

PROCEEDINGS OF THE STATE POLICE CHIEF, KERALA,
THIRUVANANTHAPURAM

Present: K.S. Balasubramanian IPS

Sub:-Compliance of Hon. High Court direction in the Judgment in WP(C) 16441/2011 filed by Sri. Benni E.F, AC, KAP I Bn- Revised Seniority List in the category of APSIs in the AP Bns with effect from 18.01.1984 to 31.12.1999 – Revised - Orders issued.

Read:-(1) GO (P) 6/1984/Home Dated 18.01.1984.
(2) GO (Rt) No. 188/2012/Home Dated 21.01.2012.
(3) PHQ Order No. T4/112876/2012 Dated 07.12.2012.
(4) PHQ Order of even no. dated 31.12.2012.

Order No. A3/Spl.Team/122142/2012 Dated 12.02.2013

In light of the Government direction vide paper read as second above, a revised provisional seniority list of Armed Police Sub Inspectors for the period from 18.01.1984 to 31.12.1999 has been published vide paper read as 4th above, as part of complying the Hon. High Court judgment in WP(C) 16441/2011 filed by Sri. Benni EF, AC, KAP I Bn, strictly in conformity with the 20 suggestions of the High Level Committee and limiting the regularization process strictly within the purview of the Common judgment dated 20.06.05 in WA. No 462/02, WP(C) No. 36955/04, CCC No. 1293/00 & OP Nos 22547/2000, & 4880/2001 and WP(C) No. 36955/2004 of the Hon. High Court of Kerala.

The intervention of the Hon High Court was followed by the non-compliance in implementing the Report of the High Level Committee of Officers vide Letter No. 152/Camp/ADGP (Trg)/2005 dated 11.03.2005, which became Exhibit 17 in the Common Judgment in WA no. 462/2002 etc, in the regularization process of irregular appointments/re-appointments/out of turn promotions/temporary promotions by upgrading existing posts and appointments against supernumerary posts etc., in respect of the sports personnel appointed for the period from 1984 to 1997 in the Police Department. Moreover Government have observed that the regularization process already carried out had gone beyond the purview of the above Common

Judgment dated 20.06.05 in WA. No 462/02, WP(C) No. 36955/04, CCC No. 1293/00 & OP Nos 22547/2000, & 4880/2001 and WP(C) No. 36955/2004 of the Hon. High Court of Kerala.

A large number of petitions have been received raising objections/pointing out omissions, errors etc. All of them have been examined as per law, in detail, with relevance to the Special Rules, connected documents, considered on merit and replies given to all those cases individually. Though 24 personnel were given chance personal hearing on request within time limit, 21 personnel attended the personal hearing on 25.01.2013.

Special Rules vide GO (P) 6/1984/Home Dated 18.01.1984 permits 25% of direct appointments in the rank of Armed Police Sub Inspectors and 10% of the 25% of the quota are limited for direct recruitment of APSIs under Sports Quota with effect from 18.01.1984. As such 75% of the vacancies of Armed Police Sub Inspectors to be filled up by promotion, 22.5% through Kerala Public Service Commission and 2.5% by direct recruitment through Sports Quota, the appointment of APSIs are to be ordered after getting prior approval from Government. The Special Rules also permits out of turn promotions from PCs up to APSIs only by the Director General of Police, and thereafter by Government for specified excellence in sports once in service. In the appointments of APSIs under sports category, there were two types of appointments made from 1984, ie Contract Basis appointments under Rule 9A of KS&SSRs for one year/five year, and appointments against supernumerary posts under Rule 31 of KS&SSRs even after the Special Rules came into existence. Both the appointments were ordered when the Special Rules became operative with effect from 18.01.1984.

The limited period allowed for implementing the GO (Rt) 188/2012/Home Dated 21.01.2012 followed by the Hon. High Court Judgment in WP(C) 16441/2011 is insufficient to publish year wise seniority lists, as the seniority lists from the category of Havildars have also been revised as the sports appointments have to be regulated based on the Report of the High Level Committee of Officers vide Letter No. 152/Camp/ADGP (Trg)/2005 dated 11.03.2005, from 18.01.1984. In order to ensure clarity in ranking, the seniority of APSIs for each year, is separately earmarked subject to the vacancies existed in the respective years. Moreover, there is no direction in the Government Order to publish year wise seniority list. It is irregular to publish two

separate piece-meal, seniority lists from 18.01.1984 to 31.12.1999 and from 1.01.1987 to 31.12.1999.

In finalizing the revised seniority list of APSIs for the period 18.01.1984 to 31.12.1999, the following norms have been applied for ensuring transparency in the matter.

