

PROCEEDINGS OF THE COMMANDANT, KAP5 BATTALION, MANIYAR

Present: C.Sofi

- Sub: Seniority List of Havildars in KAP5 Bn as on 1.3.1992 - Provisional Seniority List – Publishing of – reg-
- Read: 1) GO(P)6/84/Home dt.18.1.84.
2) Common Judgment dt.20.6.05 in W.A. 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 Letter No.A3/57034/07 dt. 27.7.07..
5) PHQ Order No.A3/Spl.Team/60082/02 Dt. 27.9.2010

ORDER No.A3/7497/07/KAP5 DATED: 6.10.2010

The Kerala Police Subordinate Services (Armed Police Battalions) Special Rules, 1984 came into existence with effect from 18.1.84 as per the Govt. Notification GO(P)6/84/Home dt. 18.1.84 published vide SRO No.69/84. Till then, the MSP and SAP Battalions were treated as separate Units for all purposes including appointment, Seniority, Promotion etc., from the categories of Police Constables to APSIs (PC, Havildar, APASI & APSI). The KAP Battalions were also treated as separate Units for appointment and promotion to the categories of Police Constables and Havildars. Promotion to higher categories from the rank of Police Constables were made up to 18.1.84 as per the orders issued in GO(Ms)No.252/63/Home dt.11.5.1963 and its amendments issued subsequently. The method of appointment and Seniority in respect of the Police Constables and Havildars absorbed in the newly formed Battalion Units from the existing Battalions and also the Seniority of the Police Constables appointed in the KAP I and KAP 2 Bns and their Seniority on promotion as Havildar before coming into force of the Special Rules are specified in Rules 5 and 6 of the Special Rules.

02. As per the Special Rules, each Battalion is treated as a separate Unit in respect of the categories of Police Constables and Havildars. In respect of the categories of APASI and APSI all AP Battalions are treated as a common Unit w.e.f. 18.1.84. Appointment by promotion in the category of APASI in AP Battalions from 18.1.84 shall be made from the Select List of Havildars prepared by the DPB. This necessitated the preparation of Combined Seniority List of Havildars in AP Bns as on 18.1.84 and thereafter.

03. The Special Rules necessitated basic Seniority Lists of Havildars as on 18.1.1984 (date of the Special Rules) in accordance with the rules in force prior to 18.1.1984 and subsequent Seniority Lists as per the Special Rules. But the Unit wise and Combined Seniority Lists of Havildars in AP Battalions were prepared without preparing the basic Seniority Lists. Thus a lot of mistakes were crept in the Seniority of Havildars. The mistakes were repeated in the Select Lists and the Seniority Lists of higher categories prepared based on Combined Seniority List. This has created serious seniority disputes in various categories in the AP Bns. The direct appointments and out of turn promotions of Sports persons in AP Bns after 18.1.84 and their improper seniority placement in various categories worsened the situation. A series of OPs/WPs/WAs/CCCs/SLPs etc., were filed before the Hon'ble High Court of Kerala and the Hon'ble Supreme Court of India about the

seniority issues. As a result, the seniority of all categories in the AP Bns are unsettled for the past 25 years.

04. In order to settle the vexed seniority issues prevailed in the AP Bns due to the appointment and out of turn promotion of Sportsmen in various categories, High Level Committee of Senior Police Officers has been constituted as per PHQ Order No.A3/60082/02 dated 23.12.2004 of the Director General of Police. The Committee was directed to study the associated issues and to come out with a concrete proposal for sorting out the problem of regularizing the appointments of Sports Personnel in AP Battalions. The Committee submitted report on 11.3.2005 and the same has been sent to Government for sanction on 18.5.2005.

05. In the meanwhile, Petitioners in OP No.4880/01 placed the High Level Committee Report as Exhibit P.17 before the Hon'ble High Court. The Hon'ble High Court, vide the Common Judgment dated 20.6.05 in WA No.462/02, CCC Nos.1293/2000 and 193/01, OP Nos.22547/2000, 4880/01 and WP(C)No.36955/04, ordered to consider whether the recommendations are to be accepted or not within two months, and to take follow up action in another three months. In compliance with the above Judgment, Government constituted a Committee consisting of Principal Secretary (Home & Vigilance) as Chairman and Principal Secretary (Finance), Principal Secretary (P&ARD), Secretary (Law Department) and Director General of Police/ADGP (Trg.) as members to examine the financial, legal and other implications of the recommendations of the High Level Committee, as per GO(Rt)No.843/06/ Home dated 30.3.2006.

