

POLICE



DEPARTMENT

KERALA

**PROCEEDINGS OF THE INSPECTOR GENERAL & COMMISSIONER OF POLICE**  
**CITY POLICE OFFICE, THIRUVANANTHAPURAM**

**Present : Balram Kumar Upadhyay IPS**

Sub : Implementation of GO (P)28/2017 dated 16/02/2017 in consonance with the Judgement of Hon'ble High Court of Kerala dated 07/08/19 in OP (KAT) 506/2017- Provisional of Seniority list of AR PCs as on 31/03/2010 who were appointed during the period from 01-01-1990 to 31/03/2010 - Orders issued- reg

Read : 1. PHQ letter No.E4/16312/2018 PHQ dated 23.09.19  
2. PHQ Letter No. E4-16312/2018/PHQ Dated 11.10.2019  
3. Judgement dated 07.08.19 of Hon'ble High Court of Kerala in OP KAT 506/17 (Z)  
4. Judgement 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  
5. Order Dated 14.12.2017 in OA.No.533/2015 of the Kerala Administrative Tribunal.  
6. Rule 27(a) KS&SSR 1958 (Related to inter unit transfer)  
7. GO(P) No.28/2017/Home dated 16.02.2017.  
8. GO (MS) No.37/15/Home dated 26.02.2015.  
9. GO(P) No.33/89/Home dated 10.03.1989.  
10. GO(MS) No.125/80/Home dated 16.02.1980.  
11. GO(P) No.16/80/Home dated 17.01.1980.  
12. GO(MS) No.81/74/Home dated 22.05.1974.  
13. PHQ Message No.E4-16312/2018 dated 21.11.2018

**Order No : A3-90604/2019/TC Dated. 21-01-2020**

The rule 3 of recruitment rules to the police of Police Constable in the Kerala Police Subordinate Service Rules issued under GO(Ms) 16/80 Home dated 17.01.1980 was that the Police Constable in the Armed Police Battalion and District Armed Reserve of Police Department are separate category for the appointment, seniority and promotion. It is modified by adding 3 proviso vide GO(MS).125/1980 Home dated 26.12.1980 as the seniority of the Police Constable appointed to the District Armed Reserve from the Armed Police Battalion shall be determined by the date of order of his first appointment or date of first effective advice of the KPSC for his appointment , as the case may be to the post of Police Constable in the Armed Police Battalion.

Later, Government have issued orders vide GO (Rt) No.2014/86 Home dated 17.07.1986 by stopping direct recruitment of police personnel to the District Armed Reserve. And it was also specified that in future vacancies of the police personnel in the District Armed Reserve would be filled up ***only by transfer from Armed Police Battalion***. As the same is not a recruitment rule Government have again amended the said GO(Rt) No.2014/86 Home dated 17.07.1986 as a recruitment rule vide GO(P).33/89 Home dated 10.03.1989 which came into force wef 17.07.1986. Rule 3 was amended as under "Units of appointment-The District Armed Reserve and Armed Police Battalion shall be separate units for appointment and the posts in the District Armed Reserve shall be



filled up by transfer of constables from the Armed Police Battalion as per the guidelines to be fixed by the State Government from time to time”.

A protection clause to protect the seniority of those Police Constable recruited as per GO (Ms) 125/80/Home dated 12.12.1980 was omitted when the rule was further amended as per GO (P) 33/89/Home dated 10.03.1989.

This resulted in long lasting dispute between PCs inducted into the Police force through Armed Police Battalions and District Armed Reserves who were recruited as per Special Rules vide GO(Ms) No.16/80/Home dated 17/01/1980 which was extant during 1980-1989. To obviate the seniority disputes, Government had issued GO (P) No.28/2017/Home dated 16/02/2017 by making an amendment in Special Rules, vide GO(P) No.16/80/Home dated 17/01/1980, to protect the seniority of Police Constables who were recruited in Battalion prior to 17/07/1986.

The Hon'ble KAT in the Orders dated 14/12/2017, declared that the amendment effect to GO(P) No.28/2017 from 17.07.1986, as unconstitutional and violative of Articles 14 and 16 of the Constitution of India.

In the judgement dated 31.10.2018, the Hon'ble High Court of Kerala had directed to effect promotions to the vacant cadres without causing irreparable loss and hardship to both parties who were involved in the allegation in public interest and subject to the outcome of the pending OPs(KAT).

Accordingly a meeting was held at Police Headquarters on 14/11/2018. All the District Police Office and Range Office Officials were attended the meeting. For the above purpose, the position of eligible PCs those who were inducted into the force prior to 17/07/1986 on the basis of special rule GO(MS) No.16/1980 (ie, prior to the date of effect of GO(P) No.33/89/Home) in the list and remaining without getting further promotion were notionally re-assigned in the existing list prepared as per GO(P)33/89/Home dated 10.03.1989 **(only for the purpose of effecting promotions in the existing vacancies)** subject to the outcome of the original petitions pending before the Hon'ble Court. In the meeting it was decided to prepare partially modified list and to effect promotions in the cadre, subject to the outcome of the original petitions pending before the Hon'ble Court. As such, the seniority of PCs those who were recruited prior to 17/07/1986 was notionally assigned and promotions were effected.

The Hon'ble High Court of Kerala, in the 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 on the introduction of the proviso from 17.07.1986 and observed that it is curative in nature and with a laudable purpose to protect the seniority. Based on the restitution of omitted provisos vide GO (P) No.28/2017/Home dated 16.02.2017, the partially modified lists which had notionally re-assigned the seniority of those Police Constables recruited till 1986, should be fixed based on the first effective date of advice of the KPSC for appointment.

Though this Special Rule is not concerned with the Local Police Units, the benefits conferred upon the police personnel recruited as per Special Rule GO (P) 16/80 dated 17/01/1980, the revised Provisional Seniority list of AR Police Constables of Thiruvananthapuram District as on 31.03.2010 who were appointed during the period from 01-01-1990 to 1/4/2010 ie up to the date when KCP formed ( 2nd phase)has been published herewith is published herewith as follows for the information of all concerned.

All Unit Heads will circulate the provisional list among all concerned. Any objections, Omissions and mistakes, therein should be reported within 2 days from the date of Publication of the list. Representations received if any, shall be forwarded to this office by return with relevant documents for substantiating the claim. If no objections are received within the stipulated time limit, It will be presumed that there is no objection against the Provisional seniority list, and the list will be finalized accordingly. Belated objections will not be entertained. The list is also available in the website.

The provisional seniority list is appended herewith



*Kupadhyay*

21-01-2020

Balram Kumar Upadhyay IPS,  
Commissioner of Police

To : The individuals through unit heads  
Copy : The State Police Chief for information( With C/L)  
To ADGP SZ for information (with C/L)  
The DIG, TVPM Range for information .  
DI all Range for information with C/L  
ALL DPCs for nformation and n/a for circulating among all the concerned.  
All Unit Heads,Tvpm City for information and n/a for circulating among all the concerned.  
CA to DPC for information.  
Proceedings file



A3-90604/2019/TC



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