

GOVERNMENT OF KERALA**Abstract**

Technical Education - Government Polytechnic Colleges – Recasting of seniority, reversion and promotion in the cadre of Head of Department in Mechanical Engineering Branches - Order dated 10.11.2017 in OA (Ekm) No. 257/2016 filed by Sri. Rajasekharan. V.M- Complied with-orders issued

HIGHER EDUCATION (L) DEPARTMENT

G.O.(Rt)No.1081/2020/HEDN Dated,Thiruvananthapuram, 25/08/2020

- Read1 GO(Rt) No 1317/2014/HEDN dated 24.06.2014
 2 GO(Rt) No 2285/2015/HEDN dated 03.09.2015
 3 Order dated 10.11.2017 in OA(Ekm) 257/2016 filed by Sri. Rajasekharan V.M (Rtd) , Workshop Superintendent, Government Polytechnic College,Kalamassery before the Kerala Administrative Tribunal
 4 Order dated 05.02.2020 in OP (KAT) No. 40,70 and 218 of 2018 .
 5 GO(Rt) No 883/2020/HEDN dated 29.06.2020
 6 Minutes of the Departmental Promotion Committee (Higher) held on 10.08.2020
 7 Notification issued as per GO(P) no 34/2020/HEDN dated 24.08.2020
 8 Letter no EC2/18776/2020/DTE dated 24.08.2020 of the Director of Technical Education.

ORDER

Shri.Rajasekharan V.M (Rtd) , Workshop Superintendent, Government Polytechnic College,Kalamassery has filed an OA (EKM) 257/2016 before the Kerala Administrative Tribunal and as per the order read as 3rd paper above, Hon'ble KAT has disposed the above O.A. with the following direction:

"The promotions effected as per Annexures-A2 and A3 to the post of Heads of Departments which are after the coming into force of Annexure A1 in Mechanical Engineering in Government Polytechnic Colleges cannot survive. The Original Application is allowed and Annexures-A2 and A3 are set aside. There will be a direction to the 1st respondent to fill up the post of Heads of Departments in Mechanical Engineering after evaluating the qualifications, seniority and eligibility as per Annexure-A1 and in accordance with all procedures prescribed for the same, within a period of two months from the date of receipt of a certified copy of this order. We make it clear that since respondents 5 to 12 were working as Head of Department based on Annexures-A2 and A3, no recovery of excess payment of salary and allowances to them will be made pursuant to this order".

2. Against the above order Government filed an appeal before the Hon'ble High Court of Kerala and the same was dismissed by the Hon'ble High Court of Kerala in its order dated 05.02.2020 read as 4th above

" The Original petitions are dismissed . Considering the fact that the first respondent /applicant is

due to retire on 31.03.2020, necessary order promoting him as Head of Department in the vacancy which would arise consequent to the reversion of unqualified persons holding the post, shall be effected within two weeks of receipt of a copy of this judgment; if he is otherwise qualified and there is no impediment for promotion. It is made clear that there shall be no recovery of excess salary and allowances paid to the petitioners in OP (KAT) Nos 40, 70 of 2018 during the period they worked as Heads of Department. It is admitted facts that these petitioners are also now qualified and if there are posts available, after the acquisition of qualification, by them, they shall also be considered duly to

such posts. "

3. The compliance of the above orders involve recasting of seniority and reconsideration of promotions already made and Government have directed Director of Technical Education to re-fix the seniority and forward proposals as per directions of Hon'ble High Court. Most of the officers promoted as per the Annexure A2 and A3 orders had retired from service and recasting their seniority and reverting them with retrospective effect involved time consuming administrative process. Also, making promotions in one of the branches only will invariably affect the combined seniority list, while making promotions to the post of Principals in Polytechnic Colleges.

4. Meanwhile, the petitioner filed a Contempt of Court petition against the non compliance of order dated 10.11.2017 before the Hon'ble High Court. Government, after examining the matter in the light of the facts and circumstances stated above, observed that as the Annexure-A2 and A3 read as 1st and 2nd paper above, have been set aside by the Hon'ble High Court, the promotions effected through the orders has become nullified and void. Therefore it is ordered that the promotions are to be reconsidered recasting the seniority list. As per the Government order read as 5th paper above Government have authorized Director Technical Education to reconsider and recast the promotions granted as per Annexure-A2 and A3 read as 1st and 2nd paper above and to furnish fresh proposal for making promotions and reversions with retrospective effect, immediately.

5. As per order dated 15.07.2020 in CP(Ekm) No. 41/2018 in OA (Ekm) No. 257/2016, the Hon'ble Court has directed to comply with the direction in the Order read as 3rd paper above with in a stipulated time limit.

6. Accordingly Departmental Promotion Committee (Higher) meeting was convened on 10-08-2020. The Departmental Promotion Committee (Higher) decided to recast the seniority and review the promotions made to the post of Head of Department in Mechanical Engineering effected upto 01.06.2019 and also prepared the Select list for the vacancies that existed upto 31.05.2020. The Committee evaluated the inevitability of recasting promotions effected after 2014 i.e., during 2016, 2017, 2018, 2019 and upto 31.05.2020. The Select list is prepared and published as per GO(P) no 34/2020/HEDN dated 24.08.2020 .

