



GOVERNMENT OF KERALA

**Abstract**

Health & Family Welfare Department – Medical Education Service – Establishment – Order dated 07.04.2021 of the Hon'ble Kerala Administrative Tribunal in O.A No.829/2021 filed by Sri.D Madhusoodhanan – Complied with - Orders issued.

HEALTH AND FAMILY WELFARE (B) DEPARTMENT

G.O.(Rt)No.2274/2021/H&FWD Dated, Thiruvananthapuram, 22/10/2021

- Read:-
1. G.O.(P) No.145/2000/H&FWD dated 16.06.2000
 2. G.O.(P) No.425/2009/H&FWD dated 14/12/2009
 3. G.O.(Rt) No. 1264/2020/HG&FWD dated 10.07.2020
 4. G.O.(Rt) No. 677/2021/H&FWD dated 17.03.2021
 5. Representation dated 22.03.2021 from Sri D. Madhusoodanan, Assistant Professor of Health Education (CAP), State PEID cell, Government Medical College, Thiruvananthapuram
 6. Order dated 07.04.2021 of the Hon'ble Kerala Administrative Tribunal in O.A. No.829/2021 filed by Sri.D Madhusoodhanan
 7. Letters No. G5/4529/2020/DME dated 16.08.2021 and 05.10.2021 from the Director of Medical Education, Thiruvananthapuram
 8. G.O.(Rt) No.1972/2021/H&FWD dated 13.09.2021
 9. Interim order dated 17.09.2021 of the Hon'ble Kerala Administrative Tribunal in C.P.(C) No. 104/2021 in OA No. 829/2021 filed by Sri.D Madhusoodhanan
 10. Letter No. GEO4/D/M1692/306/125 dated 01.10.2021 from the Accountant General (A&E), Kerala, Thiruvananthapuram

ORDER

The Hon'ble Tribunal in its order read as 6th paper above has disposed of the Original Application No.829/2021 filed by Sri.D.Madhusoodhanan, without going into the merits of the contentions, directing the first respondent to consider and pass appropriate orders on Annexure A3 representation, within a period of two months from the date of receipt of a certified copy of the order. The applicant was to produce a copy of the Original Application, along with a certified copy of the Tribunal's order, before the first respondent. All the contentions raised in the Original Application were left open to be agitated before the first respondent.

2. In the Annexure A3 representation read as 5th paper above, the Applicant has pointed out that Government have awarded Career Advancement Promotion as Associate Professor to similarly placed Smt. Suseela Mathew, Retd Assistant Professor, Psychiatric Social Work vide Government Order read as 4th paper above. The Applicant was granted Senior Lecturership w.e.f. 04.06.2007 vide Government Order read as 3rd paper above on provisional basis and hence he has requested to grant him Career Advancement Promotion as Assistant Professor in the scale of pay of

Rs.12,000-18,300 w.e.f 05.06.2012 on completion of 5 years and as Associate Professor in the scale of pay of Rs.14,300–19,250 (revised scale of pay Rs.37,400–67,000) w.e.f. 05.06.2017 as per the Government Order read as 1st paper above.

3. Since the Director of Medical Education, as per the letter read as 7th paper above, had reported that the eligibility details from the Accountant General is required for furnishing a report on the Annexure A3 representation, the order read as 6th paper above was complied with vide Government Order read as 8th paper above, by issuing direction to the Director of Medical Education to closely follow up with the O/o the Accountant General (A&E) and to furnish a specific proposal, along with the eligibility certificate from the Accountant General (A&E), for granting Career Advancement Promotion to Shri. D.Madhusoodhanan as Associate Professor as requested in Annexure A3 representation.

4. But aggrieved by the above order, the Applicant filed Contempt Petition No. CP 104/2021 and the Hon'ble Tribunal, as per the interim order read as 9th paper above, observed that what is stated in the Government Order read as 8th paper above is only a narration with respect to the steps taken for disposal of the representation and hence directed Government to produce the order fully complying with the direction in the order read as 6th paper above.

