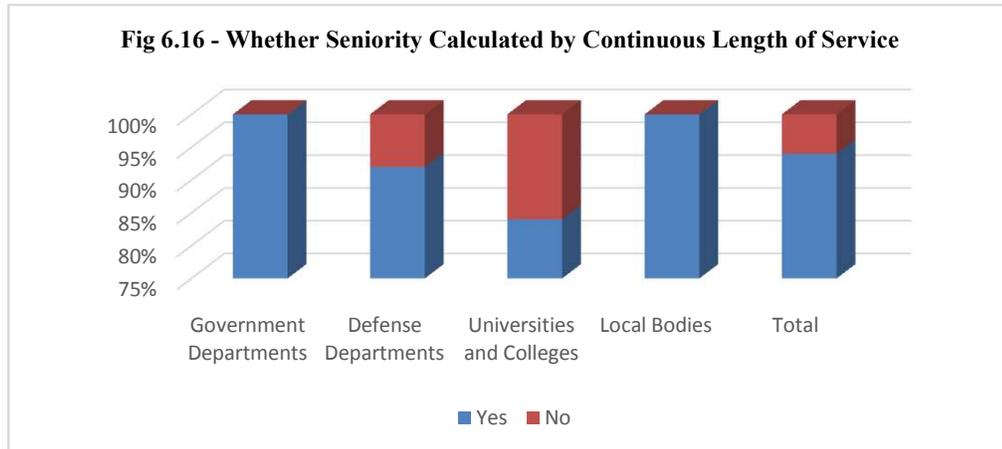
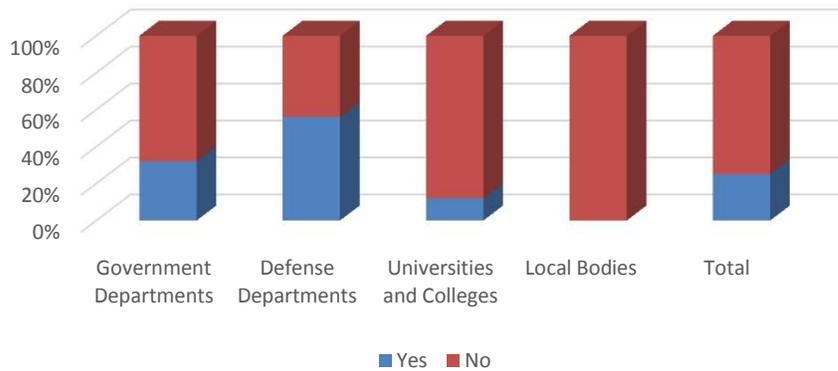


Fig. No. 6.16 shows that in all the four selected sectors seniority is calculated by the continuous length of service. While seniority of all the respondents in the Government Departments and employees in local bodies is calculated by length, 92% respondents in Defence Service and 84% in Higher Education Sector have been promoted by calculating their continuous length of service. Seniority for promotion also takes into consideration the length of continuous officiation. Fig. No. 6.17 represents the number of respondents whose continuous length of officiation have been taken into account in making their promotion. Highest number of respondents from the defence service has been promoted by calculating their length of officiation (56%). In local bodies, the officiation period is not considered for calculating their seniority.

Fig 6.17- Whether Seniority Calculated by Continuous Length of Officiation in Service



In calculating the continuous length of service or continuous length of officiation, the date of appointment or the date of confirmation holds relevance.

Fig 6.18 - Whether Seniority Determined from Day of Appointment

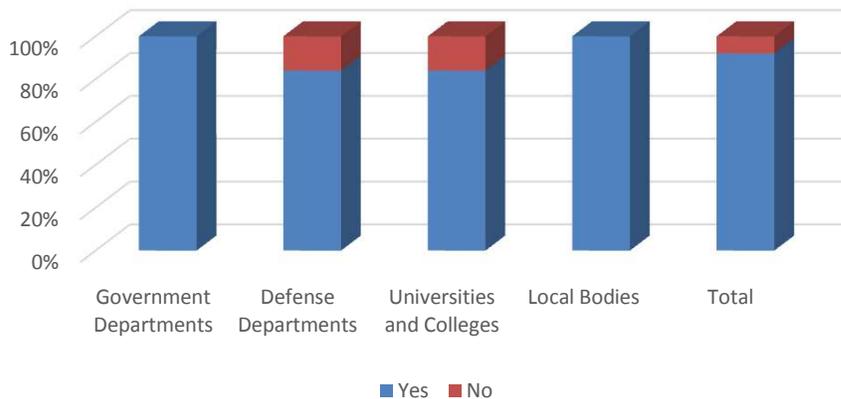
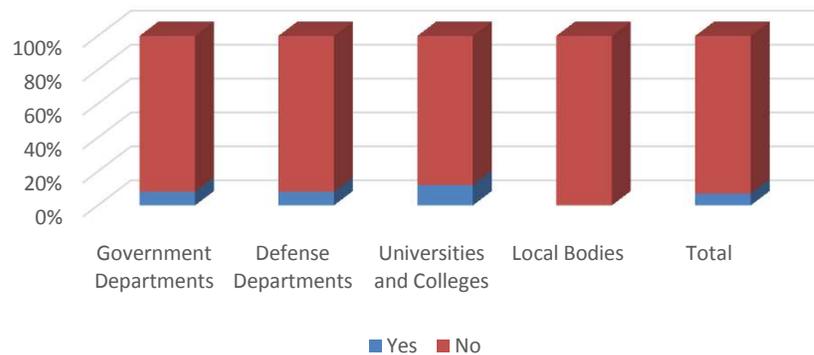


