

POLICE



DEPARTMENT

KERALA

PROCEEDINGS OF THE DEPUTY INSPECTOR GENERAL OF POLICE
RANGE OFFICE, KANNUR

Present : K Sethu Raman IPS

Sub : Police Estt- Seniority list of Head Constables (Local) who were enlisted up to 31.12.1989 in respect of Kannur Range - Provisional list publishing of –Reg.

Read : 1. The final Judgement of Hon'ble High Court of Kerala dated 07/08/19 in OP(KAT) 506/2017.

2. Order dated 31.10.2018 of the Hon'ble High Court of Kerala on I.A.6/2018 in OP(KAT) No.506/2018 & IA .No.4/2018 in 102/2018

3. Order Dated 14.12.2017 in OA.No.533/2015 of the Kerala Administrative Tribunal.

4. Rule 27(a) KS&SSR 1958 (Related to inter unit transfer).

5. GO(P) No.28/2017/Home dated 16.02.2017.

6. GO(MS) No.37/15/Home dated 26.02.2015.

7. GO(P) No.33/89/Home dated 10.03.1989.

8. GO(MS) No.125/80/Home dated 16.02.1980.

9. GO(P) No.16/80/Home dated 17.01.1980.

10. GO(MS) No.81/74/Home dated 22.05.1974.

11. Minutes of the meeting held at PHQ dated 14/11/2018

12. Government letter No.A3/303/2018-Home dated 14/11/2019

13. PHQ letter No. E4-16312/2018/PHQ dated 11.10.2019, 25.11.2019 and 11.12.2019.

14) Order No : A3-58499/2019/C Dated. 18-12-2019

15) Order No : A2-37212/2019/G Dated. 18-12-2019

16) Order No : A3-36721/2019/W(1) Dated. 17-12-2019

17) Order No.A2(a)-62158/2019/CC Dated.18-12-2019 (DO No. 1099/2019/CC)

Order No : A1-16936/2019/KR Dated. 21-12-2019

01. Earlier, a three tyre system existed in Kerala Police Viz. Armed Police Battalions, District Armed Reserve and General Executive Wing. The initial recruitment is made in Armed Police Battalions as Police Constables through Kerala Public Service Commission as per the guide lines of Special Rule GO(P)06/84/Home dated 18/01/1984. The filling up of posts of PCs in District Armed Reserve is made through by transfer appointment based on the waiting list of Battalion Police Constables who are willing and eligible to be transferred to District Armed Reserve. The posts of PCs in General Executive Wing (Local) is filled through by Transfer appointment from the waiting list of District AR Constables who had opted for transfer appointment to Local unit.

02. In 1980s, direct recruitment to the post of police constables was made in both District Armed Reserve and Armed Police Battalion. Irrespective of the nature of recruitment, those who were recruited prior to 17.07.1986, ie is the recruits of AP battalions during 1980-86, were given advise seniority in District Armed Reserve and to the 1986-89 AR recruits on considering the 7 & 5 years lock-in period of Battalion personnel in their recruited unit (Battalion).



03. Later, Government have decided to stop the direct recruitment of Constables in the District Armed Reserve and issued an amendment in the Special Rules vide GO (P) 33/89/Home dated 10.03.1989. By this, "District Armed Reserve and Armed Police Battalion were made separate units for appointment and the posts in the District Armed Reserve will be filled by transfer of Constables from the Armed Police Battalions". The order was given retrospective effect from 17/07/1986. But a defect occurred in the amendment as the proviso of order GO (P) 125/1980/Home dated 26/12/1980 providing advice seniority to those who were recruited in Armed Police Battalion prior to 17.07.1986, , was omitted while effecting the amendment.

04. This created a long standing seniority dispute between PCs inducted into the Police force through Armed Police Battalions on one side and District Armed Reserves on the other side who were recruited as per Special Rules vide GO(Ms) No.16/80/Home dated 17/01/1980 which was extant during 1980-1989.

05. As a measure to resolve this issue, Government had issued GO (P)28/2017/Home dated 16/02/2017 by making an amendment in Special Rules, of GO(P) No.16/80/Home dated 17/01/1980, to protect the seniority of PCs who were recruited in Battalion prior to 17/07/1986.

06. The Hon'ble KAT in the Orders dated 14/12/2017, declared that giving retrospective effect to the amendment from 17.07.1986 as per GO(P)28/2017/Home 16/02/2017 is unconstitutional and violative of Articles 14 and 16 of the Constitution of India.

07. Against the impugned order of KAT, Hon'ble High Court of Kerala in the appeal order dated 31.10.2018, had directed to effect promotions to the vacant posts in public interest subject to the outcome of the pending OPs(KAT).

08. Accordingly a meeting was held at Police Headquarters on 14/11/2018 on the subject. All the District Police Office and Range Office Officials had attended the meeting to discuss and find out the ways to comply with the Hon'ble High Court order. Accordingly, the position of eligible PCs who were inducted into the force prior to 17/07/1986 on the basis of Special Rule GO(Ms)16/1980/Home was given. It was also decided to prepare partially modified seniority lists and to effect promotions in the posts subject to the outcome of the original petitions pending before the Hon'ble High Court. As such, seniority of PCs who were recruited prior to 17/07/1986 was notionally fixed in all Districts and Ranges and promotions were effected.

09. The Hon'ble High Court of Kerala in its Judgement dated 07/08/2019 in OP(KAT) No. 506/2017 ordered that there was no illegality in the amendment made to the GO (P) No.16/80/Home dated 17/01/1980 ie giving retrospective effect to the ammenment from 17.07.1986 and observed that it is curative in nature and with a laudable purpose to protect the seniority. Thus, the Hon. High Court upheld the GO(P) No. 28/2017/Home dated 16.02.2017 and effectively the partially modified lists which had reassigned the seniority of those APBn PCs recruited till 1989 based on advice list.

As per the directions from the Government and PHQ in this regard vide references cited 12th and 13th read above, the District Police Chiefs of Kannur Range have published the district wise seniority list of Local Head Constables who were enlisted up to 1989 vide references cited 14th to 17th read above. Accordingly, Range wise Provisional Seniority list of Local Head Constables who were enlisted up to 1989 is published herewith as appended with this order.

District Police Chiefs and Unit heads will circulate the Provisional Seniority list among all the concerned including those who are on deputation, working arrangement, leave etc. and should get the same noted by them.



Representation, if any against the ranking in the list/omissions errors etc should be submitted with supporting documents before concerned unit heads within three days from the date of publication of this provisional seniority list .The unit heads concerned will forward the petitions with their specific remarks to this office on the same day itself. If no representations are received within the time limit, the provisional seniority list will be finalized on the presumption that there is no objection against the provisional list. District Police Chiefs/Superintendents of Police of special Units will circulate the seniority list among the concerned under proper acknowledgment. The list is also available in the Web site. All unit heads will forward a certificate to the effect that the provisional seniority list has been communicated among all the concerned within 3 days of publication of the list without fail.



21-12-2019

K Sethu Raman IPS,
Deputy 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 Additional Director General of
Police, North Zone, Kozhikode for information.
SPs of Crime Branch Kannur, Kozhikode, CB CU !!! Kozhikode for necessary
Action.
SP VACB NR KKD, SP VACB SPL CELL KKD, SP RLYs TVPM
All DySPs/IP SHOs/SHOs in the Range for displaying the list to the Notice
Board.
Proceedings file

