

**PROCEEDINGS OF THE DEPUTY INSPECTOR GENERAL OF POLICE, ARMED
POLICE BATTALIONS, THIRUVANANTHAPURAM**

Present: T.J.Jose IPS

Sub: Police Deptt.- Estt – Armed Police Battalions – Provisional Seniority List of APSIs in AP Bns as on 1.8.1999 – Publishing of – Orders issued

Read: 1) GO(P)No.6/84/Home dt.18.1.84.
2) Common Judgment dt.20.6.05 in WA No.462/02, CCC Nos.1293/00 and 193/01, OP Nos.22547/2000 and 4880/01 and WP(C)No.36955/04 of the Hon'ble High Court of Kerala.
3) GO(MS)No.146/07/Home dt. 23.6.07.
4) PHQ Lr. No.A3/57034/07 dt. 27.7.07.
5) Orders No.A1/6051/04/APB (III) dt. 21.10.08 and 29.3.10 of IGP, AP Bn.
6) PHQ Order No.T4-15981/11 dt.26.4.2011.
7) S.O. No.96/2011/APB dt.27.5.2011.
8) PHQ Lr. No.A3/Spl. Team/60082/02 dt. 13.6.2011.

ORDER No. A1/6051/04/APB (III) dated: 17.6.2011

The Kerala Police Subordinate Services (Armed Police Battalions) Special Rules, 1984 came into existence w.e.f. 18.1.1984 as per the GO(P) No.6/84/Home dt. 18.1.1984. As per Rule 4 (ii) of the Special Rules, each Armed Police Battalion shall be treated as a separate unit for the purpose of appointment, seniority, promotion etc. in respect of the categories of Police Constable and Havildar. As per Rule 4(i) of the Special Rules, all the Armed Police Battalions shall be treated as a common unit for the purposes of appointment, seniority, promotion etc., in respect of the categories of APASI and APSI.

02. As per Rule 3(a)(1) of the Special Rules, the method of appointment to the category of APSI shall be by promotion of APASIs/Havildars in 75% vacancies and by direct recruitment in 25% vacancies. As per Note ii(a) of category (1) Armed Police Sub Inspector under Rule 3 (a) of the Spl. Rules, 25% of the Substantive vacancies will be filled up by direct recruitment. The word 'vacancies' has been amended as 'posts' with effect from 10.11.1992 as per the Notification GO(P) No.190/92/Home dt.10.11.1992 published as SRO No.1548/92. As per Rule 3(f) of the Special Rules, direct recruitment of Sportsmen in the category of APSI is permitted, but shall not exceed 10% of the 25% earmarked for direct recruitment (10% of 25% = 2.5%). As per Rule 3(a)(2) of the Special Rules, the method of appointment to the category of APASI shall be by promotion of Havildars of all Battalions. For the preparation of Select Lists of Havildars fit for promotion as APASIs and APASIs fit for promotion as APSIs, Departmental Promotion Board has been constituted as per GO(MS) No.85/84/Home dt. 26.6.1984.

03. Direct recruitment of outstanding athletes and sportsmen in the categories of APSI and APASI were made after 18.1.1984 as per Rule 3(f) of the Special Rules. Out of turn promotion under sports merit in the categories of APASI and APSI were also made after 18.1.1984 as per Rule 3(c) of the Special Rules. In addition to the above, Special Recruitment from among the members of SC/ST were made in the categories of APSI and APASI after 18.1.1984.

04. The Special Rules necessitated separate seniority lists in the categories of APASI and Havildar as on 18.1.1984 and separate select lists of APASIs fit for promotion as APSIs and Havildars fit for promotion as APASIs for the vacancies available for promotion in these categories after 18.1.1984. Without preparing the basic Seniority Lists as on 18.1.1984, Select Lists of Havildars fit for promotion as APASIs/APSIs were prepared and promotions to the categories of APASIs and APSIs made accordingly. This created seniority issues and litigations. Thereafter, combined seniority list of Havildars in AP Battalions as on 1.1.1998 was prepared and based on

this list, select lists of Havildars fit for promotion as APASIs/APSIs for the years from 1984 onwards were prepared. For those appointed as APASIs under sports merit, select lists of APASIs fit for promotion as APSIs were also prepared. All these created complications in calculating category wise vacancies, assigning seniority in the categories of APASIs and APSIs. As a result, serious seniority issues are prevailing in the AP Battalions from 1984 onwards.

05. Appointments and out of turn promotions of sportsmen in various categories in the AP Battalions were made after 18.1.1984. Some of the appointments/out of turn promotions were in excess than the quota fixed in the Special Rules and also in violation of the statutory Rules. Their seniority has to be fixed in the respective category along with regular hands. All these created serious seniority issues in the AP Battalions and a series of OPs/WPs/CCCs/SLPs etc., were filed before the Hon'ble High Court and the Hon'ble Supreme Court. As a result, the seniority of all categories in the AP Battalions are unsettled from 1984 onwards.