- a) Seniority of those sports APSIs appointed under the above two categories are regulated based on the 20 Suggestions as per the report No. 152/Camp/ADGP(Trg)/2005 dated 11.03.2005 of the High Level Committee of Officers, based on Common judgment dated 20.06.05 in WA. No 462/02, WP(C) No. 36955/04, CCC No. 1293/00 & OP Nos 22547/2000, & 4880/2001 and WP(C) No. 36955/2004 of the Hon. High Court of Kerala and based on GO(Rt) No 188/2012/Home Dated 21.01.2012 in complying the Judgment of the Hon. High Court of Kerala. (All the above such sports appointments were made when Special Rules as per GO (P) 6/1984/Home Dated 18.01.1984 became operative and were to be ordered based on its Rule 3(f) provided the candidates were possessing qualifications prescribed for the posts).

Accordingly, the sports APSIs who were appointed on contract basis continued in service beyond such contract period, without orders of further extension of such contract period, or giving regular appointments as stipulated in the Special Rules being issued, all the contract appointments of APSIs under sports category made from 1984 have been treated as regular with effect from the date followed by training period for 12 months plus such period of contract appointment, as per suggestion no. 9 of the Report of the High Level Committee.

- b) The date of regular appointment of those sports APSIs appointed against supernumerary posts/re-appointed against supernumerary posts, is regulated as per the article 69 of KFC, and within the quota of percentage of APSIs stipulated by the Special Rules.
- c) The service of those APASIs while continuing in the supernumerary posts and assigned with out of turn promotions as APSIs, before assigning date of absorption to regular cadre based on the Report of the Committee of Officers even as APASIs, are eligible for regular absorption as APSIs based on

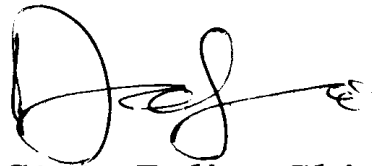
the suggestion no. 12 of the Report of the High Level Committee only.

- d) In the explanatory note to GO (P) 190/92/Home dated 10.11.1992, it is explained that the word “*vacancies*” was wrongly used instead of “*posts*” and is proposed to amend the rules to substitute the word “*posts*” instead of “*vacancies*” to make the intention clear. As the intention of the order was to correct a mistake crept in the Special Rules, this amendment will take effect from 18.01.1984 itself, ie from the date of commencement of the Special Rules.
- e) The appointment of APSIs made under Special recruitment scheme were as per Rule 17 A of KS&SSRs, and not against the 25% of vacancies meant for APSIs under direct recruitment stipulated by the Special Rules.
- f) The sanctioned cadre strength of APSIs in the AP Bns is 133 from 18.01.1984 and after the formation of SRAF 166. As such, the APASIs eligible to be promoted to the rank APSI is 75% only of the above sanctioned cadre strength.
- g) Considering the averments of keeping percentage of quota stipulated by the Special Rules, the quota for 75% of Promoted APSIs and 25% of Direct APSIs including Sports APSIs, has been strictly regulated on merit.
- h) Those APASIs who secured promotion against the training vacancies in Bns and in the vacancies of Special Units including KEPA/PTC etc and those who promoted as APSIs against the vacancies in Battalions that arose consequent on transfer of APSIs to such Special Units are eligible to get ranking in the seniority list only after getting them absorbed in the permanent cadre.
- i) Consequent to the implementation of the 20 suggestions of the High Level Committee, whatever orders remain issued earlier to the regular non-sports personnel and sports personnel regulating the services and now included in the seniority list, all such orders will remain superseded followed by their present ranking in the APSI Seniority List as on 31.12.1999.
- j) In GO(Ms) No. 232/71/PD Dated 12.08.19971 it is ordered that the Appointing Authorities should exercise extreme diligence and accuracy in reporting vacancies to the KPSC and when, once the vacancies reported to the Commission, they should neither be cancelled nor reduced, the date of occurrence of vacancies should be treated as the crucial dates for deciding the

method of appointment, and the practice, if any, of filling up vacancies by promotion/transfer after reporting the vacancies to the Commission should be discontinued. The Appointing Authorities have further instructions that such vacancies once reported to Commission are kept open for regular appointment on their advice. As such promotes exceeding 75% of APSIs are not eligible for regular posting as APSIs against such vacancies. Government has reiterated its decision by Govt. Circular Nos. 36199/SD4/82/GAD Dated 2.06.1981, 23815/SD4/84/GAD dated 24.04.1984 etc.

The revised provisional seniority list of APSIs published vide paper 4th cited is hereby finalized. This list is also published in the official website of Kerala Police.

All the seniority lists of APSIs which were published and finalized by the IGP/DIG of Police AP Bns, prior to the finalization and publication of this seniority list, will remain cancelled.


State Police Chief.
3/2/13 12/2/13

The ADGP AP Bn/ADGP (Int)/ADGP (Trg), KEPA IGP SCRB for information and N/A. The IGP SCRB will publish this seniority list in the official website forthwith.

The DIG AP Bn for information and N/A.

The Commandants SAP/MSP/KAP 1/KAP 2/KAP 3/KAP 4/KAP 5/IR Bn and RRRF Bn for information and N/A.

The Principal PTC for information and N/A.

SS/JS L Section and JS T Section for information.