06. Accepting the recommendations of the Committees and also in compliance with the Combined Judgment dt, 20.6.2005 in WA No.462/02, CCC No.1293/2000 and 193/01, OP Nos.22547/2000 and 4880/01, WP(C) No.36955/04 of the Hon'ble High Court of Kerala, Supernumerary posts in various categories in the AP Bns 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.

07. For the implementation of the Combined Judgment and the Government Order in a fool proof manner, the Meeting of the ADGPs, IGPs and the Commandants of AP Battalions held at Police Headquarters on 11.7.07 took the decision of preparing the Seniority Lists of all categories of and above the rank of Havildars in AP Bns as on 18.1.1984 (date of the 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 the AP Bns during the past 25 years.

08. Accordingly, the Finalized Seniority Lists of APSIs and APASIs in AP Bns as on 18.1.1984 has been published on 21.10.2008 as per Order No.A1-6051/04/APB(III) and No.A1-6051/04/APB(II) respectively of the Inspector General of Police, Armed Police Battalions. The last person in the Seniority List of APSIs as on 18.1.84 got regular promotion as Armed Police Inspector w e f 1.3.1992. Accordingly the regular vacancies of APSIs and APASIs up to 1.3.1992 are identified.

09. Based on the Unit wise Seniority Lists, the finalized Combined Seniority List of Havildars in AP Battalions as on 18.1.1984 has been published by the Inspector General of

Police, Armed Police Battalions as per Order No.A1-6051/04/APB(I) dt.21.10.2008. From the Combined Seniority List of Havildars as on 18.1.1984, Select Lists of Havildars fit for promotion of APASIs for the vacancies available for promotion from 18.1.1984 to 1.3.1992 have been prepared by the Departmental Promotion Board and the Select Lists published by the Inspector General of Police, Armed Police Battalions as per SO No.130/09/APB dt. 19.11.2009. Thereafter, the finalized Seniority List of APASIs in AP Battalions as on 1.3.1992 has been published as per Order No.A1-6051/04/APB(II) dt, 29.3.2010 of IGP, AP Bn. Thus the regular vacancies of Havildars in AP Battalions from 18.1.1984 to 1.3.1992 are identified.

10. 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, promotions etc., in the category of Havildar. The following types of appointments were made in the category of Havildar in AP Bns during the period from 18.1.1984 to 1.3.1992.

- (I) Direct appointment by Special Recruitment from among the members of SC/ST.
- (II) Appointment by direct recruitment under Sports merit as per Rule 3(f) of the Special Rules.
- (III) Appointment by out of turn promotion under Sports merit as per Rule 3(c) of the Special Rules.
- (IV) By promotion of Police Constables in the respective Battalions as per Rule 3(a) of the Special Rules.

The appointments mentioned as (I) to (III) above were made centrally in common to all Battalions. So the meeting of ADGPs, IGPs and the Commandants of AP Battalions held at Police Headquarters on 11.7.2007 decided to distribute them equally to all the AP Battalions viz., MSP, SAP, KAP1, KAP2, KAP3, KAP4, KAP5 Bns in the order of preference. The meeting of Addl Director Genl of Police, AP Bn, Dy. Inspector Genl of Police, AP Bn and the Commandants of AP Bns held at Police Headquarters on 21.9.2010 reiterated o issue orders for implementation of the above decision. Accordingly, the distribution of Havildars appointed under Sports Quota has been ordered as per the Order read as (5) above.

Where, in any Battalion more personnel than the due share of that Battalion had been posted, such personal posted in excess of such due share are placed in the Seniority List of that Battalions notionally, but for the vacancy and seniority in the Battalion concerned in the order of preference mentioned above. The resultant vacancy due to promotion, retirement, death, left department etc of such personnel shall be taken into account of the Battalion wherein the vacancy has been taken. The personnel who were not specifically posted in a Battalion shall be placed in the Seniority List of the Battalion in the Order of preference mentioned above.

