

GOVERNMENT OF KERALA

Abstract

Public Services--persons in service belonging to Scheduled Cast/Scheduled Tribe--
Temporary Exemption from passing of Departmental Tests--Further orders issued:-

G.O. (P)No.25/97/P&ARD.

Dated, Thiruvananthapuram, 28-1-1997.

- Read: -
1. G.O (MS) No. 22/PD. dated, 13-1-72
 2. Circular No. 2501/Rules/73/PD. dated, 17-8-73
 3. G. O. (P) No. 141/86/GAD. dated, 30-4-86
 4. G. O. (P) No. 36/87/F&ARD.dated, 28-12-87
 5. G. O. (P) No. 53/88/P&ARD. dated, 12-12-88
 6. G. O. (P) No 38/89/P&ARD. dt. 30-11-89
 7. G. O. (P) No. 46/90/F&ARD. dated, 22-10-90
 8. G. O. (P) No. 41/91/P&ARD dated, 16-12-91
 9. G. O. (P) No. 53/92/P&ARD. dated, 11-12-92
 10. G. O. (P) No. 11/94/P&ARD. dated, 9-2-94
 11. G. O. (P) No 1/95/P&ARD. dated, 9-1-95
 12. G. O. (P) No. 2/96/P&ARD. dated, 3-1-96
 13. Lr. No.AV (1)15310/96/GW. dated, 11-10-96 from the Secretary, K.P.S.C,
Thiruvananthapuram.
 14. G. O. (P) No. 3/97/P&ARD. dated, 12-2-97

ORDER

As per G. O. read as 1st paper above, employees belonging to scheduled Caste/Scheduled Tribe were exempted from passing special or Department Tests for a period of two years . This benefit was extended from time to time. The latest extention was ordered in G. O. (P) No.3/97/P&ARD, date, 12-2-1997. In the circular read as 2nd paper above it was clarified that the above temporary exemption will be in respect of tests for promotion and not in relation to Tests for completion of probation. The Hon'ble High Court of Kerala in their judgment dated, 13-04-83 in O.P.No. 3555/80 F have observed that the provisions in the circular dated, 17-08-73 clarifying that the temporary exemption from passing tests ordered in G. O. read as first paper above will be applicable only to tests which are obligatory for the purpose of promotion and not to those tests prescribed to be passed during the period of probation are against Rule 13 of General Rules.

In View of the above judgement Government after consulting the Public Service Commission, issued the following clarifications as per the G. O read as 3rd paper above:-

- (i) the exemption granted to Scheduled Caste/Scheduled Tribe employees is applicable to promotion tests as well as probation tests with effect from 13-4-83 (ie date of judgement)
- (ii) the exemption is applicable to all promotions ie in selection as well as non-selection categories;
- (iii) the scheduled Caste/Scheduled Tribe employees should be considered by the Departmental promotion committee for selection posts even without they being approved probationers in the feeder category by virtues of the of the exemption, and,
- (iv) the Scheduled Caste/Scheduled Tribe employees promoted to higher posts by virtue of the exemption are entitled to regularization after passing the tasts from the date of their provisional promotion on the from the date on which they satisfactorily complete the minimum period of duty required under the rules for completion of probation, which ever is later.

It was also ordered therein that new entrant in services after 31-12-85 will not be entitled to any test exemption Later in the judgment in O.P.No.8764 of 86. the High Court observed that while implementing the judgement in O.P.No. 3555/80, Government fixed the date 13-4-83 until which the earlier circular was treated to be in force. The Court further observed that if a circular was found to be not in consonance with Rule 13A. the Government while implementing the judgement cannot treat the circular to be valid till the date of judgement and invalid thereafter.

Having examined the matter in detail and having consulted the Kerala Public Service Commission, Government are pleased to cancel the instructions issued in Circular No. 2501/Rules/73/PD. dated, 17-8-1973 with effect from the date of issue and to clarify, in super cession of the G. O. read as third paper, that.

- (i) the exemption granted to scheduled Caste/Scheduled Tribe employees from passing the Departmental Tests as per G. O. (MS) No. 22/PD. dated, 13-01-1972 will be applicable for both probation tests and promotion tests with effect from 13-01-1972.

- (ii) the exemption is applicable to all promotions is in selections as well as non-selection categories.
- (iii) the Scheduled Caste/Scheduled Tribe employees should be considered by the Departmental promotion committees for selection posts even without they being approved probationers in the feeder cite gory by virtue of the exemption and;
- (iv) the Scheduled Caste/Scheduled Tribe employees promoted to high posts by virtue of the exemption are entitle to regularization after passing the tests from the date of their provisional promotion or the date on which they satisfactorily complete the minimum period of duty required under the rules for completion of probation, whichever is later.

Government further order that the Scheduled Caste/Scheduled Tribe employees who entered service on or after 01-01-1986 are not entitled to any test exemption.

By order of the Governor

DHARAM VEER,
Secretary to Government.

To

All Heads of Departments and Officers.

FOREST HEADQUARTERS
Thiruvananthapuram

Endt.on. E3. 8101/98/4-3-98

Copy forward to all Conservator of Forests/All Divisional Forest Officers/All Asst. Conservator of Forests/All Wildlife wardens for information.

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for CHIEF CONSERVATOR OF FORESTS (P)

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