



GOVERNMENT OF KERALA

Abstract

Health & Family Welfare Department– Medical Education Service- Order dated 01.03.2021 of Hon'ble Kerala Administrative Tribunal in OA 541/2021 filed by Dr.Indu.S, Assistant Professor in Anesthesiology, Government Medical College, Kozhikkode- Complied with-Orders issued.

HEALTH & FAMILY WELFARE (S) DEPARTMENT

G.O.(Rt)No.2091/2021/H&FWD Dated,Thiruvananthapuram, 27/09/2021

Read 1 Representation dated 10.12.2020 submitted by Dr.Indu.S, Assistant Professor, Anesthesiology, Government Medical College, Kozhikkode

2 Order dated 01.03.2021 of Hon'ble Kerala Administrative Tribunal in OA 541/2021 filed by Dr.Indu.S

3 CP (C) 125/2021 in OA 541/2021 filed before the Hon'ble Kerala Administrative Tribunal by Dr.Indu.S

ORDER

Dr. Indu.S, Assistant Professor in Anaesthesiology, Government Medical College, Kozhikkode, filed an OA 541/2021 before the Hon'ble Kerala Administrative Tribunal with a prayer to promote her as Associate Professor in Anaesthesiology, with effect from the date of arising of vacancy.

2. The Hon'ble Kerala Administrative Tribunal in its order read as 2nd paper above has directed the 1st respondent, i.e. Secretary, Health and Family Welfare Department to consider and pass orders on the representation (Annexure A4) read as 1st paper above, after affording an opportunity of hearing to the Applicant and affected parties, if any, within a period of 3 months from the date of receipt of a copy of the Order.

3. Accordingly, as authorised, the Applicant was heard on 08.09.2021, by the Deputy Secretary, Health and Family Welfare (S) Department. The main contentions of the Applicant are given below;

As per the seniority list of the Associate Professors in Anaesthesia, the Applicant was placed at Serial No.11. Assistant Professors up to serial No.9 have already been promoted as Associate Professors. Even though vacancies had arisen in Anaesthesia during the year 2019 and 2020, the Applicant was

not considered for promotion. She has 20 years of service and is still continuing in the entry cadre post as Assistant Professor. At the time of hearing, the Applicant also pointed out that promotion has taken place to the post of Associate Professor on February 2021 in Paediatric Neurology Department under Medical Education Service, which could be considered as a precedent. She has also contended that even though fully eligible for promotion the same was declined to her on the ground that seniority disputes in the cadre of Assistant Professor in other departments are under consideration of various courts. In Annexure A4 representation, the Applicant has requested to take immediate steps for her promotion to the post of Associate Professor, which is long over due.

4. On the basis of hearing statements and the available evidence on record, Government have examined the case in detail. Regular promotion to the post of Associate Professor in various specialities in Medical Education Department have not been effected for the few years on the ground that there exists general seniority disputes which are under consideration of the various courts. In some specialities, Assistant Professors had earlier filed original applications which were disposed by the Hon'ble Kerala Administrative Tribunal directing Government to take a decision on the representations of the Applicants. But Government declined their representations for promotion since seniority disputes of various specialities are under consideration of the various courts.

5. Meanwhile, Government cannot allow the Medical college hospitals to function without the adequate number of doctors or to conduct classes without the required number of faculties, especially in the circumstances in which almost all Government Medical Colleges in the state are functioning as Covid speciality hospitals. It is important to manage the acute shortage of senior staff in the Medical Colleges of the state, which is leading to serious issues in both medical education and patient care. There is no dispute or stay order regarding promotion in the speciality department of Anaesthesia. There is a precedent regarding the promotion that has been effected in the department of Pediatric Neurology in exactly same circumstances on the basis of a similar court order. In these circumstances, the Annexure A4 representation is allowed and Government hereby order to hold promotion to the post of Associate Professor in the Department of Anaesthesiology. The Director of Medical Education should take imminent steps for convening DPC(H) for promotion to the post of Associate Professor in the Department of Anaesthesiology.

6. The Order dated 01.03.2021 of Hon'ble Kerala Administrative Tribunal in OA 541/2021 is thus complied with.

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

The Director of Medical Education, Thiruvananthapuram.

Dr.Indu.S, Assistant Professor in Anaesthesiology, Government Medical College, Kozhikkode (Through DME).

The Principal, Government Medical College, Kozhikkode

The Advocate General Kerala, Thiruvananthapuram (C/L).

The Information Officer, Web & New Media, Information & Public Relations. Department, Government Secretariat, Thiruvananthapuram (For publishing in the website).

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Forwarded /By order

Signed by Kishorkumar K V

Date: 28-09-2021 11:18:38

Reasons Approved

ORDER

Dr. Indu S, Assistant Professor in Anaesthesiology, Government Medical College, Kozhikkode, filed an OA 341/2021 before the Hon'ble Kerala Administrative Tribunal with a prayer to promote her as Associate Professor in Anaesthesiology with effect from the date of arising of vacancy.

2. The Hon'ble Kerala Administrative Tribunal in its order read as 2nd paper above has directed the 1st respondent, Government, Health and Family Welfare Department to consider and pass orders on the representation (Annexure A-4) read as 1st paper above, after affording an opportunity of hearing to the Applicant and affected parties, if any, within a period of 3 months from the date of receipt of a copy of the Order.

3. Accordingly, as authorised, the Applicant was heard on 08.09.2021, by the Deputy Secretary, Health and Family Welfare (S) Department. The main contentions of the Applicant are given below:

As per the seniority list of the Associate Professors in Anaesthesia, the Applicant was placed at Serial No.11. Assistant Professors up to Serial No.9 have already been promoted as Associate Professors. Even though vacancies had arisen in Anaesthesia during the year 2019 and 2020, the Applicant was