

POLICE



DEPARTMENT

KERALA

PROCEEDINGS OF THE DISTRICT POLICE CHIEF
CITY POLICE OFFICE, KOLLAM

Present : Madhu PK IPS

Sub : Implementation of the order of the Hon'ble High Court of Kerala Dated 31/10/2018- Filling up of vacancy in Civil Police- partial modification in the seniority list of Senior Civil Police by notionally assigning seniority of senior most SCPOs- Reg:

Read : 1.The Hon'ble High Court Orders dtd: 31.10.2018 on I.A. 6/2018 in OP(KAT) No. 506/2018 & IA .No. 4/2018 in 102/2018
2.Order Dated 14.12.2017 in OA.No.533/2015 of the Kerala Administrative Tribunal.
3.Rule 27(a) KS&SSR 1958 (Related to inter unit transfer)
4.GO(P) No.28/2017/Home dated 16.02.2017
5.GO(MS) No.37/15/Home dated 26.02.2015
6.GO(P) No.33/89/Home dated 10.03.1989.
7.GO(MS) No.125/80/Home dated 16.02.1980
8.GO(P) No.16/80/Home dated 17.01.1980.
9.GO(MS) No.81/74/Home dated 22.05.1974
10.A3/6152/2012 dtd 23.03.14
11.Minutes of the meeting held at conference hall PHQ on 14.11.18

Order No : A3-57816/2018/QC Dated. 26-11-2018

1. As a measure to resolve the seniority dispute between directly recruited Armed Police Battalion Personnel and District Armed Reserve Personnel in 1980's (1980-1989), Government had issued orders vide GO(MS) 37/2015/ Home dated 26.02.2015 and GO(P)28/2017/Home dated 16/02/2017.

2. Aggrieved by this, some affected parties had approached Kerala Administrative Tribunal by filing OA and Hon'ble Tribunal passed Orders on 08.03.2017 in M.A(EKM) no. 451 of 2017 in O.A. No. 533/2015 and O.A. No. 93 of 2014, T.A No. 747 of 2012, O.A(EKM) Nos 516,518,541 of 2014, O.A (EKM) Nos 308,640,775 and 810 of 2015 & O.A 409 & 414, as follows:

A. In the Orders dated 14/12/2017, KAT declared that the extend of providing retrospective effect to GO(P)28/2017 from 17.07.1986 as unconstitutional and violative of Articles 14 and 16 of the Constitution of India.

B. Further directed the SPC and concerned IGP to finalize the seniority lists of police personnel in accordance with the provisions of the Rules brought in to force as GO(P) No. 33/89/Home dated 10.03.1989 with in a period of six months from the date of receipt of the certified copy of the order

3. On 20.12.2017 in OP (KAT)No.506/2017, the order of the Hon'ble Administrative Tribunal dated 14/12/2017, to the extent it negates the retrospective effect was stayed for a period of three months. Subsequently, the interim order was extended until further



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orders in OP(KAT) No. 102/2018 in IA.No. 4/2018.

4. In order to fill up the vacancies, the Department had requested to issue necessary orders as a remedial measure to publish the seniority lists of Police Personnel from the rank of PC to SI who were recruited prior to 17/07/1986 directly in Armed Reserve and Armed Police Battalion on the basis of GO(P) 125/1980 as per the provisions of GO(P)28/2017/Home dated 16/02/2017, and to publish the seniority lists of police personnel from the rank of SCPO to SI those who are recruited after 16/07/1986 in accordance with GO(P) 33/89/Home dated 10.03.1989 & to effect promotions to the existing vacancies in the cadre subject to the final order of the court in OP(KAT) 506/2017.

5. Accordingly the Hon'ble Kerala High Court passed an order on 31.10.2018 and official respondents are permitted to effect promotions to the vacant categories subject to the outcome of the original petitions. The Hon'ble High Court Orders dtd: 31.10.2018 on I.A. 4/2018 OP(KAT) No. 102/2018(z) related to the order dated 14.12.2017 in OA.No.533/2015 of the Kerala Administrative Tribunal, **Court had further stated that declaration of the retrospectivity granted to the said amendment as unconstitutional and violative under Article 14 and 16 of the constitution of India by Honb'le Tribunal cannot be decided in an interlocutory application and the IA No. 6/2018 moved in OP(KAT) No. 506/2017 was dismissed**

6. Neither the Hon'ble High Court discloses the plea to revise any seniority list of police personnel of the rank of PC/HC/ASI/SI, nor upholds the retrospective effect to the Recruitment Rules of police personnel (providing the protective clause issued by GO(P) 125/80 dated 16.02.1980 for those who were recruited directly in Armed Police Battalions prior to 17.07.1986). Altogether, the Hon'ble High Court has only ordered to fill the vacancies in the category of SI, ASI and SCPO in the public interest without affecting the interests of the petitioners in both the OA.

7. **In the order dated 31.10.2018, the Hon'ble High Court of Kerala had directed to effect promotions to the vacant cadres without causing irreparable loss and hardship to both parties who were involved in the allegation as public interest and subject to the outcome of the pending OPs(KAT).** For the above purpose, the position of eligible PCs those who were inducted into force prior to 17/07/1986 (ie, prior to the date of effect of GO(P)33/89/Home) in the list and remaining without getting further promotion have to be notionally re-assigned in the existing list prepared as per GO(P)33/89/Home dated 10.03.1989 (**only for the purpose of effecting promotions in the existing vacancies**) subject to the outcome of the original petitions pending before the Hon'ble Court.

Accordingly following partial modification by making notional amendments in the orders read as 10th above is published herewith subject to the outcome of the original petitions pending before the Hon'ble Court as public interest.**(Only for the purpose of effecting promotion in the existing vacancies).**

The representations related to Omissions/ Complaints (of the Police Personnel those who were inducted prior to 17/07/1986, not enjoyed promotion so far), errors, corrections if any noticed should be submitted to the District Police Chief in person within five days from the date of issue of this order. The list is also available in the website.





26-11-2018
Madhu PK IPS,
Commissioner of Police

To : The Individuals
Copy : SPC,Kerala for favour of information
To ADGP Crimes, ADGP Int, Director VACB, IGP Tvm Range
DPC Kollam Rural, SP VACB TVM,SP SBCID Southern Range, SP Crime
Branch(All units)
SP Railways for circulation among the concerned, All officers in Kollam City
and Kollam Rural for circulation, SI Cyber Cell for publishing in the website
ACP Admn,AA.JS I , A1 &A1 a sections, CA to DPC

