

PROCEEDINGS OF THE STATE POLICE CHIEF, KERALA,
THIRUVANANTHAPURAM

Present: K.S. Balasubramanian IPS

Sub:-Compliance of Hon. High Court direction in the Judgment in WP(C) 16441/2011 filed by Sri. Benni EF, AC, KAP I Bn- Revised Seniority List in the category of APASIs in the AP Bns with effect from 18.01.1984 to 01.01.1998 – Finalized - Orders issued.

Read:-(1) GO (P) 6/1984/Home Dated 18.01.1984.
(2) GO (Rt) No. 188/2012/Home Dated 21.01.2012.
(3) PHQ Order No. T4/72814/2012 Dated 03.08.2012.
(4) PHQ Order of even no. Dated 26.08.2012.

Order No. A3/Spl.Team/76548/2012 Dated 27.10.2012

In light of the Government direction vide paper read as second above, a revised provisional seniority list of Armed Police Assistant Sub Inspectors for the period from 18.01.1984 to 1.01.1998 has been published vide paper read as 4th above, as part of complying the Hon. High Court judgment in WP(C) 16441/2011 filed by Sri. Benni EF, AC, KAP I Bn, strictly in conformity with the 20 suggestions of the High Level Committee and limiting the regularization process strictly within the purview of the Common judgment dated 20.06.05 in WA. No 462/02, WP(C) No. 36955/04, CCC No. 1293/00 & OP Nos 22547/2000, & 4880/2001 and WP(C) No. 36955/2004 of the Hon. High Court of Kerala.

The intervention of the Hon High Court was followed by the non-compliance in implementing the Report of the High Level Committee of Officers vide Letter No. 152/Camp/ADGP (Trg)/2005 dated 11.03.2005, which became Exhibit 17 in the Common Judgment in WA no. 462/2002 etc, in the regularization process of irregular appointments/re-

appointments/out of turn promotions/temporary promotions by upgrading existing posts and appointments against supernumerary posts etc in respect of the sports personnel appointed for the period from 1984 to 1997 in the Police Department. Moreover Government have observed that the regularization process already carried out had gone beyond the scope of the above Common Judgment dated 20.06.05 in WA. No 462/02, WP(C) No. 36955/04, CCC No. 1293/00 & OP Nos 22547/2000, & 4880/2001 and WP(C) No. 36955/2004 of the Hon. High Court of Kerala.

A large number of petitions have been received raising objections/pointing out omissions, errors etc. All of them have been examined as per law, in detail, with relevance to the connected documents, and replies given to all those cases individually. 3 personnel who requested for personal hearing within time limit were heard in person on 15.09.2012.

In finalizing the revised seniority list of APASIs for the period 18.01.1984 to 1.01.1998, the following norms have been applied for ensuring transparency in the matter.

- a) In the appointments under sports category, there were two types of appointments made, ie Contract Basis appointments under Rule 9A of KS&SSRs for one year/five year, and appointments against supernumerary posts under Rule 31 of KS&SSRs.
- b) Seniority of those sports APASIs appointed under the above two categories are to be regulated based on the 20 Suggestions as per the report No. 152/Camp/ADGP(Trg)/2005 dated 11.03.2005 of the High Level Committee of Officers, based on Common judgment dated 20.06.05 in WA. No 462/02, WP(C) No. 36955/04, CCC No. 1293/00 & OP Nos 22547/2000, & 4880/2001 and WP(C) No. 36955/2004 of the Hon. High Court of Kerala and based on GO(Rt) No 188/2012/Home Dated 21.01.2012 in complying the Judgment of the Hon. High Court of Kerala. All the above such sports appointments were made when Special Rules as per GO (P) 6/1984/Home Dated 18.01.1984 became operative and such appointments

were to be based on its Rule 3(f) provided the candidates were possessing qualifications prescribed for the posts.

Though the sports APASIs who were appointed on contract basis continued in service beyond such contract period, without orders of further extension of such contract period, or giving regular appointments as stipulated in the Special Rules being issued, all the contract appointments of APASIs under sports category made from 1984 have been treated as regular with effect from the date followed by training period for the post (9 months) plus such period of contract appointment, as per suggestion no. 9 of the Report of the High Level Committee.

- c) The date of regular appointment of those sports APASIs appointed against supernumerary posts/re-appointed against supernumerary posts, is regulated as per the article 69 of KFC. As such, the service of those non-sports personnel who were promoted earlier as APASIs even by filling up the vacancies in the Special Units from battalions, as on the date of appointment of such sports personnel included in this seniority list, have been given regularization as APASIs ahead of the sports personnel, as those non-sports personnel were already occupying the posts prior to the appointment of such sports personnel.
- d) The service of those Havildars while continuing in the supernumerary posts and assigned with out of turn promotions as APASIs before the date of getting absorption to regular service based on the Report of the Committee of Officers even as Havildars, are eligible for regular absorption as APASIs based on the suggestion no. 11 of the Report of the High Level Committee only.
- e) Preferential claim for getting regularization of service of those promote APASI appointees who were occupying the posts earlier than those APASIs appointed on supernumerary posts from sports category, is admitted and given seniority ahead of those sports supernumerary APASIs appointed later, as per suggestions of the above Report of the High Level Committee.

- f) Most of the petitioners represented that the inclusion of personnel in serial no. 204 to 212 in the provisional seniority list are not eligible for inclusion as APASIs as on 1.01.1998, as their initial appointment as Havildars as per the Report of the High Level Committee stands regulated in a later date than the date of out of promotion as APASIs based on the provisions of the Special Rules, ignoring their initial appointment in General Rules. After having a thorough examination, the personnel from serial no. 210 to 212 and 236 and 237 in the provisional list have been excluded from the finalized list accordingly. The personnel under serial no.309 is also excluded from the seniority list on the ground that he went on LWA wef 27.04.1987 to 15.05.2006 without joining duty on promotion as APASI on out of turn basis.
- g) All the combined seniority lists of APASIs which were published and finalized by the IGP/DIG of Police AP Bns, prior to the publication of this seniority list, will remain cancelled.

The revised provisional seniority list of APASIs published vide paper 4th cited is hereby finalized. This list is also published in the official website of Kerala Police.


State Police Chief.
27/10/12
26/10/12

To

The ADGP AP Bn/ADGP(Int)/IGP SCRB for information and n/a. The IGP SCRB will publish this in the official website forthwith.

The DIG AP Bn/DIG (Trg), KEPA for information and n/a.

The Commandants SAP/MSP/KAP 1/KAP 2/KAP 3/KAP 4/KAP 5/IR Bn and RRRF Bn for information and n/a.

The Principal PTC for information and n/a.

SS/JS L Section for information.