06. In order to settle the vexed seniority issues prevailed in the AP Battalions due to the appointments and out of turn promotions of sportsmen in various categories, High Level Committee of Senior Police Officers has been constituted in the Department and Government Secretary Level Committees constituted in the Government.

07. In para 2 of the Common Judgement dt. 20.6.2005 in W.A. No.462/02, CCC No.1293/00 and 193/01, OP No.22547/00 and 4880/01 and WP(C) No.36955/04, the Hon'ble High Court issued direction as follows:-

“ 2. What remains is the grievance voiced in OP No.4880 of 2001. It is submitted by the counsel for the petitioners therein that even in Ext.P8 mentioned above certain persons have been given undue seniority. Exhibit.P17 in that original petition is a report of the Committee of Officers on Regularisation of Appointments of Sports Personnel. That Report is dated 11.3.2005. It is subsequent to the finalisation of Ext.P8 seniority list mentioned above. Consequently, the effect of the Report would not have been considered while giving such persons seniority in Ext.P8 final seniority list mentioned above. It is not clear whether Ext.P17 report has been accepted or not. In such circumstances, it is only appropriate for the Director General of Police to whom Ext.P17 Report is submitted to consider whether it is to be accepted or not and this exercise shall be done within two months from the date of receipt of a copy of this Judgment and follow up action shall be taken within another three months. If such exercise adversely affects anyone who had been given final ranking in Ext.P8 final seniority list, he shall be given an opportunity of being heard. This disposes of OP No.4880 of 2001”.

Accepting the recommendations of the Committees and also in compliance with the above Judgement, Supernumerary posts in various categories in the Armed Police Battalions have been created as per the GO(MS) No.146/07/Home dt. 23.6.2007 for accommodating the sports personnel till their absorption in the mainstream in that category.

08. For the implementation of the Combined Judgement and the Government Order in a fool proof manner, the meeting of the ADGPs, IGP and the Commandants of AP Battalions held at Police Headquarters on 11.7.2007 took the decision of preparing Seniority Lists of all categories in AP Battalions as on 18.1.1984 (date of Special Rules) as a base, and then prepare select lists and seniority lists for subsequent years as per rules in extreme clarity and transparency. This is the only meaningful solution before the Government and the Department to settle the vexed seniority issues prevailing in the AP Battalions from 1984 onwards.

09. Accordingly, the finalised seniority lists of APSIs, APASIs and Havildars in AP Battalions as on 18.1.1984 have been published on 21.10.2008 as per Order No.A1-6051/04/APB(III), A1-6051/04/APB(II) and A1-6051/04/APB(I) respectively of the Inspector General of Police, AP Battalions. The finalised seniority lists of APSIs and APASIs as on 1.3.1992 have been published on 29.3.2010 as per Order No.A1-6051/04/APB(III) and A1-6054/04/APB(II) respectively of the

IGP, AP Bn. The Combined finalised seniority list of Havildars as on 1.3.1992 has been published on 15.1.2011 as per Order No.A1-6051/04/APB(I) of DIG, AP Bn. The last person in the seniority list of APSI as on 1.3.1992 get regular promotion as Armed Police Inspector w.e.f. 1.8.1999. Accordingly, the regular vacancies of APSIs up to 1.8.1999 are identified.

10. As per the PHQ Letter No.A3/Spl. Team/60082/02 dt. 30.7.2010, it has been directed to prepare separate Select Lists of APASIs fit for promotion as APSIs and Havildars fit for promotion as APASIs for the promotion vacancies, and to publish seniority lists of APSIs and APASIs separately, in compliance with the Combined Judgement dt. 20.6.2005 of the Hon'ble High Court of Kerala and the GO(MS) No.146/07/Home dt. 23.6.2007.

11. The quota for promotion and direct recruitment of APSIs is fixed at 75% and 25% respectively as per the Special Rules. Fixation of their seniority is as per the 3rd proviso to Rule 27(a) of Part II, KS&SSRs. The Hon'ble High Court in various Judgements reiterated that the proviso only affirms the quota rule and does not carve out an exception there from. As per Note ii(a) of category (1) Armed Police Sub Inspector under Rule 3 (a) of the Spl. Rules, 25% of the Substantive vacancies will be filled up by direct recruitment. The word 'vacancies' has been amended as 'posts' with effect from 10.11.1992 as per the Notification GO(P) No.190/92/Home dt.10.11.1992 published as SRO No.1548/92. Hence the criteria taken for distribution in 'vacancies' up to 9.11.1992 and in 'posts' from 10.11.1992.

