CHAPTER V

PROMOTION

The Concept of Promotion

Stahl says "In the initial recruitment we are not fully concerned with the morale of the entire recruitment field, that is, the general public as a whole, except to maintain good public relations." In selection from within (i.e., promotion) on the other hand one must be very much concerned with the morale of the entire group of our employees who aspire for promotion. He says, "Opportunity for advancement and chance to make best possible use of one's capacity form one of the well springs of human motivation. The proper determination of positions which can be filled by selection of the ablest employees for advancement, the development of employees to their maximum usefulness and proper balance between inside and outside recruitment lie at the very root of personnel administration." 2

II. The Area of Promotion

The term 'area of promotion' comprises all the serving employees who can be considered for appointment to higher posts. The area of promotion differs from the area of initial recruitment in that it is much more dependent on the variations of rules and regulations framed by the employer from time to time rather than the social conditions and educational patterns which greatly influence recruitment from outside.
The Government of U.P. have been having different ideas regarding the determination of the categories of municipal employees to be given the chance of promotion. As early as 1950 the Government of U.P. issued a circular to the effect that "The promotions should as a rule, be made from the lower to the higher posts and grades, as the case may be, in the same class of service subject to the General Orders".

The U.P. Nagar Mahapalika Sewa Niyamawali framed by the Government in 1962 says that "For purposes of recruitment by promotion, a selection on the basis of seniority, subject to the rejection of the unfit shall be made ........ from among all the eligible servants of the Mahapalika who have put in a required length of service ........"

The Palika Centralised Services Rules 1966 initially said, "for the purpose of recruitment by promotion a selection on the basis of seniority subject to the rejection of the unfit shall be made ..... from amongst all eligible officers of the next lower grade of the same centralised service and a list of officers prepared."**

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* Govt. of U.P. Circular No. 765/IX-HMP-25-1949; Dept. of L.G., dated 10.4.50.
** Sec. 13 The U.P. Nagar Mahapalika Sewa Niyamawali.
Subsequently, the above quoted section was amended and substituted with the following words:

"For the purposes of recruitment by promotion, a selection on the basis of inter se seniority subject to the rejection of unfit shall be made ..... from amongst all eligible officers belonging to any lower grade of any of the centralised services ....."

All these changes in the terminology of rules regarding promotion illustrate that the Government has taken diametrically opposite view over the question which employees should be considered for promotion. Instead of men in the same class of service it now allows officers belonging to any lower grade of any of the centralised services to be considered for promotion. One of the concomitants of this broadening of the area of promotion is that the expectation of an average official to achieve advancement in the career has become more uncertain because he can never know as to which persons belonging to which service or trade (Specialization) are to compete with him. Under the present rules even the overseer can be promoted to the post of a Chief Engineer irrespective of his being much lower in the grade of service. Thus on the one hand these rules may negatively affect the morale of quite a few officials and on the other provide some more leverage to the Government to distribute patronage. Yet another way by which a junior employee can get himself pushed-up is to enable him to apply for a post which is to be filled by selection ---
from outside. There is no denying that this practice affects a chance of certain bright men rising quickly to the higher posts. But there is equal or perhaps more probability of some devoted and efficient serving senior employees getting superceded in the process just because of the limitation of age which is invariably attached with direct recruitments. In order to remove the handicaps of age the employees should under rules be uniformly given age relaxation when the selection is open to outsiders.

