

**PROCEEDINGS OF THE ADDITIONAL PRINCIPAL CHIEF CONSERVATOR OF FORESTS,
(ADMINISTRATION), THIRUVANANTHAPURAM-14**

PRESENT: K J VARUGHESE IFS

Sub: - Forest Department – Establishment –Final Seniority List of Senior Clerks
as on 01.01.2015 – Publishing regarding.

Ref:- 1. Order No.E5.48110/2014 DT: 04-04-2015 of Addl.PCCF (Administration).
2. Order No.E5.48110/2014 DT: 03-12-2016 of Addl.PCCF (Administration).

ORDER No. E5 – 48110/2014. Dated:07.02.2017.

After Considering the objections raised by the incumbents about the Provisional Seniority list of Senior Clerks as on 01.01.2015 published vide order referred 1st above, A Draft Final Seniority list of Senior Clerks as on 01.01.2015 had been prepared and published vide order read 2nd above inviting appeals, Objections, mistakes etc, from the employees in response to the list.

The main objections on the provisional list published were centered on the following aspects

- 1) Correction of date of entry in service, date of acquiring departmental test qualification etc.
- 2) To re-assign the ranks of the incumbents who became junior due to the implementation of Rule28 bbb(Explanation -1) and Gov. Circular No.524/RI/2014/P&ARD Dated: 10.03.2014.

The errors occurred and objections raised on the Provisional Seniority list of Senior Clerks have been rectified and considered in accordance with the following grounds.

- 1) In the provisional seniority list, the date of arising vacancy for some promotion of Senior Clerks has been calculated wrongly and there by seniority is assigned in an improper manner. The same has been ratified by assigning the date of occurrence of vacancies correctly.

2) Vide Circular No.524/RI/2014/P&ARD Dated: 10.03.2014 Government have clarified the applicability of Rule 28 (bbb) as detailed below.

“The last date of whole examination determined for giving the benefit of rule 28 (bbb) of part II KS & SSR 1958 to a senior only if there is no test qualified juniors on the date of occurrence of vacancy. If there is test qualified Junior on the date of occurrence of the vacancy, and if the Junior is otherwise eligible for promotion as per rules on the said date and if the result of departmental test in which the senior has appeared but not been published before the said date, the junior is eligible to be promoted in that vacancy and the benefit of test qualification will accrue to the senior only on the date of publication of the result of the departmental test.

It is further clarified that the benefit of Rule 28(bbb) of part II, Kerala State and Subordinate Service rules 1958, will operate to promotions only on satisfying three conditions.

- i. Not involving change of duties,
- ii. Against vacancies remaining unfilled, and
- iii. For want of test qualified persons.

The retrospective deeming provision that persons who passed the test/examination would be deemed to be qualified for promotion from the date prior to the date of publication of the result would operate only if all the three conditions are cumulatively present. That is if any one of these conditions is absent, the date of publication of result would alone govern the question whether a person has acquired the qualification of passing the test/examination for promotion or not”.

Appeals received on provisional seniority list have been examined with reference to documents produced and rules in force regarding ranking and re-assigned wherever admissible. The objections submitted by the incumbents have been examined in detail and disposed. A Draft Final Seniority list of Senior Clerks as on 01.01.2015 had been prepared and published vide order read 2nd above

Appeals received on the Draft of Final seniority list have been examined with reference to documents produced and rules in force regarding ranking and re-assigned wherever admissible.

Corrections of date of entry in service, date of acquiring departmental test qualification, Names etc. have been made after verifying the relevant records.

The contentions raised in the appeals filed by the senior clerks on the Draft of Final seniority list are detailed below in the ensuing paras. The objections raised in the appeals have been examined in detail and are disposed of as hereunder.

1. Contentions raised by Sri. M K Satheesan & Smt. Ethama Antony.

In the Draft of final seniority list their positions are assigned as Sl.no.61 & 62 respectively. Their main contention is that Sri, Manoj Kumar M (Sl No.57) entered in service on 03.08.1998 as junior to them. But he got a higher seniority position in the draft of final seniority list and to re-assign the same. On verifying the relevant records it is seen that the petitioners had not acquired test qualification on the date of vacancy arose (ie.02.04.2005) in which Sri, Manoj Kumar M was promoted. In view of the above fact, the request of Sri. M K Satheesan & Smt. Ethama Antony cannot be granted and hence rejected.

