

## GOVERNMENT OF KERALA

No.19305/Rules-1/96/P & ARD.  
Personnel and Administrative Reforms  
(Rules) Department.  
Thiruvananthapuram,  
Dated: 9-9-1997.

### C I R C U L A R

**Sub:** Public Services – Departmental Promotion Committee – Banning of Temporary promotions under Rule 31 (a) (i) of Kerala State and Subordinate Service Rules – instructions – issued.

It has been noticed that non-convening of Departmental promotion Committee and non-publishing of select lists for promotion have resulted in denying promotion to eligible persons in time which in turn has resulted in accumulation of service/seniority cases in courts. It is also noticed that no sincere efforts are made by most of the Departments in this matter. The practice of giving temporary promotion based on seniority alone is being followed by almost all Departments misusing the provision in Rule 31 (a) (i) of Kerala State and Subordinate Service and such promotions lead to seniority disputes and litigations. Further, these temporary promotions are regularized sometimes only after many years. This defeats the very purpose of the Departmental Promotion Committee.

2. In order to avoid such lapses the following instructions are issued and their strict compliance will be the personal responsibility of the concerned Secretary to Government /Head of Department.

(i) Temporary promotions under Rule 31 (a) (1) of Kerala State and Subordinate Service Rule will not be ordered in any Department on or after 1-1-1998. If temporary promotion to any particular category is to be ordered, the Department should clearly establish the public interest to be served and the emergent situation existing, to the satisfaction of the Chief Minister. Emergency cannot also be an 1-1-1998 such temporary promotions shall be stopped totally.

(ii) The procedure given in item (i) will also apply to promotions to the posts for which Heads of Departments are the appointing authorities. The Heads of Departments

will not order promotions under Rule 31(a) (i) without prior sanction from Government. Such promotions shall also be stopped within six months from 1-1-1998

(iii) Before 1-1-1998 all Departments will ensure that the promotions till then ordered are regularized and the select lists for 1998 prepared. The only exception will be cases of specific stay orders by the Courts, which could not be got vacated in spite of earnest efforts.

(iv) There seems to be a tendency to stop all steps necessary to prepare select lists if any issue (some times even unconnected) is pending before a Court. Tendency of a case should not be bar to prepare select lists unless there is a specific stay order. Even if there is a stay order, prompt action should be taken to get the stay vacated, assuring the Court that any decision taken during the tendency of the case will be subject to the final outcome of the case and the directions of the Court thereon; and action should be taken to publish the select list.

3. The receipt of this circular should be acknowledged by return.

C.P. NAIR,  
CHIEF SECRETARY TO GOVERNMENT.

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To

For Chief Conservator of Forests (P)

SP/7/10.