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കേരള സർക്കാർ
GOVERNMENT OF KERALA

കേരള ഗസറ്റ് KERALA GAZETTE

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്
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Part III

Commissionerate of Excise

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GOVERNMENT OF KERALA
2022



PROCEEDINGS OF THE COMMISSIONER OF EXCISE, KERALA

THIRUVANANTHAPURAM

(Present: S. AANANTHAKRISHNAN, IPS)

Sub:— Excise Establishment—Notional Promotion to the post of Excise Inspector and reassignment of seniority of Sri. Divakaran. T.V and late Jayaprakash.K.R in the cadre of Excise Inspector- Reassigned orders - issued.

- Read :—*(1) Final Order of Hon'ble KAT in OA (Ekm) 1245/2016 dated 19-2-2019.
- (2) Order No.XD3-116138/2019 dated 7-6-2019 (Kerala Gazette No. 38 dated 24-9-2019)
- (3) Order No.XD3-4188/2010(1) dated 20-12-2011.
- (4) Order No.XD3-165688/2019 dated 19-5-2020 (Kerala Extra Ordinary Gazette No. 1219 dated 20-5-2020)
- (5) Order No.XD3-18923/2003(3) dated 9-3-2005
- (6) Government Letter No. F1/46/2021/TD dated 18-8-2021

ORDER No. XD3-116138/2019 Dated 1-1-2022.

Sri Divakaran.T.V filed O. A. (Ekm) 1245/2016 before the Hon'ble Kerala Administrative Tribunal with a plea to reassign his seniority in the cadre of Assistant Excise Inspector, Excise Inspector and Circle Inspector of Excise. Hon'ble Kerala Administrative Tribunal in its common order dated 19-2-2019 as per the order 1st cited ordered that:—

“Annexure A 11 & A 12 produced in O.A. No. 33 of 2016 and O.A (Ekm) No.691 of 2016 to the extent to which it is directed that the third respondent in O.A. No.33 of 2016 late Sri K. R. Jayaprakash and 4th respondent in OA (Ekm.) No. 691 of 2016 Sri. T. V. Divakaran are entitled for regular promotion to the post of Assistant Excise Inspector in the first vacancy which arose after 6-1-2003 is set aside. It is declared that they are entitled for regular promotion to the post of Assistant Excise Inspector in the first vacancy which arose after 4-4-2003 and their seniority in the post of Assistant Excise Inspector in Annexure A1 seniority list (published vide order XD3-37850/2003 dated 2-11-2004) produced in O. A. No. 33 of 2016 will be refixed accordingly.

Consequently, their eligibility for regular promotion to the post of Excise Inspector will also be re-determined and their seniority in the seniority list Annexure A7 produced in O.A. No.33 of 2016 in the said post will be reassigned. Annexures A14 and A19 in O.A. No.33 of 2016 [Annexure A 18 in O.A. (Ekm.) No.691 of 2016] as well as Annexure A21 in O. A (Ekm) No.691 of 2016 are accordingly set aside. There will thus be a direction to the second respondent to reassign the seniority of late Sri. K.R.Jayaprakash and Sri.T.V.Divakaran, respectively respondents 3 and 4 in O. A (Ekm.) No. 691 of 2016, in the post of Assistant Excise Inspector and Excise Inspector on the respective dates and appropriate orders will be passed within a period of six weeks from the date of receipt of a certified copy of this order.



In accordance with the above orders, the eligibility of late Sri. K. R. Jayaprakash and Sri.T.V.Divakaran for regular promotion to the post of Excise Circle Inspector will be determined and appropriate orders will be passed giving promotion to them in the said post. As late K.R.Jayaprakash expired on 18-9-2016, if his entitlement for regular promotion is found to be on a date prior to 18-9-2016, monetary benefits till the date of his death in the appropriate scale of pay will also be sanctioned and the due monetary benefits on all counts will be sanctioned and disbursed to the additional respondents 4 to 6 in O.A. No. 33 of 2016 within a further period of two months thereafter.

O.A. No.33 of 2016 and O.A (Ekm.) No. 691 of 2016 are accordingly partly allowed”.

Accordingly the seniority of Sri. T.V. Divakaran and Late Jayaprakash, K. R. in the cadre of Assistant Excise Inspector was re-assigned as Serial No.511 A and 511 B respectively in between S/Sri. Balakrishnan, M.S. and Krishnankutty. M with date of assignment on 11-5-2003, in the first vacancy arose after 4-4-2003, as per the order read 2nd above.

DPC(L) met on 7-5-2020 included Sri.T.V Divakaran and late Jayaprakash, K. R. in the select list of Assistant Excise Inspectors for promotion to the cadre of Excise Inspector for the year 2004 in between Sl. No. 17 Sri. Balakrishnan, M. S. and Sl. No. 18 Krishnankutty, M. as 17A and 17B. The same was published in the Kerala Gazette Extra Ordinary No. 1219 dated 20-5-2020.

In the final order read as 1st paper above, Hon’ble Kerala Administrative Tribunal had directed to reassign the seniority of Sri. T.V. Divakaran and late Jayaprakash, K. R. in the cadre of of Excise Inspector. Their immediate junior was promoted to the post of Excise Inspector on 9-3-2005 as per the proceedings read 5th above. Sri. T.V. Divakaran and late Jayaprakash, K. R. were also promoted to the post of Excise Inspector in the same order.

The seniority list of Excise Inspector for the period from 1-1-2004 to 30-6-2006 was finalized as per the proceedings read 3rd above. As per the same the immediate senior Sri. M. S. Balakrishnan is placed as Sl. No. 57 and the immediate junior Sri. M. Krishnankutty is placed as Sl. No. 58. They were given assignment in the cadre of Excise Inspector w.e.f 8-6-2004, in the above said Seniority List.

In these circumstances, in partial compliance of the court order read as 1st above and based on the select list published as 4th paper above Sri. T.V. Divakaran and late Jayaprakash, K. R. are eligible for promotion to the cadre of Excise Inspector on 9-3-2005 and they are seen promoted on the same date as per proceedings 5th paper. Accordingly the Seniority of Sri. T. V. Divakaran and Late Jayaprakash, K. R. is re-assigned as Sl. No. 57A & 57B in between Sl. No. 57 Sri . Balakrishnan, M. S. and Sl. No.58 Krishnankutty, M. in the seniority list of Excise Inspector published vide 3rd paper above giving them assignment in the cadre of Excise Inspector with effect from 8-6-2004 on the same date on which his immediate junior was assigned. The erstwhile positions in respect of Sri. T.V. Divakaran and late Jayaprakash, K. R. in the said seniority list viz, Sl. No.127 & 131 stands deleted.

Proceedings read as 3rd paper above stands modified to that above extent and the order of the Hon’ble Kerala Administrative Tribunal read 1st above is partially complied with.

Excise Commissionerate,
Thiruvananthapuram.

(Sd.)
Excise Commissioner,

