

Proceedings of the Director of Health Services, Thiruvananthapuram

Sub:- Estt:HSD – Revision of Seniority List of JHI Gr. II for the period 1/1/1997 to 31/3/2000 in compliance of the judgement of Hon'ble High Court in OP (KAT) 31,32 & 135/2015 – Provisional Seniority List publishing of – orders issued.

Read:- 1) Order No. ES2-47321/2000/DHS/Dtd. 5/01/2008.

2) Order No ES2(Spl Cell) 69286/10/DHS/Dtd. 22/11/2012.

3) Judgement dtd. 2/3/2018 of Hon'ble Kerala High Court in OP (KAT) 31,32 & 135/2015.

4) Order Dtd. 11/4/2018 of Hon'ble KAT in OA (Ekm) No. 929/2018.

5) SLP No. 12363/2018 in Hon'ble Supreme Court.

6) GO(Rt) No. 2797/2018/H&FWD/Dtd 12/9/2018.

Order No. ES1-14462/2015/DHS dtd. 06/10/2018.

In compliance of the order in Judgement in WP (C) No. 10496/04 dtd. 23/3/2004 a combined gradation list of Junior Health Inspector Gr. II was published on 5/1/2008 vide order read as 1st above in which the persons possessing first preferential qualification (ie. HIC) were ranked as list I and the others were ranked as List II. That was challenged in various OPs.

In compliance of the judgement dtd. 30/6/2010 in WP(C) 14886/2005 WP(C) 15535/2005 and GO (Rt) No. 893/10 H&FWD dtd. 4/3/2011 the list was revised and published a combined seniority list as per the order read as 2nd above according to the provision under Rule 27(c) part II KS&SSR by taking advice in case of all PSC direct recruitees and the latter date of occurrence of vacancy and qualified seniority in case of persons appointed by transfer. That seniority list was challenged in OP (KAT) 31, 32 & 135/2015 and the final judgement of Hon'ble High Court was issued on 2/3/2018. The operative part of the Judgement is that the seniority granted to the persons having first preferential qualification by virtue of judgement dtd. 24/11/2004 is WA No. 2848/2000 cannot be nullified and at the same time, the Hon'ble High Court have directed to fix the seniority of persons belonging to the petitioners in WP(C) No. 15535/2000 (ie. The persons having non preferential qualification) according to the direction in Judgement dtd. 30/6/2010.

Some incumbents included in the seniority list of Junior Health Inspector Gr. II who are possessing SIC qualification filed SLP 12363/2018 before the Hon'ble Supreme Court against the Judgement of Hon;ble High Court dtd. 2/3/2018. The Hon'ble Supreme Court has pronounced an interim order dtd. 27/7/2018 vide read as 5th above, "Any promotion shall be subject to the outcome of the appeal".

Sri. Johnson George, Junior Health Inspector Grade I and three others were filed OA (EKM) No. 929/2018 before the Hon'ble Kerala Administrative Tribunal and the Hon'ble Tribunal have disposed of the OA as per the order dated 11/4/18 read as 4th above by directing the first respondent ie, the Government to consider and pass appropriate orders after hearing the applicants and all the other affected parties. Government have issued an order dtd 12/9/2018 vide read as 6th above after hearing the applicants and affected parties. As per that GO(Rt) No. 2797/2018/H&FWD dtd 12/9/18 Government have directed to effect provisional promotion from the List I of the order dtd 5/1/2008 at once against the existing vacancies of Health Inspector Gr II. It should be mentioned outcome of SLP No. 12363/2018 and OA 620/2018. There after the seniority of the incumbents included in the list II in the order dtd. 5/1/2008 should be reassigned by rectifying the defects if any, considering the date of advice in the case of direct recruitment by Public Service Commission and the date of order of appointment in the case of by transfer appointment and other rules in force and a modified seniority list should be issued subsequent to the above process within one month from the date of receipt of the order.

As instructed by the Government Order read as 6th above, provisional seniority list (List II) of Junior Health Inspector Gr. II for the period from 1/1/1997 to 31/3/2000 is revised and published herewith. The judgement dtd 2/3/2018 of Hon'ble High Court in OP (KAT) 31, 32 & 135/2015 and the order dtd. 11/4/2018 of Hon'ble Kerala Administrative Tribunal in OA (EKM) No. 929/2018 is complied accordingly.

If any aggrieved, should be submitted their appeals within 7 days after publishing this order.

Dr. Saneera A.

Additional Director of Health Services (A&T)

- Copy to:-
- 1) The Secretary to Government, H&FWD (with C/L)
 - 2) All District Medical Officers of Healths
 - 3) Advocate General, Thiruvananthapuram (with C/L)
 - 4) Official website of Director of Health Services
 - 5) The Superintendent, EG Section
 - 6) File / Stock File