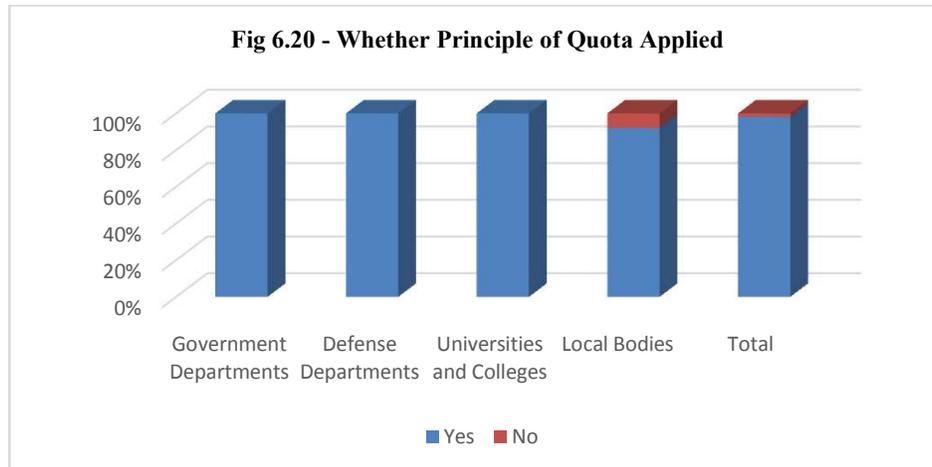
Fig 6.19 - Whether Seniority Determined from the Date of Confirmation



It is seen that the continuous length of service of all the respondents in the Government Sector is calculated from the date of appointment (Fig. No. 6.18). For 8% of the Respondents from Government Departments, length of service and officiation is calculated from the date of confirmation. The length of service or officiation of 84% of the Defence Personnel (respondent) were calculated from the date of appointment and for 8%, it was calculated from the date of confirmation. (Fig. Nos. 6.18 and 6.19). For calculating the length of service of Higher Education Sector, date of appointment of 84% teachers were considered and 12% teachers reported that their date of confirmation was considered. Among the employees of local bodies, their length of service is calculated from their date of appointment (Fig. No. 6.18)

6.5.5. Inter-se Seniority

In all circumstances of promotion, the conflict between the direct recruits and promotees is but common. When such kind of conflict arises the solution lies in promoting the employees by applying the principle of inter-se seniority. In inter-se seniority, preference is given either to the direct recruits or promotees or both of these categories are provided with equal opportunity of advancement. On conducting the survey, it is seen that in all the four sectors, majority of them were of the opinion that equal opportunity is given to both the promotees and direct recruits. In cases of 72% respondents from Government Departments, 75% respondents from Defence Sector, 88% respondents from employees from Higher Education Sector and Local Bodies viewed that both direct recruits and promotees received equal opportunity for promotion. The principle of quota has been applied in all the sectors for making inter-se seniority.(Fig. No. 6.20)



6.6. A Sum-Up

To testify the propositions laid down in the previous chapters in various sectors of the ‘State’, an empirical study has been conducted. The universe for the empirical study has been fixed to be employees serving the ‘State’. The universe is purposively segregated into four sectors which include the Government Departments, Defence Service Sector, Teachers employed by Universities, Colleges and Research Institutes under the Career Advancement Scheme and Employees in Local Bodies. The sample size in each sector is twenty-five and the method adopted for drawing the samples is stratified sampling and purposive sampling. A closed questionnaire had been prepared which was distributed among the respondents for collection of data. The survey has been carried on only upon those employees who hold substantial posts in the ‘services under the State’.

