

GOVERNMENT OF KERALA

ABSTRACT

Forest Department – O .P.No.4878-71 filed by Sri. K.S. Ramanathan, U.D. Clerk, Forest Department – Preparation of a combined seniority list for the two units – General orders issued.

PUBLIC (SERVICES C) DEPARTMENT

G.O.(P) No.8/75/PD.

Dated, Trivandrum, 17-1-1975.

- Read:-
1. G.O.S12-40451/56/PD dated 29-12-1956.
 2. Letter No.S4-4878/72 dt.22-3-'74 from the Advocate General.
 3. Letter No.E7-16403/74 dt.9-4-'74 from the C.C.F.

O R D E R

As per the general principles of integration of services as on 1-11-1956 such of the cadres in Malabar and Kasargode as are organised on a district basis under the Madras administration, the staff of which is liable to service only in Malabar and South Kanara Districts and whose seniority promotion, confirmation etc. are regulated with reference to posts included in the District unit are to remain as they are for the present and are not to be integrated on a State wide basis. Consequently in departments where such unit system was in force in Madras administration there would be two separate units with effect from 1-11-56 viz: Travancore Cochin and Malabar for the purpose of appointment, promotion, etc. The vacancies of U.D. Clerks in the above units viz; Travancore-Cochin and Malabar have to be filled up by promoting persons in the respective units.

2. The supervisory posts above the level of U.D. Clerks have to be filled up from a common seniority lists prepared consisting of the U.D. Clerks of both the units. The Forest Department while preparing the combined seniority list of U.D. Clerks of the two units viz. Malabar and Travancore-Cochin applied the same principles which were made applicable in the context of the integration of services of Travancore-Cochin and Madras officers i.e. date of commencement of continuous service in the Upper Division.

3. The above principle adopted for the preparation of a combined list was questioned by one Sri. K.S Ramanathan, U.D. Clerk of the Forest Department in the High Court. His contention is that the above principle is violative of Rule 27(a) of the Kerala State and Subordinate Service Rules. The O.P. was dismissed by the High Court on the submission of the Government Pleader that the matter is under consideration of the Government. The Court

has directed to review the matter and pass fresh orders thereon within six months on the basis of a general order laying down the principles for integrating district-wise unit with the State-wise units. The unit system is in force in the departments of Revenue, Health, Co-operation, Police, etc. In the circumstances this department has to issue a general order laying down the principles for the preparation of a common seniority list of U.D. Clerks in the two units for the purpose of promotion to supervisory posts.

4. In the present case no question of integration of service is involved. Only the general principles for the preparation of a combined seniority list of U.D. Clerks in the Malabar unit and the T-C units for the purpose of promotion to the supervisory posts have to be prescribed. In the Judgement the Court has observed as follows:

“How any principles of integration and rules of equation in Ext.R3(G.P.S1-40451/56/PD dt.29-12-'56) would have any bearing on the equation of posts to which the parties were promoted subsequently is not easy to understand much less to appreciate”. Hence there is no question of applying the principles accepted in the context of integration in the matter of preparation of combined seniority list of two units in a department.

5. Government have considered all the aspects mentioned above and are pleased to accept the following general principles for the preparation of the combined seniority list of U.D. Clerks for giving further promotion in the supervisory cadre, in department where there is the prevalence of the unit system. The seniority list of U.D. Clerks in both the units may be prepared first with reference to the dates of first regular appointment to the Upper Division maintaining the interest seniority. In the Travancore-Cochin unit there is provision for restoration of rank to those persons recruited till 17-12-1958 whereas there is no such provision for restoration of rank to the persons in the Malabar unit. In the Travancore-Cochin unit list, the dates of promotion may be arranged in the chronological order and the dates may be assigned to persons according to their seniority bearing in mind the provisions contained in G.P.R.Dis.8207/51/PD dt.7-5-1951. The two lists may be combined then and the relative seniority fixed with reference to the assigned dates.

(By order of the Governor)

K.P.GOPINATH,
Deputy Secretary to Government.

To

All Heads of Departments etc.

Endt. on E7-37340/74(R.Dis)

Office of the Chief Conservator of Forests,
Trivandrum, Dt. 23-1-1975.

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For Chief Conservator of Forests