12. As per Rule 3(f) of the Special Rules, direct recruitment of APSIs under sports merit shall not exceed 10% of the 25% quota of direct recruitment. For maintaining the equilibrium for appointment through PSC and Sports, the first 9 vacancies for direct recruitment through PSC and the 10th vacancy for Sports hand. The Sports APSIs appointed in excess than the quota shall be absorbed in the mainstream either in the quota or as per the proposal accepted by Government that had they been appointed as APASI (lower post) they become APSI on regular promotion, whichever is earlier. Till then, they are treated as Supernumerary APSIs. As their appointment was in violation of the Statutory Special Rules and also in Supernumerary vacancies and hence they are not come under the purview of Article 69 of Kerala Financial Code, Vol.I. They will be given Supernumerary promotion to higher categories also with reference to their date of appointments but assigned regular promotion and seniority based on their absorption as APSIs in the mainstream.

13. The vacancies of APSIs taken for sending the proposal to Government for creation of Supernumerary posts was based on the seniority list of APSIs up to 4.5.1999 published as per PHQ No.L1-252/05 dt.3.1.05 which has been accepted as Ext. P.8 in the Common Judgement dt.20.6.05 in WA No.462/02, CCC No.1293/00 and 193/01, OP No.22547/00 and 4880/01, WP(C) No.36955/04 of the Hon'ble High Court of Kerala. In the Common Judgement dt.27.5.08 in the WP(C) No.24870, 25439 & 29950/07, the Hon'ble High Court ordered that the period of Supernumerary posts shown in annexure to the GO(MS) 146/07/Home dt.23.6.07 will be treated as a proposal on the part of the Government and only as a notice. The vacancies of APSIs up to 1.8.1999 are identified and the supernumerary periods will be subjected to changes accordingly. Notices have been issued to those appointed directly as APSIs under Sports Merit (excluding the Petitioners in WA No.2130/08 and 2205/08) and also those promoted as APSIs on out of turn basis under Sports Merit, informing the circumstances leading the issuance of GO(MS)146/07/Home dt.23.6.07 and also the methods adopting for their absorption in the mainstream, as per PHQ No.A3/Spl.Team/ 60082/02 dt.9.12.2008. The objections received have been examined. In the Notice dt. 9.12.2008, their relative position in the seniority list was not specified. But their relative position are specified in the Provisional Seniority list and invited objections accordingly.

14. The Departmental Promotion Board met on 18.1.2011 examined the matter in detail and prepared Select Lists of APASIs fit for promotion as APSIs for the years from 1991(Suppl) to 1995, in supersession of previous Select Lists, in compliance with the Combined Judgement dt. 20.6.2005 in WA No.462/02, CCC No.1293/00 and 193/01, OP No.22547/00 and 4880/01 and

WP(C) No.36955/04 of the Hon'ble High Court of Kerala and GO(MS) No.146/07/Home dtd.23.6.07. The Select Lists have been approved by the State Police Chief as per PHQ Order No.T4/15981/2011 dt. 26.4.2011 and published as per SO No.96/2011/APB dt. 27.5.2011.

15. In the circumstances, the Provisional Seniority List of APSIs as on 1.8.1999, in supersession of previous seniority lists, is published herewith. For ensuring utmost clarity and transparency and to convey the details of vacancies and its distribution, regularisation etc., to all concerned, the Seniority List is published herewith in 3 parts (Annexure I,II & III) as detailed below.

- Annexure -I - Details of vacancies of APSIs in AP Bns arising from 1.3.1992 to 1.8.1999 and its distribution.
Annexure -II - Regularisation/Notional Promotion/Absorption of APSIs in AP Bns against the vacancies from 1.3.92 to 1.8.1999.
Annexure-III - Provisional Seniority List of APSIs in AP Bns as on 1.8.1999.

16. The above lists are published herewith for information of all concerned. All are requested to submit objections, if any, on the above lists within 15 days from the date of publication. Personal hearing will be given to those who required for the same within the period.

17. If no objection is received within the stipulated period, the lists will be finalized on the presumption that there is no objection in the matter. The lists are available in the Website of Kerala Police www.keralapolice.org.

**Deputy Inspector General of Police,
Armed Police Battalions.**

To: The Director, KEPAs/ Inspector General of Police, SCRB/ Commandants of Armed Police Battalions/Principal, PTC for circulation among the concerned. Objections, if any, received may be forwarded to this Office within the time limit.

Copy to: The State Police Chief, Kerala, Tvpm (with C/L).

“ : The Addl. Director Genl of Police (Int.) for necessary action (with C/L).

“ : The IGP, AP Bn (with CL)

“ : The ADGP, AP Bn (with CL)

“ : Manager/JS/CA. to DIG/ Proceedings File.