

**PROCEEDINGS OF THE DIRECTOR OF HEALTH SERVICES,  
DIRECTORATE OF HEALTH SERVICES, THIRUVANANTHAPURAM**

Sub: HSD- Estt- Interim order dated 26.05.2022 of the Honourable Kerala Administrative Tribunal, Thiruvananthapuram in OA 829/2022-filed by Smt. Usha.S, Junior Scientific Officer, State Public Health and Clinical Lab, TVPM- Complied with - Orders issued

- Ref:
1. GO(MS) 245/74/Health (E)/ Trivandrum Dated 31.10.1974
  2. GO(MS) 65/2017/H&FWD Dated 27.04.2017
  3. Order No.ES5/11663/2021/DHS Dated .23.10.2021
  4. Lr.No.ES5/79648/2021/DHS Dated 21.05.2022
  5. Interim order in OA 829/2022 filed by Smt. Usha.S & Sheeja.S before the Honourable Kerala Administrative Tribunal, TVPM Dated 26.05.2022

**ORDER NO.EF2/80653/2021/DHS DATED 28.05.2022**

The Honourable Kerala Administrative Tribunal vide their order read as 5<sup>th</sup> paper above in OA No.829/2022 filed by Smt.Usha.S & Smt.Sheeja.S has directed the second respondent ie. the Director of Health Services to consider and pass appropriate orders granting provisional promotion to the applicants to the cadre of Scientific Officer (Biochemistry), provided the applicants are fully qualified and vacancies are in existence, on or before 30.05.2022.

The applicants are presently working as Junior Scientific Officer at State Public Health & Clinical Lab, Thiruvananthapuram. The applicants Smt.Usha.S & Smt.Sheeja.S were promoted as Junior Scientific Officer and joined in the same post on 28.05.2016 and 12.04.2017 respectively. After considering the seniority of employees presently working in the cadre of Junior Scientific Officer, the Director of Health Services issued a statewide final seniority list of Junior Scientific Officers in Health Service department as on 31.12.2020 in which the applicants are placed as Rank No. 1 and 2 respectively.

The total cadre strength of the Scientific Officer in Health Service Department is 13, out of which 8 are in Biochemistry, 4 are in Microbiology and the remaining 1 post is created without specifying the specialty as per order read as reference (2). Among the above posts, 7 posts of Scientific Officer (3- Biochemistry, 3- Microbiology & 1- Not defined) are vacant. As per

reference 4<sup>th</sup> cited, the Director of Health Services has submitted a proposal to Government for convening DPC and for granting promotion to the post of Scientific Officer, including the proposal to the post of Scientific Officer in which the stream is not specified.

As per the Government order 1<sup>st</sup> cited the method of appointment and qualification for promotion to the post of Scientific Officer (Bio-Chemistry) is as follows:-

"1. Scientific Officer (Bio-Chemistry Section)

**Method of appointment**

- (i) By promotion of Junior Scientific Officers
- (ii) In the absence of qualified hands for promotion by direct recruitment

**Qualification**

- (1) For promotion
  - (i) MSc or BSc (Hons) in Chemistry or Biochemistry of a recognized university with atleast a second class and experience as Junior Scientific Officer for not less than one year
- OR**
- (ii) Diploma in Food Technology or BSc in Chemistry or Medical Technology (atleast second class) and experience as Junior Scientific Officer for not less than five years.

Promotion of MSC degree holders and Non MSC holders will be in the ratio of 3:1".

The applicants are claiming that they are qualified to get promoted to the existing vacancy in the post of Scientific Officer (Bio-Chemistry). The Director of Health Services has examined the matter in detail. As per the government order, the basic qualification to the post of Scientific Officer (Biochemistry) is either MSc or Bsc. The ratio between MSC Degree holders and Non MSc holders was fixed as 3:1 and the holders of Diploma in Food Technology was treated equal to BSc.

In this case the applicants have the qualification of pre-Degree with Medical Laboratory Technician Course only. The persons with lower qualification cannot be considered for a post which require higher qualification. Hence the applicants are not qualified to the post of Scientific Officer (Bio chemistry) as per the government order. Therefore the provisional promotion cannot be granted to the applicants to the cadre of Scientific Officer (Biochemistry).

Director of Health Services is not competent to give provisional promotion and only the 1<sup>st</sup> respondent ie. the Government of Kerala is competent authority to grant provisional promotion. However, the Director of Health Services cannot recommend the provisional promotion of the applicants to Government as they are not fully qualified for promotion, as per the Government order.

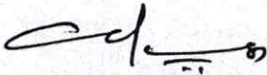
In the above circumstances, the request of Smt.Usha.S & Smt.Sheeja.S is devoid of any merit and hence hereby rejected and the order of the Kerala Administrative Tribunal, Thiruvananthapuram read as 5<sup>th</sup> paper above is thus complied with accordingly.

Sd/-  
**Dr.RAJU.V.R**  
**Director of Health Services**

Copy to:-

1. The incumbents (Through proper channel)
2. The Advocate General, Honourable KAT, TVPM (with C/L)
3. The Principal Secretary, H&FWD, Govt. Secretariat, TVPM (with C/L)
4. The Accountant General, Kerala, Thiruvananthapuram
5. The District Medical Officer (H), Thiruvananthapuram
6. The Director, SPH&C Lab, Thiruvananthapuram
7. File/Stock File

// Forwarded//

  
**Superintendent**