



GOVERNMENT OF KERALA

Abstract

Health and Family Welfare Department- Health Services- Establishment- Order of the Hon'ble Kerala Administrative Tribunal dated 06-06-2025 in OA 679/2025 filed by Dr Soumyaraj T J- Complied with- Orders issued

HEALTH AND FAMILY WELFARE (A) DEPARTMENT

G.O.(Rt)No.3048/2025/H&FWD

Dated,Thiruvananthapuram, 04-10-2025

Read:- 1 Representation dated 10-03-2025 submitted by Dr Soumyaraj T J (Annexure A17)

2 Order of the Hon'ble Kerala Administrative Tribunal dated 06-06-2025 in OA 679/2025

3 Letter No. EA2-17571/2025/DHS dated 21-07-2025 from the Director of Health Services, Thiruvananthapuram

ORDER

Dr Soumyaraj T J filed OA 679/2025 before the Hon'ble Kerala Administrative Tribunal . In the order read as 2nd paper above, the Hon'ble Kerala Administrative Tribunal has directed the first respondent to consider and pass orders on Annexure A17 representation read as 1st paper above , within a period of one month from the date of receipt of a copy of the order.

2. In the Annexure A17 representation read as 1st paper above , the applicant submitted the following.

Entered in service as Assistant Surgeon on 06-04-2018. Having an MBBS and a DNB in Psychiatry. . Acquired DNB in Psychiatry on 30-06-2018. As per order dated 19-03-2019 , the Director

of Health Services has published a Seniority list of candidates who had submitted options for placement to the post of Junior Consultant in various specialities. Candidates who had not completed probation were included in category of Junior Consultant Psychiatry. The applicant is included as Sl.No 15 in List II. The applicant completed probation on 06-04-2020 . As per order dated 13-11-2023 the petitioner was posted as Junior Consultant Psychiatry. While the applicant was working as Junior Consultant as per order dated 06-02-2024 , she was reverted to the post of Assistant Surgeon . The reversion was to accommodate Dr Neethu Suresh Babu who was on LWA . The applicant was appointed to the post of Junior Consultant based on seniority and qualification. Hence the order reverting the applicant to Assistant Surgeon is illegal and unjust. The applicant requested to set aside the reversion order dated 06-02-2024 and to direct the Director of Health Services to reinstate the petitioner to the post of Junior Consultant Psychiatry with retrospective effect from 06-02-2024.

3. As per letter read as 3rd paper above, the Director of Health Services has reported the following on the representation submitted by Dr Soumyaraj T J .

Dr. Soumya Raj T. J. was placed as Junior Consultant in the Psychiatry specialty as per Order No.EA1-6726/2023/DHS dated 13.11.2023. At the time of placement, her seniority number was 3B in the 2019 seniority list. Subsequently, as there was no vacancy available in the cadre of Junior Consultant in Psychiatry in the Health Services department, and in order to accommodate Dr. Neethu Suresh Babu, Junior Consultant in Psychiatry (who was on Leave Without Allowance for study purposes from 09.02.2022 to 08.02.2024), Director of Health Services replaced Dr. Soumya Raj T. J (the junior-most incumbent in the cadre of Junior Consultant in

Psychiatry) and reposted her as Assistant Surgeon at PHC Pallithode, Alappuzha.

As per Circular No.41/2012/Fin dated 29.06.2012 and Circular No.44/2022/Fin dated 09.06.2022 the Government have directed that “all appointing authorities should take prompt action to issue posting orders to officers waiting for posting by reverting the junior-most person, if no open vacancy is available.”

After the reassignment of seniority lists to the specialty cadre, Director of Health Services initiated the placement process for filling up four vacancies in the cadre. At that time, it was seen that Dr. Lintu Sivasankaran (Seniority No. 2018-3F), Dr. Arati Suseelan (Seniority No. 2019-1A), Dr. Priya P. (Seniority No. 2019-2A), and Dr. Lekshmi Mohan (Seniority No. 2019-3A) were eligible for placement as Junior Consultants in the Psychiatry specialty. Upon calling for annexures from the above-mentioned incumbents, it was found that Dr. Arati Suseelan was on unauthorized absence from service, and Dr. Priya P. was on Leave Without Allowance for study purposes. In this circumstance, Dr. Arati Suseelan and Dr. Priya P were excluded from placement and proceeded to place Dr. Lintu Sivasankaran and Dr. Lekshmi Mohan. Both these medical officers are senior to Dr. Soumya Raj T. J. Hence Director of Health Services has recommended to reject the representation dated 10-03-2025 (Annexure A17) submitted by Dr Soumyaraj.

4. Government have examined the matter in detail. Rule 5 of Kerala Health Services (Medical Officers) Special Rules states that option for placement in Administrative Cadre Branch A and Speciality Cadre Branch C and Public Health Lab Branch D(a) and (b) shall be exercised by the Assistant surgeons / Assistant Dental Surgeons of Branch B during the period of probation itself. Rule 9

of Kerala Health Services(Medical Officers) Special Rules states that Placement shall be given only after declaration of successful completion of probation in feeder category in General Cadre. Rule 12 states that Seniority in the feeder category in General Cadre on the date of passing of the speciality qualification shall be the criterion for placement in Speciality Cadre.In the case of those entering service with Speciality qualification also,seniority in feeder category in general cadre shall be the criterion for placement in Speciality Cadre. Based on the seniority position only Dr.Soumyaraj T J got placement as Junior Consultant in the then existing vacancy.Dr. Arati Suseelan was on unauthorized absence from service, and Dr. Priya P. was on Leave Without Allowance for study purposes. In this circumstance, Seniors Dr.Arati Suseelan and Dr.Priya P were excluded from placement. Dr.Lintu Sivasankaran (Seniority No. 2018-3F),Dr. Lekshmi Mohan (Seniority No. 2019-3A)are also seniors to Dr. Soumya Raj T. J. So, as per the existing direction, Dr. Soumya Raj T. J being the junior most needs to be reverted for accommodating a Junior Consultant who has reported for posting after return from Leave Without Allowance for study purposes. In the above circumstances order is hereby issued rejecting the Annexure A17 representation read as 1st paper above submitted by Dr Soumyaraj T J.

5. The order of the Hon'ble Kerala Administrative Tribunal read as 2nd paper above is complied with as above.

(By order of the Governor)
CHITHRA K DIVAKARAN
JOINT SECRETARY

The Advocate General, Thiruvananthapuram
The Director of Health Services, Thiruvananthapuram'
Dr. Soumyaraj T J, City Sky Villa, A 12, Theeradesa Road

Nettur, Ernakulam- 682040

Stock File (File No. A3/321/2025-HEALTH)

Forwarded / By order

Signed by

Anupama G Nair

Date: 06-10-2025 10.02.47

Section Officer

Endt.Lr .No.DHS/13487/2025-EA2 Dated:09-10-2025

Copy of Govt.Order communicated to the incumbent,Head of the Institutions and Concerned District Medical Officer of Health for information and necessary action.

Signed by Vinod Kumar V A

Date: 09-10-2025 09:49:44

For Director of Health Services