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PROCEEDINGS OF DIRECTOR OF HEALTH SERVICES,
THIRUVANANTHAPURAM

Sub:- Estt. - HSD - Order dated 17/03/2022 of the Hon'ble Kerala Administrative Tribunal in O.A. 1718/2020 filed by Sri. P P Abdu , Junior Superintendent, Government Women & Children Hospital, Kozhikode - Compiled with - Orders issued.

Read:- 1. Interim Order dated 30/10/2020 of the Hon' ble Kerala Administrative Tribunal in O.A.1718/2020 filed by Sri. P P Abdu, Junior Superintendent.

2. G.O.(Rt)No.568/2021/H&FWD, dated: 25/02/2021.

3. Proceedings No.ED3 - 26880/2021/DHS, dated: 27/04/2021 of the Director of Health Services.

4. Order dated 17/03/2022 of the Hon' ble Kerala Administrative Tribunal in O.A. No. 1718/2020.

5. Representation of Sri. P P Abdu, dated: 25/03/2022

6. Minutes of the Adhoc Departmental Promotion Committee(Lower) held on 28/02/2023.

7. Online hearing conducted by the Director of Health Services on 18/04/2023

8. Representation of Sri. P P Abdu, dated: 18/04/2023

9. Government Letter. No. H1/2/2023 - Health, dated: 31/10/2023.

ORDER NO : DHS/5986/2023-ED3, DATE : 14-11-2023

Sri. P. P Abdu, Junior Superintendent, Government Women & Children Hospital, Kozhikode filed O.A. No. 1718/2020 before the Hon'ble Kerala Administrative Tribunal aggrieved by the non

consideration of his eligibility for promotion as Senior Superintendent by the Departmental Promotion Committee(Lower) convened on 23/09/2020 for preparation of select list for promotion to the post of Senior Superintendent .

2. The Hon'ble Kerala Administrative Tribunal vide its interim order read as 1st paper above disposed of the Original Application directing the first respondent, the Secretary to Government, Health & Family Welfare Department to consider and pass orders on Annexure A11 representation.

3. An Adhoc DPC (L) for selection to the post of Senior Supdt was earlier convened on 23/09/2020 and selected 15 officers. The decision of the DPC (L) was approved by the Government and the select list was notified vide ES2-5908/2020/DHS, dated: 16/10/2020. Sri. P P Abdu, Junior Supdt was superseded in the DPC held on 23/09/2020, for the reason that his probation in the cadre of Junior Superintendent was not declared at that time. His probation in the cadre of Junior Superintendent has been declared as per Proceedings No. ED2- 83904/2020/DHS, dated: 17/12/2020 of the DHS w.e.f 07/11/2020 F. N.

4. In compliance of the Interim Order dated 30/10/2020 in O.A.1718/2020 filed by Sri. P P Abdu, Government have issued G.O read as 2nd paper above, in which it was directed the Director of Health Services to bring the matter before the Departmental Promotion Committee(Lower) as the chance for review is left. The DPC(Lower) was held on 23/03/2021 and decided to include Sri. P P Abdu in the select list for the year 2021 for promotion to the post of Senior Supdt/ Lay-Secretary. The Government approved the minutes of the DPC and select list was notified vide ES2-7194/2021/DHS, dated: 12/04/2021.

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Subsequently, Sri. P.P Abdu has been promoted to the cadre of Senior Superintendent/ Lay Secretary & Treasurer as per order No. ED3-26880/2021/DHS, dated: 27/04/2021 of the Director of Health Services. .