2. Contentions raised by Sri N V. Prasad(Sl No67) and Sri.Manoj T C (Sl No.77)

Their main contention is that, the provisional seniority list published as on 01.07.2009 need to be finalized first before finalizing the provisional seniority list published as on 01.01.2015. They also requested to give them an opportunity to clarify the mistakes occurred while calculating the vacancy of Senior Clerks. In the Draft final seniority list published, the above matter is clearly explained and the same has been ratified by assigning the date of occurrence of vacancies correctly. In this circumstance the request can't be considered and the applications are disposed of.

3. Contentions raised by Smt.Geetha Narayanan. P (Sl No.96)

The main contentions are about the date of effect of the Gov. Circular No.524/RI/2014/P&ARD Dated: 10.03.2014 and that they are eligible to be promoted as senior Clerk in the vacancy which arose from the next day of completion of the whole examination they appeared. The Gov. Circular No.524/RI/2014/P&ARD Dated: 10.03.2014 is a clarification of the existing Rule 28(bbb) of part II, Kerala State and Subordinate Service rules 1958. Hence the Gov. Circular was taken as the base for the provisional seniority list prepared after the issue of the circular. The date of publication of the result of departmental test is the criterion of eligibility rather than the date of last date of test conducted as far as the seniority is concerned.

4. Contentions raised by Sri. Kala Kumar K (Sl No.82)

He entered service in Forest Department as Clerk in 13.04.2000. His main contention is that, many persons who acquired test qualification after the date in which he qualified got a seniority position before him. On verification of records it is found that all persons mentioned in his application are senior to him, and the seniority position assigned him is correct and the application is disposed off.

5. Contentions raised by, Bijoy Bhaskaran (Sl No.107)

The main contentions are about the date of effect of the Gov. Circular No.524/RI/2014/P&ARD Dated: 10.03.2014 and that they are eligible to be promoted as senior Clerk in the vacancy which arose from the next day of completion of the whole examination they appeared. The Gov. Circular No.524/RI/2014/P&ARD Dated: 10.03.2014 is a clarification of the existing Rule 28(bbb) of part II, Kerala State and Subordinate Service rules 1958. Hence the Gov. Circular was taken as the base for the provisional seniority list prepared after the issue of the circular. The date of publication of the result of departmental test is the criterion of eligibility rather than the date of last date of test conducted as far as the seniority is concerned.

However considering the seniority position of Sri. Bijoy Bhaskaran in the provisional seniority list published as on 01.07.2009 and the date of test qualification he acquired, his seniority position is re-assigned to Sl. No. 98 from Sl. No.108. and the application is disposed of.

6. Contentions raised by Smt.N E Pushpalatha (Sl.No.112)

The main contentions are about the date of effect of the Gov. Circular No.524/RI/2014/P&ARD Dated: 10.03.2014 and that she is eligible to be promoted as senior Clerk in the vacancy which arose from the next day of completion of the whole examination she appeared. The Gov. Circular No.524/RI/2014/P&ARD Dated: 10.03.2014 is a clarification of the existing Rule 28(bbb) of part II, Kerala State and Subordinate Service rules 1958. Hence the Gov. Circular was taken as the base for the provisional seniority list prepared after the issue of the circular. The date of publication of the result of departmental test is the criterion of eligibility rather than the date of last date of test conducted as far as the seniority is concerned.

However considering the seniority position of Smt.N E Pushpalatha in the provisional seniority list published as on 01.07.2009 and the date of test qualification she acquired, her seniority position is re-assigned to Sl. No. 99 from Sl. No.112. and the application is disposed of.

7.Contentions raised by Sri.Joy Abraham A J(Sl No.113)

The main contentions are about the date of effect of the Gov. Circular No.524/RI/2014/P&ARD Dated: 10.03.2014 and that he is eligible to be promoted as senior Clerk in the vacancy which arose from the next day of completion of the whole examination they appeared. The Gov. Circular No.524/RI/2014/P&ARD Dated: 10.03.2014 is a clarification of the existing Rule 28(bbb) of part II, Kerala State and Subordinate Service rules 1958. Hence the Gov. Circular was taken as the base for the provisional seniority list prepared after the issue of the circular. The date of publication of the result of departmental test is the criterion of eligibility rather than the date of last date of test conducted as far as the seniority is concerned.

