

GOVERNMENT OF KERALA

Abstract

Forest Department- Appointment to Supervisory ministerial posts- judgment in O.P.No.4217/72 and 4316/72 of Kerala High Court- Further orders issued.

Agriculture (Forest Estt) Department

G.O.Rt.No. 1950/78/ AD

Trivandrum, Dated 13-7-1978

- Read:-
1. Judgment of the Kerala High Court dated 7-8-1975 in O.P No. 4217/72 and 4316/72.
 2. Record of proceedings of the Supreme Court of India dated 15-13-2-1976 on the special leave petition (Civil) No. 1660-1661 of 1976.
 3. Letter No. EI-16107/77 dated 5-4-1977 from the Chief Conservator of Forests.
 4. G.O.Rt.No.715/78/AD dated 17-3-1978.
 5. Letter No. Gi-SLP. 1660/1661/76/SC dated 22-5-1978 from the Advocate General.

ORDER

According to the decision of the Division Bench of the High Court in O.P No .4217/72 and 4316/72 filed by two employees of the Forest Department the vacancies of supervisory posts arising in the Travancore Cochin and Malabar Units may be filled up separately by promoting persons in the separate units as the preparation of a combined seniority list of Upper Division Clerks for promotion to Supervisory posts on a state wise basis is against the orders regarding the principles of integration of service. The Supreme Court has also upheld this view.

2. Accordingly orders were issued in the G.O. read above to make promotion to the Supervisory posts in the Forest Department. Separately in Travancore Cochin and Malabar Units on the basis of the seniority of those personnel who were in service prior to 1-11-1956 in each unit. The Chief Conservator of Forests was also directed to make necessary arrangements to implement the Court direction.

3. But in the actual implementation of the order of the High Court some doubts have arisen as to whether the judgement envisaged promotion to the categories of Manager, Junior Superintendent, Head Clerk and Head Accountant only or whether it is applicable to those supervisory posts like Administrative Assistant and Senior Superintendent. The implementation of the judgement has therefore been examined further in consultation with the Advocate General. The Advocate General has expressed the view that principle of Unit-wise appointment in Travancore- Cochin and Malabar-Unit is applicable to promotions to cadres existing in those units at the time of integration of States to form the State of Kerala.This implies that the Unit system is not applicable to those categories of posts which were created after the formation of the Kerala State, Appointment to such posts has to be made from a combined State- wide seniority list. The post of Senior Superintendent and Administrative Assistance were newly created in the Forest Department after the formation of the Kerala State. Moreover with the coming in the force

of the Specials rules for Kerala General Service the Travancore Cochin and Madra rules stand superseded as far as the above two posts are concerned. As per the above rules the whole of the Department has to be taken as the unit of appointment to the post of Administrative Assistant in the office of the Chief Conservator of forest and Senior Superintendent. The category of Administrative Assistant in the circle offices also, as the latter posts have not been separately categorized. Therefore vacancies of the above posts have to be filled up from a combined state-wise seniority list. In the circumstances the following further orders are issued in regard to the implementation of the judgment in O.P.No.4217/72 and 4316/72:-

1. Promotion to the supervisory posts of Managers, Junior Superintendent, Head Clerks and Head Accountant in the Forest Department will be separately in Travancore Cochin and Malabar Units on the basis of the seniority of those personnel who were in service prior to 1-11-1956 in each unit.

2. The posts of Senior Superintendents and Administrative Assistance in the Forest Department will be filled up according to the Special Rules governing those posts viz. Kerala General Service Special Rules from a state wise combined seniority list.

3. The Chief Conservator of Forests will review the promotions already made to the above posts in accordance with these orders and will move Government wherever Government orders are necessary. This should be completed within a period of three months.

By order of the Governor,

K. V. Vidhyadharan

Additional Secretary.

To

The Chief Conservator of Forests.

Immediate- Time limit

Endt.on E7-1585/77 dated 19-7-1978.

Copy forwarded to all Officers for information. The Service Books of all ministerial supervisory staff may be forwarded to this office in connection with the revision of promotion.

Copy to E1, E3, S.O.file and stock file.

Office of the Chief Conservator of
Forests, Trivandrum.

Fro Chief Conservator of Forests.