III. BASIS OF PROMOTION

In the framework of promotion rules it appears that seniority has been accepted as the general criterion for promotion, because the expression subject to the rejection of the unfit has been meaningless in the usual practice. Hardly, there has been a case where an employee was declared unfit. Seniority principle has been continuously under attack by various authorities of Public Administration all these years. Chapman says "The trouble with the seniority system is that it is so objective that it fails to take any account of personal merit. As a system it is fair to win or loose provided that he does not actually become so inefficient that disciplinary action has to be taken against him. Thus although it is fair to the officials themselves it is a heavy burden on the public and a great strain on the efficient handling of public business". 3
'Seniority’ and ‘merit’ are the two age old bases for making promotions in all jurisdictions. In India in the service of Government as well as in that of the local Government considerable premium is put on seniority even today. Two expressions ‘Seniority-cum-merit’ and ‘seniority subject to rejection of the unfit’ find place in different sets of promotion rules. While ‘seniority-cum-merit’ refers to the policy of preferring a senior man and considering junior candidates only when the seniority among the two or more of them can not be clearly established. ‘Seniority subject to the rejection of the unfit’ represents the policy of making promotions according to seniority without any consideration of merit whatsoever unless the senior man has been declared as unfit. In the context of U.P. Municipal Corporations the position with regard to the application of this principle has been made clear by the U.P. Public Services Tribunal (I) in its award on the petition filed before it by one Anwarul Haq, Tax Collector in the Nagar Mahapalika Varanasi and two other employees against the Administrator Nagar Mahapalika Varanasi. The petitioners were candidates for promotions to the posts of Revenue Inspectors but were not selected by the Selection Committee concerned in favour of candidates much junior to them.

* Anwarul Haq vs. Administrator Nagar Mahapalika Varanasi, No. 927(L)/76-Award-19-12-77; The U.P. Public Services Tribunal (I).
The contention of the Administrator Nagar Mahapalika Varanasi in his replies to the pleas raised in the reference was that 'the appointments were made on the basis of selection and those who were found fit were recommended for appointment and all factors deserving consideration in the matter of selection were considered. According to the Administrator the 'seniority and juniority of the employees who were eligible for promotion was not the only criterion for selection and the suitability of the candidates was considered by the selection committee. The recommendations of the committee were made on the basis of performance of the candidates who were interviewed and their service record and all material facts were also considered and the committee recommended only those who were found fit for the posts.'

In its award the Tribunal said "The contention that the selection committee did not apply the correct principle in the matter of promotion of the petitioners deserves to be accepted. Rule 20 of the Nagar Mahapalika Sewa Niyamawali, 1962 provides that for the purpose of recruitment by promotion a selection committee on the basis of seniority subject to rejection of unfit shall be made from among all the eligible servants of the Mahapalika who had put in the required length of service on the 1st day of January of the year in which the selection is made .... It is abundantly clear that the selection committee had made its recommendations under the impression
that it was required to make its recommendation on the basis of selection which is done according to merit. As mentioned above the principle applicable in the case of departmental candidates was seniority subject to rejection of the unfit. This means that seniority of persons required to be promoted from the different categories was to be given due consideration and a senior person could be rejected only on the ground that he was unfit for promotion. In the case of Government of India vs. C.A. Balakrishna promotion was at a relevant time to be made on the basis of seniority cum fitness and the rule of promotion by selection came into force later. The respondents claim to promotion was not considered on the ground that the post in question was a selection post. The Supreme Court upheld the order of the High Court directing Government to consider the respondent's case for promotion as on the date respondent no.2 who was junior to him was promoted .... In that case respondent no.2 had been promoted as he was found to be superior to respondent no.1 in merit and ability. No allegations have been made and no materials have been put before us to prove that the petitioners though senior to the promotee respondents were found unfit for promotion and on this ground alone the two petitions deserve to be allowed."
A combined state services competitive examination was held by the U.P. Public Service Commission in the year 1976. This combined examination was held for selecting candidates for U.P. Public Services for the posts such as Deputy Collectors Sahayak Nagar Adhikaris for Municipal Corporations, Executive Officers for Class I Municipalities and Sales Tax Officers etc. About 12000 candidates appeared in the examination of which about 1000 were called for interview and about 200 persons were selected for various posts including 30 were selected for U.P. Palika Administrative (Superior) Services on posts of Sahayak Nagar Adhikaris and Executive Officers. The names of persons selected thus duly appeared in the news papers in December, 1977 and they were called for medical examinations in which also they were found fit in July 1978. Thereafter the selected candidates waited for sometime to receive their posting letters which are normally issued with in six months of the medical examination but no such posting letters were received from the Government. In the course of three succeeding years of after the selection, the selected candidates made repeated oral and written requests to local self-Government Minister, and the Secretary of the Department asking for their posting orders but each time they got more assurances of being given the posting orders very soon.