However considering the seniority position of Sri. Joy Abraham in the provisional seniority list published as on 01.07.2009 and the date of test qualification he acquired, his seniority position is re-assigned to Sl. No. 99 from Sl. No.113. and the application is disposed of.

8.Contentions raised by Sri.Manoj K N (Sl No.114)

The main contentions are about the date of effect of the Gov. Circular No.524/RI/2014/P&ARD Dated: 10.03.2014 and that he is eligible to be promoted as senior Clerk in the vacancy which arose from the next day of completion of the whole examination he appeared. The Gov. Circular No.524/RI/2014/P&ARD Dated: 10.03.2014 is a clarification of the existing Rule 28(bbb) of part II, Kerala State and Subordinate Service rules 1958. Hence the Gov. Circular was taken as the base for the provisional seniority list prepared after the issue of the circular. The date of publication of the result of departmental test is the criterion of eligibility rather than the date of last date of test conducted as far as the seniority is concerned. Accordingly the seniority position assigned to him is correct and the application is disposed of.

9. Contentions raised by Smt. Nisha P R (Sl No. 118)

The main contention is that she is eligible to be promoted as senior Clerk with effect from 06.10.2005, the date in which she got promotion as senior clerk. On verification of records it is found that the date of publication of the departmental test she appeared was on 28.10.2005. Hence her seniority was assigned on the vacancy aroused after that date considering her seniority in entry cadre. The Gov. Circular No.524/RI/2014/P&ARD Dated: 10.03.2014 is a clarification of the existing Rule 28(bbb) of part II, Kerala State and Subordinate Service rules 1958. Hence the same was taken as the base for the provisional seniority list prepared after the issue of the circular. The date of publication of the result of departmental test is the criterion of eligibility rather than the date of last date of test conducted as far as the seniority is concerned.

10. Contentions raised by Sri. P Sabu (Sl No. 134)

The main contentions are that he is eligible to get the with effect date of promotion on 9/2005 and a seniority position of Sl No.89. He entered in service as Clerk in 19.01.2001. Although he acquired the test qualification on 30.05.2002, he is eligible to get promotion considering the seniority in the entry cadre too. Accordingly the seniority position assigned to him is correct and the application is disposed of.

11. Contentions raised by Sri. Abdul Nazar P K (Sl No. 162)

He entered service in Forest Department as Clerk in 17.10.2001. His main contention is that, many persons who acquired test qualification after the date in which he qualified got a seniority position before him. On verification of records it is found that all persons mentioned in his application are senior to him, and the seniority position assigned him is correct and the application is disposed off.

12. Contentions raised by Sri. Sankaranarayana Iyer R (Sl No. 229)

His main contention is that, Sri Premjith D (Sl No.227) junior to him is placed as his senior in the seniority list and to rectify the same. On verification of the records it is found that the seniority position of Sri Premjith D in entry cadre was 338A and that of Sri. Sankaranarayana Iyer R was 339. Accordingly Sri. Premjith D got a higher position than

Sri.Sankaranarayana Iyer R in the seniority list published as on 01.07.2009 and 01.01.2015. Hence his position assigned is correct and the application is disposed off

13. Contentions raised by Smt.Anju M

His main contention is that, her name has not included in the Provisional seniority list of Senior clerks prepared as on 01.01.2015. On verification of records it is found that she entered in service as clerk on 05.09.2001. She was promoted as senior clerk with effect from 22.02.2011 as per order no E3-13454/2007 dated 06.05.2011 of Sr. Administrative officer in the vacancy aroused by promotion on 22.02.2011. She has been under LWA since 08.04.2014. While preparing the provisional seniority list her name was mistakenly excluded. Considering the recommendation of Divisional Forest Officer Malayatoor and her request Smt. Anju M is included in the final seniority list of Sr. Clerks as Sl No. 265 A in the vacancy aroused on 22.02.2011.

All the above aspects were considered in detail and alterations have been made in the Draft Final Seniority list. In these circumstances, the Draft Final Seniority list of Senior Clerks here by finalized incorporating above mentioned alterations.

Additional Principal Chief Conservator of Forests (Administration)

Copy to:-

1. Chief Conservator of Forests (IT), to be published in the Website of KFD
2. All Chief Conservator of Forests
3. All DFOs and Wildlife Wardens
4. E3- Section, Stock File