

## **PROCEEDINGS OF THE DIRECTOR OF MEDICAL EDUCATION, THIRUVANANTHAPURAM**

Medical Education Service – Establishment – Final Seniority list of L.D.Clerks as on 6/12/2010 – published - orders issued.

Read: 1. G.O.(P) No.548/08/H&FWD. dated:25/10/2008.  
2. Govt. letter No.8195/2010/H&FWD. dated:24/04/2010.  
3. This Office Order No.E1/32907/2010/DME. dated:04/01/2011.  
4. Judgment dated:11/2/2011 in WP©No.1870/2011 filed by Bedimon.S & others.  
5. Judgment dated:28/07/2011 in WP © No.20563/2011 filed by Bedimon.S. and others.  
6. Government letter No.17854/K1/11/H&FWD. dated:9/12/2011.  
7. This office order of even No. dated:8/02/2012.  
8. This office letter of even No. dated:21/03/2012 addressed to Government.  
9. Government letter No.17854/K1/11/H&FWD. dated:31/3/2012.

### **Order No.E1/2059/2011/DME Dated: 31/07/2012**

The final seniority list of L.D.Clerks in Medical Education Department as on 6/12/2010 was published, as per this office order read as 3<sup>rd</sup> paper above. Aggrieved by this, Bedimon.S and others filed WP© No.1870/2011 in Hon'ble High Court on the ground that the seniority list has been finalized by treating them as inter district transferees, though they were appointed to Medical Education Department from Health Services Department, by exercising option as permitted by Government following the abolition of Dual Control System and without considering the objection filed by them against the provisional seniority list. The Hon'ble High Court has disposed of the above Writ Petition in the light of the fact that the petitioners have got an effective remedy under rule 27 B of KS and SSRs to challenge the final seniority list before Government without prejudice to the right of the petitioners to invoke the said remedy. Accordingly, the petitioners therein have filed appeal petitions dated:21/03/2011.

2. The petitioners in the above Writ Petition have again approached the Hon'ble High Court by filing WP© No.20563/2011. The Hon'ble High Court pronounced judgement thereon on 28/07/2011, read as 5<sup>th</sup> paper above, directing the Government to take a decision on Ext.P11 appeal after hearing the petitioners and other affected parties.

3. Government, in their letter read as 6<sup>th</sup> paper above, have directed the Director of Medical Education to publish the present combined seniority list of L.D.Clerks in this department as draft list and to invite objections in three weeks and finalise it immediately in compliance with the judgement read as 5<sup>th</sup> paper above.

4. The Seniority list of L.D.Clerks as on 6/12/2010 was, therefore, re-published as provisional, as per this office order read as the 7<sup>th</sup> paper above, inviting appeals from those who are aggrieved by the list.

5. While examining the said appeals, a doubt arose as to whether rules relating to inter-district transfer of employees are to be made applicable in the case of L.D. Clerks who came over to this department from Health service Department by virtue of abolition of Dual Control System, by way of option, and joined duty in districts other than their originally recruited districts, and hence

the matter was referred to Government vide communication 8<sup>th</sup> read above, seeking clarification. Government, in response, as per letter read as 9<sup>th</sup> paper above, have instructed to strictly observe the directions contained in the letter read as 2<sup>nd</sup> paper above in which Government have clarified that the seniority of staff from Health Service Department who have been absorbed to Medical Education Service by exercising option shall be reckoned as per rule 27(a) & 27(c) of KS &SSRs ie. as per the order of promotion in the case of promotees and the first effective advice in the case of direct recruits in the respective categories in Health Service department. Moreover, clause (8) of Appendix I of Government Order read 1<sup>st</sup> above provided that “ seniority of staff opted to department of Medical Education will be maintained as per rule 27(a) & 27(c) of part III of KS&SSRs”

6. The question of the rival claims for seniority among the two sets of employees, ie. those who were originally recruited to the Medical Education Department and those who were appointed in Medical Education Department from Health Department by exercising option following the abolition of dual control system, and the validity of instructions contained the Government letter read as 2<sup>nd</sup> paper above, were examined at length by the Hon’ble High Court in WP(C) 4599/2010, 12381/2010 and 14091/2010. The question of applicability of rules of inter-district transfer in this case was also examined by the Hon’ble Court. By the common judgment dated 29/06/2010 the Hon’ble Court directed the Director of Medical Education, Thiruvananthapuram to finalise the inter- seniority list of the optees and the existing employees in Medical Education Department in accordance with law.

7. All the appeals /objections received against the provisional seniority list of L.D. Clerks published as on 6/12/2010, vide order read as 7<sup>th</sup> paper above, have been examined in detail with reference to Government order & Government letter read as 1<sup>st</sup> and 2<sup>nd</sup> papers above respectively and proviso to rule 27© of Ks &SSRs and necessary modifications have been made in the said seniority list in accordance with the above law.

8. The Seniority list of L.D. Clerks so finalised as on 6/12/2010 is published herewith as appended to this order.

9. The list is available in the Website “www.dme.kerala.gov.in”.

Sd/-  
Dr. V. Geetha  
Director

To

The incumbents concerned (through Principals concerned)

Copy to: 1. The Principal Secretary to Government,  
Health & Family Welfare (K) Department, Thiruvananthapuram with C/L  
2. The Principal, Govt. Medical College, TVPM/Kottayam/Alappuzha/Thrissur/ Kozhikode  
3. The Principal, Govt. Dental college, TVPM/Kottayam/Kozhikode  
4. The Principal, Govt. Nursing College, TVPM/Kottayam/Alappuzha/Thrissur/Kozhikode  
5. The Director, Regional Institute of Ophthalmology, Thiruvananthapuram  
6. O.C/S.F

Forwarded/ By order

Administrative Assistant