

## THE HIGH COURT OF KERALA

Kochi: 682 031  
Dated: 30/07/2018

### PROCEEDINGS

Judicial Department - Establishment -Seniority List of Drivers in Civil Wing- Person re-appointed under rule 8, Part II, KS&SSRs- Re-fixation of seniority and granting of notional promotion to Sri.K.K.Raghu, Driver Gr.II, Civil Wing, Kozhikode district and granting of ratio promotions- Orders issued.

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- Read: 1.G.O(Ms)No.267/2013/(162)/Fin dated 03/06/2013.  
2.Seniority list of Drivers in the Civil Wing as on 01/04/2015 finalised as per High Court Order No.C1-21544/2015(1) dated 28/10/2015.  
3.High Court Order No.C1-21544/2015 (2) dated 28/10/2015.  
4.High Court Order No.C1-61212/2015 dated 13/07/2016.  
5.High Court OM of even number dated 23/03/2018.

### **ORDER NO.C1-21544/2015**

Seniority list of Drivers in the Civil Wing of Subordinate Judiciary as on 01/04/2015 was finalised as per the order read as 2<sup>nd</sup> paper above. Ratio promotions were granted to the Drivers in the Civil Wing based on the same as per the Order read as 3<sup>rd</sup> paper above.

Consequent to the reappointment of Sri.K.K.Raghu in the Civil Judicial department under Rule 8 of KS&SSRs as Driver Grade II as per the High Court Order read as 4<sup>th</sup> paper above, it has become necessary to fix his seniority with reference to the date of advice i.e 29/12/2012 and to grant him notional promotion on the basis of such seniority. The following facts have been taken into consideration for the purpose:

Sri.K.K.Raghu entered service as Driver Gr.II in Civil Wing, Kozhikode on 05/01/2013 as per the advice dated 29/12/2012 of

the PSC. He was not included in the seniority list as on 01/04/2015 read as 2<sup>nd</sup> paper above as he was relieved from the Judicial department on 29/01/2015 to take up employment in Panchayath department.

As per note 3 below Rule 8, seniority will be protected for those who are re-appointed within 5 years from the date of relief from the parent department. This condition being satisfied, by virtue of Rule 8 he is entitled to get all the service benefits including seniority and promotion which he would have enjoyed in Judicial department, but for his absence.

On verification of the seniority list read as 2<sup>nd</sup> paper above it is seen that Sri.K.K.Raghu has to be assigned seniority over Sri.Shaha.S.S (Sl.No.48 ) with reference to the date of advice, ie , 29/12/2012. Sri.Shaha.S.S was promoted as Driver Gr.I on 27/02/2015.

While considering promotion to be granted to Sri.K.K.Raghu on the basis of the said seniority, it has been noticed that the promotions granted to Sri.Shaha.S.S and others as Driver Gr.I as per the order read as 3<sup>rd</sup> paper above were against the vacancies that arose due to the re-fixation of staff strength consequent to the revised ratio, vide Government Order read as 1<sup>st</sup> paper above. Some of the vacancies consequent to the said re-fixation had to be kept unfilled for want of approved probationers for granting promotions.

As per the report of the District Judge, Kozhikode, the probation of Sri.K.K.Raghu has been declared w.e.f 05/01/2015. Thus he became fully eligible to be promoted with effect from 05/01/2015 and can be granted notional promotion against one of the above said vacancies.

One vacancy in the post of Senior Grade Driver arose on 01/08/2017 consequent to the retirement of Sri.P.Revikumar, Senior Grade Driver on 31/07/2017 which has been remaining unfilled. After granting notional promotion to Sri.K.K.Raghu with effect from 05/01/2015, he can be accommodated against the resultant vacancy of Driver Grade I which will arise consequent to the filling up of the said retirement vacancy. While doing so, in view of the 1<sup>st</sup> proviso to Rule 28(a), Part II, KS&SSRs his immediate senior Sri.Mani Peechangali (Sl.No.47) who was promoted as Driver Gr.I only on 07/01/2015, the date of declaration of his probation, has to be reckoned. In the light of the said proviso to Rule 28(a), senior Sri.Mani Peechangali also has to be granted promotion w.e.f 05/01/2015 so that the senior is not superseded by his junior Sri.K.K.Raghu on 05/01/2015. Thus while Sri.K.K.Raghu is granted notional promotion as Driver Gr.I w.e.f 05/01/2015 assigning seniority over Sri.Shaha.S.S, the promotion of his immediate senior Sri.Mani Peechanagali has to be antedated to 05/01/2015 from 07/01/2015.

Though objections were called for from the officials likely to be affected by the assigning of seniority of Sri.K.K.Raghu under Rule 8 KS&SSRs as per the OM read as 5<sup>th</sup> paper above, none of the members of staff in the seniority list read as 2<sup>nd</sup> paper above has filed any objection in the matter. Hence it has been decided that seniority of Sri.K.K.Raghu be fixed with reference to the date of advice by PSC, ie, 29/12/2012, notional promotion be granted to him with effect from the date of declaration of probation against the vacancy in which his junior was promoted, the retirement vacancy arisen in the category of Senior Grade Driver on 01/08/2017 be filled up and Sri.K.K.Raghu be accommodated in the vacancy of Driver Gr.I that arose on 01/08/2017.

Accordingly, the following orders are issued:

1).Sri.K.K.Raghu, Driver Gr.II is granted notional promotion as Driver Gr.I with effect from 05/01/2015 and is assigned seniority above Sri.Shaha.S.S, Driver Gr.I;

2).the promotion of Sri.Mani Peechanagali is antedated to 05/01/2015 from 07/01/2015 in light of the 1<sup>st</sup> proviso to rule 28(a), Part II, KS&SSRs and notional promotion granted to Sri.K.K.Raghu with effect from 05/01/2015;

3).Sri.Rajeev.A, Driver Gr.I, District Court, Thiruvananthapuram is promoted as Senior Grade Driver with effect from 01/08/2017 vice Sri.P.Revikumar, Senior Grade Driver, Sub Court, Cherthala retired from service on 31/07/2017.

4).Sri.K.K.Raghu is accommodated in the vacancy of Driver Gr.I that arose consequent to the promotion of Sri.Rajeev.A as Senior Grade Driver with effect from 01/08/2017.

The District Judges shall communicate the copy of this order to the persons concerned and shall also take further necessary action as per Rules.

(By Order)



K.Haripal

Registrar (Subordinate Judiciary)

To



All the District Judges.

The Persons concerned (through the District Judges).

The Administrative Records Section, High Court (2 copies).

The file/ Stock File.

The IT Section ( for publishing in the High Court website )