

PROCEEDINGS OF THE COMMANDANT, KAP5 BATTALION, MANIYAR

Present: C.Sofi

Sub: Seniority List of Havildars in KAP5 Bn as on 1.8.1999 - 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
6) Order No.A3/7497/07/KAP5 dt. 4.1.2011

ORDER No.A3/7497/07/KAP5 DATED: 20.8.2011

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 1 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. AAs a result, the seniority of all categories in the AP Bns from 1984 are unsettled.

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. 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 from 1984.

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 on 1.3.1992 has been published on 29.3.2010 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.

09. The finalized Seniority List of Havildars in KAP5 Battalion as on 1.3.1992 has been published as per the Order read as 6 above. Based on the Unit wise Seniority Lists, the finalized Combined Seniority List of Havildars in AP Battalions as on 1.3.1992 has been published by the Dy. Inspector General of Police, Armed Police Battalions as per Order No.A1-6051/04/APB(I) dt. 15.1.2011. From the Combined Seniority List of Havildars as on 1.3.1992, Select Lists of Havildars fit for promotion of APASIs for the vacancies available for promotion from 1.3.1992 to 1.8.1999 have been prepared by the Departmental Promotion Board and after approval of the State Police Chief, the Select Lists published by the Dy. Inspector General of Police, Armed Police Battalions as per SO No.97/2011/APB dt. 27.5.2011. Thereafter, the Seniority List of APASIs in AP Battalions as on 1.8.1999 has

been published as per Order No.A1-6051/04/APB(II) dt, 17.6.2011 of DIG, AP Bn. Thus the regular vacancies of Havildars in AP Battalions up to 1.8.1999 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.

- (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 to issue orders for implementation of the above decision. Accordingly, the distribution of Havildars appointed under Sports merit 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 personnel 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. Recruitment of Police Constables are in Battalion wise after 1990. The details of advice after 1990 are noted below.

Sl. No.	No. and date of PSC advice letter	No. of candidates advised
1	No. MR(5) 612/91 dt. 21.10.92	465
2	No. MR(5) 612/91 dt. 26.10.92	70
3	No. MR(5) 612/91 dt. 23.7.93	199
4	No. MR(5) 612/91 dt. 29.3.94	21
5	No. MR(5) 612/91 dt. 5.5.94	13
6	No. MR(5) 612/91 dt. 18.6.94	193
7	No. MR(5) 612/91 dt. 18.10.95	321
8	No. MR(2) 144/96 dt. 22.8.97	380

13. The date of commencement of training, completion of training, commencement of probation etc., of Police Constables recruited up to 1990 varies in Battalion to Battalion though their appointment was from a common advice letter. To maintain justice and equality to all concerned, Select Lists of test qualified Police Constables, incorporating those who have satisfactorily completed probation within 3 years from the date of commencement of probation also, 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 1993, 1994, 1995, 1996, 1997 and 1999. To maintain justice and equality to all concerned, the dates of acquisition of test qualification are unified as follows.

1993	-	23.2.93
1994	-	10.2.1994, 25.5.1994 and 19.10.1994
1995	-	16.6.1995 and 13.12.1995
1996	-	12.3.1996

1997 - 12.10.1997
 1999 - 11.3.1999

15. The Select Lists of Police Constables for regular promotion from among those appointed in various advice lists are prepared as follows.

1	1.5.1993	Normal date of declaration of probation of 2400 and 130 batch (common advice on 2.5.1990). Select List revised by incorporating the 2400 & 130 batch Police Constables who acquired test qualification up to 1.5.1993 and completed probation within 3 years from the date of commencement of probation in that batch.
2	10.2.1994	Date of Test qualification. Select List revised by incorporating those up to the 2400 & 130 batch Police Constables who acquired test qualification on 10.2.1994 also.
3	16.6.1995	Date of Test qualification. Select List revised by incorporating those up to the 2400 & 130 batch Police Constables acquired test qualification on 16.6.95 also.
4	6.10.1995	Normal date of declaration of probation of 465 batch. Select List revised by incorporating the 465 batch Police Constables who acquired test qualification up to 6.10.95 and completed probation within 3 years from the date of commencement of probation in that batch.
5	5.12.1995	Normal date of declaration of probation of 70 batch. Select List revised by incorporating the 70 batch Police Constables who acquired test qualification up to 5.12.95 and completed probation within 3 years from the date of commencement of probation in that batch.
6	12.3.1996	Date of Test qualification. Select List revised by incorporating those up to the 70 batch Police Constables acquired test qualification on 12.3.96 also.
7	4.1.1997	Normal date of declaration of probation of 199 batch. Select List revised by incorporating the 199 batch Police Constables who acquired test qualification up to 4.1.97 and completed probation within 3 years from the date of commencement of probation in that batch.
8	12.10.1997	Date of Test qualification. Select List revised by incorporating those up to the 199 batch Police Constables acquired test qualification on 12.10.97 also.
9	26.10.1997	Normal date of declaration of probation of 193 batch. Select List revised by incorporating the 193 batch Police Constables who acquired test qualification up to 26.10.97 and completed probation within 3 years from the date of commencement of probation in that batch.
10	2.11.1998	Normal date of declaration of probation of 321 batch. Select List revised by incorporating the 321 batch Police Constables who acquired test qualification up to 2.11.98 and completed probation within 3 years from the date of commencement of probation in that batch.
11	11.3.1999	Date of Test qualification. Select List revised by incorporating those up to the 321 batch Police Constables acquired test qualification on 11.3.99 also.

16. Seniority in the rank of Police Constable (feeder category) is retained in Havildar also, in accordance with the Select Lists mentioned above for promotion and seniority, 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. The Seniority List of Havildars in KAP5 Bn as on 1.8.1999 is prepared accordingly. Those who were included in the finalized Seniority List of Havildars as on 1.3.92 and not get regular promotion to higher category as on 1.8.99 are included in this seniority list. Accordingly, 2 Havildars in the finalized Seniority List of Havildars as on 1.3.1992 are included as Sl. Nos.1 to 2 in the Seniority List as on 1.8.1999.

18. The provisional Seniority List of Havildars in KAP5 Battalion as on 1.8.1999, 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 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 List may be forwarded to this office within the time limit prescribed.

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

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

“ : The Inspector Genl of Police, AP Bns and 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 State Police Chief, Kerala, TVM for favour of information and necessary action.

“ : Stock File