5. In the mean time, the Director of Medical Education, as per the letter read as 7th paper above, furnished the report on granting Career Advancement Promotion to Shri. D.Madhusoodhanan along with a copy of the eligibility certificate from the Accountant General read as 10th paper above. The Accountant General has informed that as per the provisions of para 12(b) of the pay revision order read as 2nd paper above, the existing Lecturers or Senior Lecturers in the Non-medical subjects who have Post-graduate Degree in the subject concerned and having 6 years of teaching experience as Lecturer/Senior Lecturer shall be re-designated as Assistant Professor (Non-medical) and placed in the pay band of Rs.15,600-39,100 in the appropriate stage with academic Grade pay of Rs.7,000 with effect from 01-01-2006 or later. Those who do not have 6 years service will continue as Lecturer and be placed in the pay band of Rs. 15,600-39,100 with Grade pay Rs. 6,000 with effect from 01-01-2006 or later and re-designated as Assistant Professor (Non-Medical) with AGP of Rs. 7000 on completion of 6 years of teaching service. As this is applicable to Sri. Madhusoodhanan, he is not eligible for Career Advancement Promotion with effect from 04.06.2012.

6. Government have examined the matter in detail. In the Annexure A3 representation, Shri. Madhusoodhanan has requested to grant him Career Advancement Promotion as Assistant Professor and Associate Professor as per the Government Order read as 1st paper above, as done in the case of Dr. Suseela Mathew. As per the Government Order read as 4th paper above, Dr. Suseela Mathew was granted Senior Lecturership w.e.f. 22.02.2001 and Career Advancement Promotion as Assistant Professor and Associate Professor w.e.f. 23.02.2006 and 23.02.2011 respectively in accordance with the Government Order read as 1st paper above. The senior Lecturership and Career Advancement Promotion as Assistant Professor granted to Dr. Suseela Mathew on 22.02.2001 and 23.02.2006 respectively is in order since the pay revision order applicable on these dates is the Government Order read as 1st paper above. However, granting of Career Advancement Promotion as Associate Professor w.e.f. 23.02.2011 in accordance with the Government Order read as 1st paper above seems irregular, since the pay revision order

applicable on 23.02.2011 is the Government Order read as 2nd paper above. Hence steps are being taken for reviewing the Career Advancement Promotion as Associate Professor granted to Dr. Suseela Mathew vide Government Order read as 4th paper above.

7. Regarding the case of Shri. Madhusoodhanan, the Senior Lecturership granted to the Applicant vide Government Order read as 3rd paper above is only on provisional basis, subject to the final decision of the Hon'ble High Court in OP (KAT)No. 480/19 filed by Government, which is still pending. Though Shri. Madhusoodhanan has requested to grant him Career Advancement Promotion as Assistant Professor w.e.f. 05.06.2012 and as Associate Professor w.e.f. 05.06.2017 as per the Government Order read as 1st paper above, the same cannot be considered favourably as the pay revision order applicable on the above dates is the Government Order read as 2nd paper above. Moreover, the Accountant General, as per the letter read as 10th paper above, has also reported that Sri. D. Madhusoodhanan is not eligible for granting Career Advancement Promotion as Assistant Professor with effect from 04.06.2012, according to the provisions of the Government Order read as 2nd paper above.

The granting of senior Lecturership and Career Advancement Promotion as Assistant Professor granted to Dr. Suseela Mathew on 22.02.2001 and 23.02.2006 respectively is in order since the pay revision order applicable on these dates is G.O.(P) No.145/2000/H&FWD dated 16.06.2000. But the said order is not applicable for giving Assistant Professor promotion to Shri.Madhusoodhanan. Hence it is not possible to grant CAP as Assistant Professor to Shri.Madhusoodhanan as given to Dr. Suseela Mathew. More over the Senior Lecturership granted to the Applicant vide Government Order read as 3rd paper above is only on provisional basis, subject to the final decision of the Hon'ble High Court in OP (KAT)No. 480/19 filed by Government, which is still pending. Before regularising that, it is not possible to grant another Career Advancement Promotion based on a provisional Career Advancement Promotion.

8. In the above circumstances, the request contained in the the Annexure A3 representation submitted by the Applicant is not admissible. Hence it is rejected and the order dated 07.04.2021 of the Hon'ble Kerala Administrative Tribunal in OA 829/2021 is complied with accordingly.

(By order of the Governor)
Dr Asha Thomas I A S
Additional Chief Secretary

The Advocate General, Thiruvananthapuram (with C/L)
The Director of Medical Education, Thiruvananthapuram
The Principal, Government Medical College, Thiruvananthapuram
Sri.D.Madhusoodhanan, Maniyarakam, ARA 121, Devi Nagar, Karumam
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The Principal Accountant General (Audit/A&E), Kerala, Thiruvananthapuram
Health and Family Welfare (S) Department
The Information & Public Relations Department (Web & New Media)
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Section Officer