



GOVERNMENT OF KERALA

Personnel and Administrative Reforms (Rules Department)

CIRCULAR

No. 19305/Rules-96 P&ARD. Dated, Thiruvananthapuram, 9th September, 1997.

*Sub:* Public Services--Departmental Promotion Committee--Banning of temporary promotions under Rule 31(a) (i) of Kerala State and Subordinate Service Rules--Instructions issued.

It has been noticed that non-convening of Departmental Promotion Committee and non-publishing of select lists for promotion have resulted in denying promotion to eligible persons in time which in turn has resulted in accumulation of service/seniority cases in courts. It is also noticed that no sincere efforts are made by most of the Departments in this matter. The practice of giving temporary promotion based on seniority alone is being followed by almost all Departments misusing the provision in Rule 31(a)(i) of Kerala State and Subordinate Service Rules and such promotions lead to seniority disputes and litigations. Further, these temporary promotions are regularised sometimes only after many years. This defeats the very purpose of the Departmental Promotion Committee.

2. In order to avoid such lapses the following instructions are issued and their strict compliance will be the personal responsibility of the concerned on Secretary to Government/Head of Department.

1. Temporary promotions under Rule 31(a)(i) of Kerala State and Subordinate Service Rules will not be ordered in any Department on or after 1-1-1998. If temporary promotion to any particular category is to be ordered, the Department should clearly establish the public interest to be served and the emergent situation existing, to the satisfaction of the Chief Minister. Emergency cannot also be an indefinite excuse. Within six months from 1-1-1998 such temporary promotions shall be stepped totally.

GPT 3/4199/97/MC.

- (ii) ~~The procedure given in item (i) will also apply to promotions to the posts for which Heads of Departments are the appointing authorities. The Heads of Departments will not order promotions under Rule 31(a)(i) without prior sanction from Government. Such promotions shall also be stopped within six months from 1-1-1998.~~
- (iii) Before 1-1-1998 all Departments will ensure that the promotions till then ordered are regularised and the select lists for 1998 prepared. The only exception will be cases of specific stay orders by the courts, which could not be got vacated in spite of earnest efforts.
- (iv) There seems to be a tendency to stop all steps necessary to prepare select lists if any issue (some times even unconnected) is pending before a Court. Pendency of a case should not be a bar to prepare select lists unless there is a specific stay order. Even if there is a stay order, prompt action should be taken to get the stay vacated, assuring the Court that any decision taken during the pendency of the case will be subject to the final outcome of the case and the directions of the Court thereon; and action should be taken to publish the select list.
3. The receipt of this circular should be acknowledged *by return*.

C. P. NAIR,  
*Chief Secretary to Government.*

To

All Principal Secretaries/Secretaries/Special Secretaries (in name cover)  
 All Heads of Department (in name cover)  
 All Officers of the Secretariat.  
 All Departments of the Secretariat (all sections) including Law and Finance.  
 The Secretary, Legislature Secretariat (with C.L.)  
 The Secretary, Kerala Public Service Commission (with C.L.)  
 The Registrar, High Court of Kerala, Ernakulam (with C.L.)  
 The Advocate General, Kerala, Ernakulam.  
 The General Administration (SC) Department (vide item No. 1279 dated 3-9-1997)  
 The Private Secretary to Chief Minister and other Ministers.