5. Sri. P.P Abdu again moved to the Hon'ble Kerala Administrative Tribunal for seniority. The Hon'ble Kerala Administrative Tribunal in its order read as 4th above, directed the applicant to move the 2nd respondent in the light of the subsequent order issued by the 1st Respondent (i.e GO(Rt) No. 568/2021/H&FWD dated. 25/2/2021), within three weeks from the date of receipt of a copy of the order. The Hon'ble Kerala Administrative Tribunal insisted the 2nd respondent to consider such representation of the applicant in accordance with law and relevant provisions of KS&SSR and pass appropriate orders thereon after affording an opportunity of hearing the applicant and other affected persons within a period of two months therefrom. The Hon'ble Tribunal further insisted that depending on the orders to be issued therein, the 2nd respondent should ensure that Adhoc DPC (lower) if so, required is convened at the earliest and consequential orders should be issued without further delay.

6. The applicant submitted representation dated. 25/3/2022 before the Director of Health Services. In that representation, Sri. P.P Abdu submitted that he is entitled for the promotion and seniority in the post of Senior Supdt with effect from the date of occurrence of vacancy.

7. In compliance of the above direction of the Hon'ble Kerala Administrative Tribunal, an adhoc Departmental Promotion Committee (Lower) was convened on 28/2/2023 to consider the inclusion of Sri. P P Abdu in the select list of officers to be promoted as Senior Superintendents for the year 2020 notified vide ES2- 5908/2020/DHS,

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dated: 16/10/2020. The DPC decided not to revise the select list notified vide ES2- 5908/2020/DHS, dated: 16/10/2020 and include Sri. P.P Abdu as the officers in the above select list were fully qualified and their probation in the cadre of Junior Superintendent(Feeder category to the post of Senior Superintendent/ Lay Secretary & Treasurer/ Junior Accounts Officer/ Manager) were satisfactorily completed before the date of convening of the relevant DPC. Sri. P P Abdu had not satisfactorily completed his probation in the cadre of Junior Superintendent on that date. His probation in the cadre of Junior Superintendent was declared as per order No. ED2-83904/2020/DHS. Dated: 17/12/2020 w.e.f. 07/11/2020 FN.

8. An online hearing was also conducted by the Director of Health Services on 18/04/2023 and this time also the applicant demanded that he is entitled to be granted promotion to the cadre of Senior Superintendent w.e.f 05/11/2020 and requested to place him above the 11 persons. He argued that there is no necessity to declare probation in the cadre of Junior Supdt itself for the promotion to the post of Senior Supdt.

9. On examination of the entire issue, it is noted that the applicant cannot be given promotion as Senior Superintendent with effect 5/11/2020, because his probation in the cadre of Junior Superintendent has been declared only with effect from 7/11/2020. Immediate feeder category of Senior Superintendent is Junior Superintendent. There is change of duty between Junior Supdt and Head Clerk and if there is Junior Supdt post in the department and qualified hands are available in the post of Junior Supdt, only probation declared Junior Supdts can be given promotion as Senior Supdt. According to Rule 28 (e) of Part II KS&SSR, probation need to be declared in the post of Junior Supdt. The decision of the Departmental Promotion Committee met on 28/02/2023 is

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that 'it is not necessary revise the select list notified vide ES2-5908/2020/DHS, dated: 16/10/2020 as the officers included in that select list were fully qualified to include in the select list as their probation in the cadre of Junior Supdt were satisfactorily completed before the date of convening of the relevant Departmental Promotion Committee (Lower) and the said recommendation of the DPC (Lower) is also approved by the Government vide letter read 9th above.

10. In this circumstances the representation dated. 25/3/2022 of Sri. P.P. Abdu is hereby rejected and the direction contained in the order dated 17/3/2022 of the Hon'ble Kerala Administrative Tribunal is compiled with accordingly.

Signed by

Dr Reena K J

Date: 14-11-2023 14:29:33

Director of Health Services

To :- Sri. P P Abdu, Lay Secretary & Treasurer, Govt. Mental Health Center, Kozhikode

Copy to :-

1. The District Medical Officer (Health), Kozhikode
2. The Advocate General, Kerala, Thiruvananthapuram(with Covering Letter)
3. File/Stock File.

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GOVERNMENT OF KERALA