7. Based on the above select List Director, Technical Education furnished the proposal for the recasting and making reversion and promotion, as per the letter read as paper 8th above

8. Government have examined the matter in detail and hereby order to review the promotions made to the post of Head of the Department in Mechanical Engineering in Government Polytechnic Colleges recasting the seniority from 2014 upto 01.06.2019 and are pleased to order promotions to the vacancies that came into existence in the cadre upto 31.05.2020 based on the select list prepared as per notification read paper(7) above.

9. The following promotion in the post of Head of the Department in Mechanical Engineering are ordered subject to the condition that the promotees will be eligible for pay and allowances of the promoted post in AICTE scale, with effect from the date on which he is assuming charge as per

Rule 23 (a) of Part 1 of Kerala Service Rules. The retrospective effect of promotion prior to assuming charge to the post of Head of Department is only notional. No recovery of excess payment of salary and allowances made to the Officers who are reverted as per the orders of Hon'ble Kerala Administrative Tribunal read as 3rd paper above, will be made pursuant to this order.

1. Reversion from the post of Head of Department in Mechanical Engineering to the post of Lecturer in Mechanical Engineering due to lack of sufficient qualification /absence of vacancies, after accommodating incumbents who have acquired qualification later

Sl No.	Name	Remarks
1	Shri.C.K.Sajeevan	Retired from service on 31.05.2018
2	Shri.P.S.Basheer	Retired from service on 31.03.2019
3	Shri.K.N.Ravindran Nair	Retired from service on 31.03.2017
4	Sh ri.S.Rajeev	Retired from service on 31.03.2017

2. Promotion to the post of Head of Department in Mechanical Engineering

Sl No.	Name	Date of effect of promotion	Institution to which posted
1.	Shri P C Devassy Kutty	14.01.2014	Retired from service as on 31.05.2017
2	Shri.K.Sajikumar	01.04.2014	Retired from service as on 31.03.2019
3	Shri.P.B.Ranjith	01.04.2014	Government Polytechnic college, Chelakkara
4	Shri.Sojan P Antony	01.06.2014	Retired from service as on 31.05.2019
5	Shri.Prakashan D	26.06.2014	Retired from service as on 31.03.2020
6	Shri.Paulose M V	16.08.2014	Retired from service as on 31.03.2020
7	Shri.V.M.Rajasekharan	01.04.2015	Retired from service on 31.03.2020
8	Shri.Sivan P K	01.04.2015	Government Polytechnic college,Perumbavoor
9	Shri.P.K.Abdul Salam	01.06.2015	Government Polytechnic college,West Hill Kozhikode

10	Shri.M.Pradeep	01.06.2015	Government Polytechnic college,Perinth almanna
11	Shri.Anoop C	01.12.2015	Government Polytechnic college,Manjer i
12	Shri.K.Ramesan	01.06.2016	Retired from service on 31.05.2019
13	Shri.N.M.Ajithkumar	01.06.2017	Retired from service on 31.03.2019
14	Shri.Jayachandran L	04.10.2017	Government Polytechnic college,Cherth ala
15	Shri.P.O.Boban	01.04.2018	Retired from service on 31.03.2020
16	Shri.B.Sreekumar	01.05.2018	Retired from service on 31.03.2019
17	Shri.Jacob Abraham	01.06.2018	Government Polytechnic college,Ezhuk one
18	Shri Johnson T K	01.06.2018	Retired from service on 31.03.2019
18	Shri. Y.V.Asokan	01.04.2019	Government Polytechnic college, Thotta da, Kannur
19	Shri. Manikandan T V	01.04.2019	Retired from service on 30.04.2020
20	Shri.Anilkumar B	01.04.2019	Retired from service on 31.05.2020
21	Shri.G.Ajayan	01.04.2019	Government Polytechnic college,Kunna mkulam
22	Shri.Ajimon C A	01.05.2019	Government Polytechnic college,Kotha mangalam
23	Shri.G.Suguthan	01.06.2019	Sree Rama Government Polytechnic co llege,Thriprayar
24	Shri.Prabhakaran K	01.06.2019	Government Polytechnic college,Thotta da, Kannur
25	Shri.Muhammed Salim K	01.06.2019	Retired from service on 31.03.2020
26	Sri.A.V.Praveen Kumar	01.04.2020	Government Polytechnic college,Kodu mbu Palakkad

9. The postings as above is subject to the General Transfer 2020 and is liable to be reviewed on the

transfer request of the faculty members based on their eligibility.

10.The Director of Technical Education shall recast the seniority in all other branches in the same manner and place the same before the consideration of Departmental Promotion Committee(Higher)

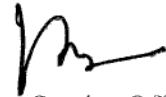
11.The direction contained in the order of Hon'ble Kerala Administrative Tribunal read as 3rd paper above complied with accordingly

(By order of the Governor)

THARUN LAL.S
JOINT SECRETARY

- 1' The Director, Techncl Education, Thiruvananthapuram
- 2' The Principals Concerned(Through The Director, Techncl Education,
3. The incumbents Concerned(Through The Director, Techncl Education)
4. The Principal Accountant General (Audit) Keralala Thiruvananthapuram
5. Accountant General (A&E) Thiruvananthapuram
- 6' Advocate General Ernakulam (with covering letter)
7. www.highereducation.kerala.gov.in
8. ~~Stock~~ file/Office Copy

Forwarded /By order



Section Officer