

**PROCEEDINGS OF THE STATE POLICE CHIEF, KERALA, TVPM**

PRESENT: K S BALASUBRAMANIAN I P S

Sub: Police Dept – Ministerial Estt – Revised Provisional Seniority lists of Test qualified LD Clerks in Police Department as on 9.9.1994 and up to 28.10.2010 – Publishing of – reg

- Read: 1) Judgment dt.27.10.2006 in WP(C) 33353/03 of the Hon'ble High Court of Kerala
- 2) Govt. letter No.1994/H2/2007/Home dt.27.9.2007
  - 3) Govt. letter No.71369/H2/2008/Home dt.14.10.2008
  - 4) Govt. letter No.84705/H2/2010/Home dt.19.3.2011
  - 5) Govt. letter No.35040/H2/2011/Home dt.10.6.2011
  - 6) PHQ letter No.M2/104015/2006 dt.23.6.2011
  - 7) Judgment dt.1.9.2011 in WP(C) 22266/2011 of the Hon'ble High Court of Kerala
  - 8) PHQ Order No.M2/78823/2011 dt.3.12.2011
  - 9) Govt. letter No.12910/H2/2012/Home dt.25.8.2012

**ORDER No.M2/104015/2006 DT. 17/11/2012**

In Police Department, Promotions to the cadre of U D Clerk are being made from the Seniority List of Test Qualified L D Clerks. This list being revised as and when the result of the obligatory departmental tests for promotion published by the Public Service Commission. In the lists, those appointed through PSC were assigned seniority w.e.f. the dates of their advice and those appointed under Compassionate Employment Scheme and otherwise were assigned seniority w.e.f. the date of Government order sanctioning their appointment. Challenging the seniority assigned w e f the dates of Government Orders, WP(C)33353/03 has been filed before the Hon'ble High Court of Kerala. As per the Judgment dt. 27.10.2006 in WP(C)33353/03, the Hon'ble High Court issued direction to the State Police Chief (Director General of Police) to consider the representations of the Petitioners therein and pass appropriate orders in accordance with law expeditiously.

**02.** The issue has been taken up with Government and Government have issued direction to revise the seniority of CES candidates w.e.f. the date of their appointment order issued by the Appointing Authority as ordered in

GO(P)19/91/P&ARD dt. 28.5.1991 as per the Government letters read as (2) to (5) above. Accordingly, the Provisional Combined Seniority list of Test qualified LD Clerks in Police Department from 1.5.1991 to 1.9.2007 has been published as per the PHQ No.M2/104015/2006 dt. 23.6.2011 read as (6) above.

**03.** Challenging this seniority list, WP(C) 22266/11 has been filed before the Hon'ble High Court. In compliance with the Judgment dt. 1.9.2011 in WP(C)22266/11 of the Hon'ble High Court of Kerala, the claims of the petitioners therein has been examined and rejected as per the order read as (8) above. As the seniority lists of test qualified L D Clerks are being revised as and when the results of the departmental tests are published by PSC and promotions to the cadre of UD Clerks effected from the lists in existence at that time, the combined seniority list of Test Qualified LDCs from 1.5.1991 to 1.9.2007 was found as insufficient to settle the issue and hence the list has been cancelled and ordered to revise all the existing Seniority Lists of Test Qualified L D Clerks, wherein the LDCs appointed on or after 28.5.1991 are included, as per the order read as (8) above.

**04.** Though the Government Orders sanctioning appointments were issued maintaining seniority, appointment orders are seen issued without maintaining this seniority due to the issuance of appointment orders by various Appointing Authorities. This discrepancy has been taken up with Government and Government have issued clarification as per the letter read as (9) above that:-

**“The seniority for getting appointment under the Compassionate Employment Scheme is to be fixed based on the date of valid application put in by an applicant. Appointment order is to be issued maintaining the seniority of application, as far as possible. In case any junior applicant is given appointment earlier than a senior applicant, the seniority of the senior applicant has to be restored. For this purpose, it has to be assumed that the senior applicant entered into service on the date on which the junior entered into service and his salary has to be fixed accordingly. But the monetary benefits will be available from the actual date of joining service”.**

As such, seniors in Government Orders got delayed appointment due to no fault of theirs are assigned seniority above their juniors in Government Orders w.e.f. the date of appointment order of such junior.

**05.** The L D Clerks appointed on or after 28.5.1991 are qualified and included in the Seniority List of Test Qualified LDCs as on 9.9.1994 onwards. Such LDCs got promotion as UDCs from the Seniority List of Test Qualified LDCs as on 23.4.2001 onwards. However, all the Seniority Lists of Test Qualified L D Clerks as on 9.9.1994 onwards up to 28.10.2010 are revised and published herewith as Annexure I to XXXII as detailed below.

Annexure	Seniority List of Test Qualified LDCs as on	Annexure	Seniority List of Test Qualified LDCs as on
I	9.9.1994	II	13.5.1995
III	16.9.1995	IV	22.10.1996
V	5.5.1997	VI	19.11.1997
VII	13.5.1998	VIII	7.11.1998
IX	3.5.1999	X	18.10.1999
XI	13.4.2000	XII	June/July-2000
XIII	23.4.2001	XIV	27.10.2001
XV	30.5.2002	XVI	22.10.2002
XVII	4.4.2003	XVIII	16.10.2003
XIX	2.4.2004	XX	20.10.2004
XXI	5.4.2005	XXII	2.11.2005
XXIII	30.6.2006	XXIV	31.10.2006
XXV	10.4.2007	XXVI	24.10.2007
XXVII	11.4.2008	XXVIII	20.10.2008
XXIX	7.4.2009	XXX	24.10.2009
XXXI	29.4.2010	XXXII	28.10.2010

**06.** Promotions as UDCs were made in accordance with the seniority in the Seniority List of Test Qualified LDCs then existed. Those get seniority in the revised lists above to those promoted earlier to them from the then existing list as on that date are entitled for notional promotion w.e.f. the date of promotion of such junior in the revised list.

**07.** The provisional Seniority lists (32 Nos.) are published herewith in the official web site of Kerala Police [www.keralapolice.org](http://www.keralapolice.org). All offices are requested to inform this to the concerned of the unit including those on deputation, leave etc.

All are requested to submit objections, if any, against the lists within 15 days from the date of publication.

**08.** All offices are requested to forward the objections, if any, with specific remarks after verifying the Service Books and other relevant records, to reach here within the prescribed time limit. Errors and omissions in the lists may also be reported in time. If no objections or communications received within the time limit prescribed, the provisional seniority lists will be finalized on the presumption that no objections against the same.

**09.** The lists are published in compliance with the Judgment dtd. 27.10.2006 in WP(C)33353/03 of the Hon'ble High Court of Kerala. The lists will be subject to the disposal of the OA No.288/2012 before the Hon'ble Kerala Administrative Tribunal filed by the 1st and 4th petitioners in WP(C) 22266/11.

Sd/-  
State Police Chief

To

All Officers in List B (except SBCID) who will download the order and the lists from the web site, made available to the ministerial staff working under them for verification. Objections, if any, should be forwarded to PHQ with remarks in time.

Copy to: All SSs and JSs in PHQ who will inform and direct the clerks to verify the lists and to submit objections, if any, in time.

Copy to: Manager, CAs to SPC, ADGP (Admn), IGP (HQ), AIG II

Copy to: SF