The Sports Personnel mentioned as (II) and (III) above are absorbed in the mainstream against the vacancies arising on or after their date of appointment/out of turn promotion as per the recommendations of the High Level Committee accepted by the Government and Supernumerary Posts were created as per GO(MS)146/07/Home dt, 23.6.2007 to accommodate them till their absorption in the mainstream. Notices have been

issued to them, informing the circumstances leading the issuance of GO(MS)146/07/Home dt, 23.6.07 and also the methods adopted for their absorption in the mainstream, as per Police Headquarters No.A3/Spl. Team/60082/02 dt, 9.12.2008.

11. As per Rule 3(b) of the Special Rules, appointment by promotion to the category of Havildar shall be made from Select List of Police Constables prepared on the basis of seniority subject to suitability. Note No.2 under Category 3 Havildar in Rule 3(a) has been added to the Special Rules with effect from 1.7.1985 to the effect that when approved probationers in the category of Police Constables are not available for promotion in the respective Battalion, Police Constables who are probationers in the respective Battalions may also be promoted subject to Rule 3(b) and Rule 8. Rule 3(b) reiterated promotion from Select List and Rule 8 specified the qualification for promotion. As per rules, no person shall be included in the Select List before declaration of probation in the feeder category. As per the provisos under Rule 28(a)(i) of Part II, KS&SSRs a probationer who acquired test qualification and otherwise qualified for promotion shall not be superseded for promotion subject to the condition that he satisfactorily completes probation in the feeder category within the period specified in the Special Rules. As per Rules 9 and 10 of the Special Rules, every person appointed by direct recruitment as Police Constable shall be on probation in that post for a total period of 2 years on duty within a continuous period of 3 years from the date of joining duty after training. The criterion being adopted for regularization of promotion as Havildar shall be "the date of declaration of probation as Police Constable or date of passing Havildar Test or date of occurrence of regular vacancy in the respective Battalion whichever is later." For fixation of seniority of Havildars by promotion from Police Constables, the Rules 3(a), 3(b), 8, 9 & 10 of the Special Rules and Rule 28(a)(i) of Part II, KS&SSRs are adhered to, for which regular promotions as Havildars shall be effected to only from the Select Lists of Police Constables.

12. Recruitment of Police Constables in Armed Police Battalions were made in common to all the AP Bns and then allotted to AP Bn units during the period from 1983 to 1990. The details of advice during the period are noted below.

Sl. No.	No. and date of PSC advice letter	No. of candidates advised
1	No. GR III(4) 12678/81/GW dt. 7.6.83	3100
2	No. GR III(4) 12678/81/GW dt. 2.11.83	1
3	No. GR III(4) 12678/81/GW dt. 31.12.83	338
4	No. GR III(4) 12678/81/GW dt. 20.4.85	229
5	No. GR III(4) 12678/81/GW dt. 2.8.85	219
6	No. GR III(4) 12678/81/GW dt. 12.3.86	1200
7	No. GR III(4) 12678/81/GW dt. 3.11.86	1586
8	No. GR III(4) 12678/81/GW dt. 15.1.87	1
9	No. RIA(5) 14781/90/GW dt. 2.5.90	2400
10	No. RIA(5) 14781/90/GW dt. 2.5.90 (2)	130

13. The date of commencement of training, completion of training, commencement of probation etc., of Police Constables varies in Battalion to Battalion though their advice was from a common advice letter. To maintain justice and equality to all concerned, Select Lists of test qualified Police Constables, who have satisfactorily completed probation within 3 years from the date of commencement of probation, shall be prepared as on the normal date of declaration of probation of a Police Constable in that batch in any of the Battalion.

14. Havildar Tests were conducted in different dates in Battalions during the years 1985, 1986, 1988, 1989 and 1991. To maintain justice and equality to all concerned, the dates of acquisition of test qualification are unified as follows.