Ultimately on January 7, 1980 losing all hope of getting the posting orders, five of the selected
candidates filed a writ petition* in the Hon'ble High Court of Allahabad stating that though they were selected by the Public Service Commission according to prescribed rules and due procedure were not being given the appointment letters while a large number of adhoc appointees were working as Sahayak Nagar Adhikaris and Executive Officers class I who were appointed without facing any competitive examination. It was also stated by the petitioners that once there were persons who had been selected through Public Service Commission they were bound to be given their posting orders and the adhoc appointees could not be continued in service and that these adhoc appointees were there because they were relatives or favourites of Ministers and Secretaries of the U.P. Government. In the following month the High Court issued Interim mandamus to the Government to direct posting of the petitioners within a month or to show cause.

As a response to the interim mandamus the Government issued the posting orders** and thereby honouring the verdict of the only fair competitive examination ever held in the history of municipal administration in the state of U.P. to recruit the Executive Officers under the aegis of the Public Service Commission.

* Harish Chandra and others Vs. State of U.P. "writ petition No. 279 of 1980 High Court of Allahabad.
But the Government's utter disregard for the merit principle did not end even at this point, simultaneously with the issuing of posting orders to the candidates selected by the Public Service Commission it issued another order on the same date promoting all its favourite former adhoc appointees to the posts of Upa Nagar Adhikaris and other equivalent posts above the head of these candidates who were duly selected by Public Service Commission.* Another extraordinary measure which the Government took to protect the former adhoc appointees from their possible ouster was to frame rules** on May 14, 1979 providing for regularisation of the services, through a selection committee constituted for the purpose, any person who was appointed on adhoc basis prior to January 1, 1977 and who had completed three years of continued service. The seniority of such persons was to remain intact and they were exempted from reference to the Public Service Commission.

But in spite of all its doings the Government has not succeeded in removing the illegality of the promotion order because it did not make the promotees face the selection committee nor did it get their adhoc initial appointments cleared from the Public Service Commission. That the Government were not fair in making these promotions becomes more highlighted when and comes across a letter of the Director 1976 asking the adhoc appointees to send their

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* G.O. No.1706/11-1-79/08, Lucknow March 11, 1979, Government of U.P.

applications against the advertisement of the Public Service Commission.* The letter informed them that the candidates selected by Public Service Commission would be appointed in their places.

Defects of Procedure:

Government's intentions apart the procedure of promotion now obtaining suffers from certain defects which if removed are likely to help an aspirant for promotion to have a better understanding of how the process works, what are his chances, what should he do to improve them. Nigro insists "The employee should know what exactly he has to do in order to earn promotion to each of these higher ranks." The principle of seniority subject to rejection of the unfit can be justly applied only when the point of decision to determine whether a candidate is unfit is fixed. Which authority is going to declare that a particular candidate is unfit? And for what post? Or for all the posts? Is the unfitness going to be for the whole life? Has the candidate some legitimate way to cure his unfitness?

The duties and procedures of the selection committee and the extent of flexibility it is allowed should also be clearly and precisely laid down because ordinarily it appears that it's only business is to tick-mark the senior-most candidate. What proportionate weightage should be given to different candidates for application.

* A letter from the Commissioner and Director, Local Bodies, Govt. of U.P., Lucknow dated April 23, 1976. (See Appendix.)
abilities once the selection for some reasons it
to be made on the basis of merit? Factors like educa-
tional qualifications, work experience, quality of
performance often defy exact measurements and raise
controversy even when the selectors are wellmeaning
and want to act fairly.

