

POLICE



DEPARTMENT

KERALA

PROCEEDINGS OF THE INSPECTOR GENERAL OF POLICE
RANGE OFFICE, KANNUR

Present : MAHIPAL YADAV IPS

Sub : Police Ett- Range provisional Seniority list of Senior Civil Police Officers for the period up to 31.05.2016-Published Orders Issued

Read : 1.GO(MS) No.125/80/Home dated 26.12.1980
2.GO (P) No.33/89/Home dated 10.03.1989.
3.GO(P) No.28/2017/Home dated 16.02.2017
4.PHQ CoB Message No.E4-16312/18 Dated 1.3.2018

Order No : A1-3966/2018/KR Dated. 07-03-2018

The recruitment rules (Special rules) to the post of Police Constable in the Kerala Police have come into force with effect from 17.07.1980 as per SRO No.82/1980 published vide GO(MS) No.16/80/Home dated 17.01.1980. The rule 3 of the special rule was amended with effect from 26.12.1980 by adding two provisions as per SRO No.1289/1980 published vide GO (MS) No.125/80/Home dated 26.12.80. As per this amendment the seniority of a Police Constables appointed to the District Armed Reserve from Armed Police Battalion should be determined by the date of order of his first appointment/date of advice of KPSC as case may be to the post of Police Constable in the AP Battalion.

The Government stopped direct recruitment in the District Armed Reserve as per GO(MS) No.2014/86/Home dated 17.07.1986 and to give statutory validity to the order, the special rules were amended with effect from 17.07.1986 vide GO(P) No.33/89/Home dated 10.03.1989. With the recruitment rules of Police Constables 1980, amended vide GO(P) No.33/89/Home dated 10.03.1989 the rules in GO(MS) No.125/80/Home dated 26.12.80 turned null and void.

The Hon'ble High Court in the Judgment dated 12.03.10 in WP© No.17133/07 delivered that the entire old rule was substituted by the newly introduced rule-provisions (GO(P) No.33/89/Home dated 10.03.1989) and the old rule was not in force.

A Range Seniority list of SCPOs for the period up to 31.12.2009 was published as per the provisions contained in GO (P) No.33/89/Home dated 10.03.1989 vide IGO No.274/2013KR (A1/14571/2011KR) dated 16.12.2013. The above seniority list could not be implemented as per the direction from the Government vide letter No.117304/A1/13/Home dated 26.12.2013 (L6/44158/2013 dated 27.12.2013).

Later the Government amended the recruitment rules to the post of Police Constable with effect from 17.07.1986 vide SRO No.80/2017 published in GO(P) No.28/2017/Home dated 16.02.2017. As per this amendment the seniority of a Police constables appointed to a District Armed Reserve from Armed Police Battalions shall be determined by the date of first effective advice of the Public Service Commission for his appointment or date of order of his first appointment, as the case may be, to the post of Police Constable in the Armed Police Battalion.

Several Original Applications have been filed before the Hon'ble Kerala Administrative Tribunal against the amendment of the recruitment rules as per GO(P) No.28/2017/Home dated 16.02.2017. In a common judgment dated 14.12.2017 the Hon'ble Kerala



A1-3966/2018/KR



c6b712

Administrative Tribunal vide para 59 (I) has ordered that “ **The recruitment rules to the post of Police Constables in the Kerala Police Constables in the Kerala Police Subordinates Service (Amendment) rules, 2017 to the extent to which it is made retrospective from 17.07.1986 is declared as unconstitutional and violative of Articles 14 and 16 of the constitution of India**” .

and

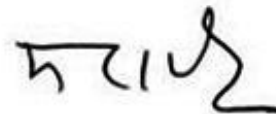
para 59 (II):- “ There will be a further direction to the respondents I & II to finalise the seniority list of Police personnel in accordance with the provisions of the rules brought into force as GO(P) No.33/89/Home dated 10.03.1989, namely recruitment rules to the post of Police Constables in the Kerala Police Subordinate Service Amendment Rules, 1989 expeditiously at any rate within a period of six months from the date of receipt of certified copy of this order in whichever units they are remaining to be revised and finalized”.

Against the order dated 14.12.2017 of the Hon'ble Kerala Administrative Tribunal one Pookunju A, SI of Police filed appeal vide OP(KAT) No.506/2017(Z) before the Hon'ble High Court of Kerala. The judgment dated 14.12.2017 of the Hon'ble Kerala Administrative Tribunal has been stayed by the Hon'ble High Court of Kerala in the order dated 20.12.2017 stating that “**the Ext.P6 (Copy of order dated 14.12.2017 of the Hon'ble Kerala Administrative Tribunal) to the extent it negates the retrospective effect given to the Amendment Rules is hereby stayed for a period of three months**” .

With the stay of the Hon'ble High Court of Kerala dated 20.12.2017, the recruitment rules to the post of Police Constables issued in SRO No.80/2017 published in GO(P) No.28/2017/Home dated 16.02.2017 and its retrospective effect dated 17.07.1986 stands valid at present.

The State Police Chief, Kerala vide letter No.E4/16312/2018/PHQ dated 01.03.2018 has issued direction to publish provisional seniority list of the eligible Senior Civil Police Officers/ASIs to be promoted as ASIs/SIs in accordance with the above orders.

As such a Range provisional seniority list of Senior Civil Police Officers in respect of Kannur Range up to 31.05.2016 is published and appended herewith subject to the final order of the Hon'ble High Court of Kerala in this regard. District Police Chiefs/Superintendents of Police of special units will circulate the seniority list among the concerned under proper acknowledgment. **Objections/errors/omissions if any against the list may be forwarded to this office with your specific remarks within 7 days from the date of publication of the provisional list. If no representations are received within the time frame, the seniority list will be finalized on the assumption that there is no representation/ objection against the list. All unit heads will forward a certificate to the effect that the provisional seniority list has been communicated among all the concerned and obtained dated acknowledgment**



07-03-2018
MAHIPAL YADAV IPS,
Inspector General of Police

To : All District Police Chiefs in Kannur Range for necessary action
The IGP, SCRB, Thiruvananthapuram for publishing in the website
The State Police Chief, Kerala and Director General of Police, North
Zone, Kozhikode.



A1-3966/2018/KR



c6b712

SPs of CBCID,OCW IV, CBCID HHW III KKD, EOW III KKD, SP SBCID KKD
Range
SP VACB NR KKD, SP VACB SPL CELL KKD, SP RLYs TVPM
Proceedings file



A1-3966/2018/KR



c6b712