1985	-	6.12.1985
1986	-	10.7.1986
1988	-	25.7.1988
1989	-	10.7.1989
1991	-	19.9.1991
1992	-	12.2.1992

15. As a whole, Select Lists of Police Constables appointed from common advice lists are prepared as follows.

1	7.9.1986	Normal date of declaration of probation of 3100 batch. All Police Constables in that batch who acquired test qualification up to 7.9.86 and declared probation within 3 years from the date of commencement of probation are included in the list.
2	10.7.1986	Date of Test qualification. Select List revised by incorporating those in the 3100 Batch acquired test qualification on 10.7.86 also.
3	12.6.1987	Normal date of declaration of probation of 338 batch. Select List revised by incorporating the 338 batch Police Constables who acquired test qualification up to 12.6.87 and completed probation within 3 years from the date of commencement of probation in that batch.
4	25.7.1988	Date of Test qualification. Select List revised by incorporating those up to the 338 batch acquired test qualification on 25.7.88 also.
5	10.10.1988	Normal date of declaration of probation of 229 and 219 batch. Select List revised by incorporating the 229 and 219 batch Police Constables who acquired test qualification up to 10.10.88 and completed probation within 3 years from the date of commencement of probation in that batch.
6	4.5.1989	Normal date of declaration of probation of 1200 batch. Select List revised by incorporating the 1200 batch Police Constables who acquired test qualification up to 4.5.89 and completed probation within 3 years from the date of commencement of probation in that batch.

7	10.7.1989	Date of Test qualification. Select List revised by incorporating those upto the 1200 Batch acquired test qualification on 10.7.89 also.
8	26.12.1989	Normal date of declaration of probation of 1586 batch. Select List revised by incorporating the 1586 batch Police Constables who acquired test qualification up to 26.12.89 and completed probation within 3 years from the date of commencement of probation in that batch.
9	19.9.1991	Date of Test qualification. Select List revised by incorporating those upto the 1586 batch acquired test qualification on 19.9.91 also.
10	12.2.1992	Date of test qualification. Select List revised by incorporating those up to the 1586 Batch acquired test qualification on 12.2.1992 also.

16. Seniority in the rank of Police Constable (feeder category) is retained in Havildar also, in accordance with the Select Lists mentioned above, to those who declared probation as PC within 3 years from the date of Commencement of probation, by adhering Rules 3(a), 3(b), 8, 9 & 10 of the Special Rules and Rule 28(a)(i) of Part II, KS&SSRs.

17. Police Constables advised up to the 1586 batch were not allotted to the KAP 5 Bn. Havildars from these batches were absorbed in KAP5 Bn from other Battalions as per Rules 5(a) and 3(a) of the Special Rules. As such, there is no Select Lists and Havildar promotions in the KAP 5 Bn up to 1992. The Havildars absorbed in KAP5 Battalion from other Battalions are retained their parent Battalion Seniority in the KAP5 Battalion.

18. The provisional Seniority List of Havildars in KAP5 Battalion as on 1.3.1992, in supersession of previous Seniority Lists, is published herewith for the information of all concerned. All are requested to submit objections, if any, against the Seniority List within 15 days from the date of publication of the Seniority List. If no objection is received within the prescribed time limit, the Seniority List will be finalized on the presumption that there is no objection against the same. The Seniority List is available in the web site www.keralapolice.org.

COMMANDANT,
KAP5 BATTALION

To : The Individuals concerned.

Copy to The Asst. Commandant (Adj) for necessary action. He is directed to circulate the list among the concerned and report compliance within the time limit prescribed. Objections, if any, against the Seniority Lists may be forwarded to this Office within the time limit prescribed.

Copy to: The Commandants MSP, SAP, KAP1, KAP2, KAP3, KAP4, SRAF Battalions for information and necessary action.

Copy to: The Principal, PTC, Thiruvananthapuram for information and necessary action.

“ : The Dy. Inspector Genl of Police, AP Battalions for favour of information and necessary action.

“ : The Inspector Genl of Police Training and Director KEPA for favour of information and necessary action.

“ : The Inspector Genl of Police, SCRB, TVM for information and necessary action.

The Addl. Director Genl of Police, Intelligence, TVM for favour of information and necessary action.

“ : The Director Genl of Police, Kerala, TVM for favour of information and necessary action.

“ : Stock File