The methods of rating: The methods of rating also suffer
from defects. Generally, every employee evaluated on
such counts as working ability, general behaviour
performance and integrity. This broad evaluation takes
the shape of the character-roll entry given to him
annually by his officer. The last column of the
character-roll is for the general remarks. Often
these general remarks are utterly subjective and do
a lot of damage not only to the employee but also to
the processes of promotion and retention. The reading
of one such character-roll of a second grade clerk in
the Varanasi Municipal Corporation is as follows :-

(1) अध्याल्य सम्म हे नकों पहुँचते ।
(2) राजनीतिक गतिविधियाँ में वापिस न है ।
(3) सारे भारतीय राज्यों में वापिस न है ।
(4) घोट दे बाधा कत बाधित रहते है ।

Some guidelines are necessary for the selection
committees in order that they can interpret all the infor-
mation regarding the candidates in an uniform manner.
What factors have been usually considered as most important in making promotions?

<table>
<thead>
<tr>
<th>Seniority</th>
<th>Educational qualification</th>
<th>Support of important persons</th>
<th>Other</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>%</td>
<td>%</td>
<td>%</td>
<td>%</td>
</tr>
<tr>
<td>A</td>
<td>8</td>
<td>61.5</td>
<td>4</td>
<td>30.8</td>
</tr>
<tr>
<td>J</td>
<td>20</td>
<td>50.0</td>
<td>19</td>
<td>47.5</td>
</tr>
<tr>
<td>S</td>
<td>13</td>
<td>40.6</td>
<td>16</td>
<td>50.0</td>
</tr>
<tr>
<td>I</td>
<td>25</td>
<td>54.3</td>
<td>17</td>
<td>37.0</td>
</tr>
<tr>
<td>T</td>
<td>26</td>
<td>54.2</td>
<td>19</td>
<td>37.5</td>
</tr>
<tr>
<td>G</td>
<td>19</td>
<td>54.3</td>
<td>13</td>
<td>37.1</td>
</tr>
</tbody>
</table>

The above mentioned table shows that while 61.5% of the Administrative Heads affirm seniority has been generally considered the most important factor for making promotions, 30.8% maintain that support of important persons has been the factor usually considered for promotion. Only 7.7% of them recognise educational qualification as the most important factor for making promotions. 50% or more respondents from each category think seniority to be the usual factor in making promotions. The only exceptions are the Superintendents, 50% of whom think that support of important persons is the usual factor.

This figure for Junior Administrators, Inspectors, Technical Functionaries and Clerks is 47.5%, 37.0%.
37.5% and 37.1%, respectively. The percentages devoting support of important persons as a promotional factor are sizeable when one thinks of the kind of elevation so many officials have come out to make.

**Table II:**

In case if has been the support of important persons please indicate the following according to their weight:

<table>
<thead>
<tr>
<th>Category</th>
<th>Minister</th>
<th>M.Ps. %</th>
<th>M.L.Ss %</th>
<th>Mayors %</th>
<th>Corp. %</th>
<th>Govt. %</th>
<th>Business %</th>
<th>Not men %</th>
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<tr>
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<td>0</td>
<td>12.57</td>
<td>1</td>
<td>2.5</td>
<td>12.59</td>
<td>1</td>
</tr>
<tr>
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<td>7</td>
<td>0</td>
<td>21.87</td>
<td>0</td>
<td>2.5</td>
<td>6.25</td>
<td>2</td>
</tr>
<tr>
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<td>12</td>
<td>0</td>
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<td>0</td>
<td>2.5</td>
<td>2.17</td>
<td>2</td>
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<tr>
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<td>0</td>
<td>2.5</td>
<td>4.17</td>
<td>1</td>
</tr>
</tbody>
</table>

In the above mentioned table 20% of Junior Administrators, 21% of Superintendents, 26.08% of Inspectors and 14.58% of technical functionaries think that ministers throw their weight to influence the process of promotions. The figures denoting other kinds of important persons influencing promotions works out to be in negligible proportions.
The table drawn above shows that a vast majority of the officials and clerks think that the work they do is evaluated correctly. Speaking categorywise the affirmative responses from Administrative Heads, Junior Administrators, Superintendents, Technical functionaries and clerks are 79%, 77.50%, 71.88%, 83.33% and 84.44%. Only the Inspectors' responses fall short of the general percentage of affirmative answers (i.e. 72.32%). As many as 56% of the latter do not think that their performance is evaluated correctly.
References:


2. Ibid., 109.