The Findings –

The result of the survey can be summarised as under –

- a. The only process by which a person in government service would be appointed to a higher post is by direct recruitment or by promotion. When it is shown that a person has been appointed to a higher post otherwise than by direct recruitment, then the appointment could be only by way of promotion. There is a right to be considered for promotion and such right cannot be denied to any employee serving the government.
- b. Promotion of any government employee can be made either by way of considering his/her merit, seniority, merit-cum-seniority or seniority-cum-merit.

Conceptually, seniority-cum-merit and merit-cum-seniority must be treated differently. In the former, greater emphasis is placed on seniority even though it is not the determinative factor, while in the latter merit is the determinative factor.

c. It is seen that sectors in the Higher Education and the Defence majorly apply the principle of merit-cum-seniority for promoting their employees. On the other hand, in the Government Departments and the Local Bodies the principle of seniority-cum-merit is prevalent for promoting their employees.

d. While the method of seniority-cum-merit is generally prescribed for promotions in the lower cadres, the method of promotion by merit-cum-seniority and selection is adopted in making promotions to the higher echelons of the services.

e. Before, effecting a promotion, the seniority of every employee has to be considered and be fixed accordingly. Unless, the seniority is fixed, it is impossible to consider the case of employees for promotion. This is because, whatever be the mode of consideration for promotion, be that by seniority-cum-merit or by selection, the promotion process cannot avoid the principle of seniority.

f. For calculating seniority of an employee, continuous lengths of service and officiation of the employees are taken into account. In both these situations, i.e., lengths of service and officiation, the computation is made from the date of appointment or from the date of confirmation. It has been seen that the calculation of seniority from the date of appointment is the generally accepted norm. Calculating seniority from the date of confirmation of the employment takes place in rare circumstances.

g. A cadre consists of employees from lower cadre by way of promotion as well as by way of direct recruitment. In such circumstances conflict arises when the question for further promotion crops up. The solution lies in making promotion by inter-se seniority. It is found that the relative seniority of direct recruits and of promotees is determined according to the rotation of vacancies between promotees which again is based upon the quota of vacancies reserved for direct recruitment and promotion. The survey so conducted revealed that except in Local bodies, all the other sectors determine the inter-se seniority by allotting quota fixed for the direct recruits and the promotees.

h. The rules of recruitment often fix specific quota for direct recruitment and promotion and this quota rule cannot be violated at the will and pleasure of the appointing authority. Vacancies are classified as 'direct recruitment' and 'promotional' vacancies and recruitment is made from the respective source.

i. There is no uniform rule for fixing the ratio for allotting vacancies for the direct recruits and promotees. It varies from service to service and department to department. Also the fixing of the ratio for the direct recruits and promotees will largely depend upon the requirement of the department or cadre in the service. In the survey conducted for the purpose of this research work, a range of ratio came forth in which the direct recruits and the promotees have been allotted. For 38% respondents, a ratio of 1:1, for direct recruits and promotees, was fixed for determining inter-se seniority, ratio of 1:2 for 13% respondents, 20% respondents were promoted considering a ratio of 1:3 and 15% of them were promoted in the ratio of 1:4.

It can, therefore, be safely deduced that the rule of seniority for promoting a person to a higher cadre in any 'service' under the 'state' cannot be avoided. Whether a promotion is made by way of merit or by selection or by merit-cum-seniority or by seniority-cum-merit, until and unless an employee has spent a certain period of time in the cadre, he will not be considered for promotion. The logic behind this is that there is a positive correlation between the length of service in the same job and the amount of knowledge and the level of skill acquired by an employee in an organisation. The other reason being that promotion is also based on the custom that the first in the employment should be given the first chance in all benefits and privileges.

However, to overlook merit absolutely in appointment and promotion in any 'State Service' will tend to infest the hierarchical structure of any 'Services' under the 'State' with nepotism and red-tapism. Hence, a combination of both seniority and merit can be considered as the basis for promotion satisfying both the 'State' mechanism for organisational effectiveness and the employees and their associations for respecting the length of service and experience. A balance between seniority and merit is required to be struck which can be done in the following ways:-

a. Merit-cum-seniority

In this kind of selection, firstly, a minimum period of service rendered by the employee is taken into consideration and then these employees are shortlisted. Thereafter, merit is taken as the sole criteria for selecting the employee from the eligible candidates.

b. Minimum Merit and Seniority:-

In contrast to the earlier method, the minimum requirement of merits taken into consideration and employees are selected for promotion based on their seniority only from those who are shortlisted as eligible.