

പതിമൂന്നാം കേരള നിയമസഭ
പതിനഞ്ചാം സമ്മേളനം

നക്ഷത്ര ചിഹ്നമിടാത്ത ചോദ്യം നമ്പർ. 3535

17.12.2015 ൽ മറുപടിയ്ക്ക്

കമ്പ്യൂട്ടർ അസിസ്റ്റന്റ്/കോൺഫിഡൻഷ്യൽ അസിസ്റ്റന്റുമാരുടെ അസിസ്റ്റന്റ് തസ്തികയിലേക്കുള്ള തസ്തികമാറ്റ നിയമനം

ചോദ്യം

ഉത്തരം

ശ്രീ. മോൻസ് ജോസഫ്

ശ്രീ. ഉമ്മൻചാണ്ടി
(മുഖ്യമന്ത്രി)

(എ) പൊതുഭരണ വകുപ്പിലും ധനകാര്യ വകുപ്പിലും കമ്പ്യൂട്ടർ അസിസ്റ്റന്റ്/കോൺഫിഡൻഷ്യൽ അസിസ്റ്റന്റുമാരുടെ അസിസ്റ്റന്റ് തസ്തികയിലേക്കുള്ള തസ്തികമാറ്റ നിയമനവുമായി ബന്ധപ്പെട്ട് നിലവിലുള്ള സെക്രട്ടേറിയറ്റ് സ്പെഷ്യൽ റൂളിന്റെ ലംഘനം നടക്കുന്നതായി ശ്രദ്ധയിൽപ്പെട്ടിട്ടുണ്ടോ ;

(എ) ശ്രദ്ധയിൽപ്പെട്ടിട്ടില്ല

(ബി) 25.3.2006 ന്നു ശേഷം സെക്രട്ടേറിയറ്റ് സർവ്വീസിൽ പ്രവേശിച്ച കമ്പ്യൂട്ടർ അസിസ്റ്റന്റ്/കോൺഫിഡൻഷ്യൽ അസിസ്റ്റന്റുമാർക്ക് അസിസ്റ്റന്റ് തസ്തികയിലേക്ക് തസ്തികമാറ്റ നിയമനം നൽകുന്നത് എത്ര ശതമാനമാണ്; ഇത് ഏത് സർക്കാർ ഉത്തരവ് പ്രകാരമാണെന്ന് വ്യക്തമാക്കുമോ ;

(ബി) 20%; 17.03.2007 ലെ ജി.ഒ.(പി) നം.199/07/ജി.എ.ഡി. നമ്പർ ഉത്തരവ് പ്രകാരം.

(സി) കമ്പ്യൂട്ടർ അസിസ്റ്റന്റ്/കോൺഫിഡൻഷ്യൽ അസിസ്റ്റന്റുമാർക്ക് അസിസ്റ്റന്റ് ട്രെയിനി-യായി നിയമനം നൽകുന്നത് ഏത് സർക്കാർ ഉത്തരവ് പ്രകാരമാണെന്ന് വ്യക്തമാക്കുമോ; കോപ്പി ലഭ്യമാക്കുമോ;

(സി) 05.06.1989 ലെ ജി.ഒ.(പി) നം.138/89/ജി.എ.ഡി. നമ്പർ ഉത്തരവ് പ്രകാരം. പകർപ്പ് അനുബന്ധം-I ആയി ചേർത്തിരിക്കുന്നു.

(ഡി) കമ്പ്യൂട്ടർ അസിസ്റ്റന്റ്/കോൺഫിഡൻഷ്യൽ അസിസ്റ്റന്റുമാരിൽ നിന്നും തസ്തികമാറ്റം വഴി അസിസ്റ്റന്റായി നിയമിക്കപ്പെടേണ്ട ഒഴിവുകളിൽ അസിസ്റ്റന്റ് ട്രെയിനിമാരെ ഉൾപ്പെടുത്തുന്നുണ്ടോ; എങ്കിൽ ഏത് ഉത്തരവ് പ്രകാരമാണ്;

(ഡി) ഉണ്ട്. അസിസ്റ്റന്റ് ട്രെയിനി ആയി നിയമിതരാകുന്നവർ അവരുടെ parent cadre ലാണ് തുടരുന്നതായി കണക്കാക്കുന്നതെങ്കിലും അസിസ്റ്റന്റ് കേഡർ തസ്തികയിൽ ഒഴിവുള്ളിടത്താണ് ഇവരെ നിയമിക്കുന്നത്. ഇവർ അസിസ്റ്റന്റ്

ടെയിനി ആയി മാറുമ്പോൾ ബന്ധപ്പെട്ട ടൈപ്പിസ്റ്റ്/ കോൺഫിഡൻഷ്യൽ അസിസ്റ്റന്റ് കേഡറിലുണ്ടാകുന്ന ഒഴിവുകൾ പ്രസ്തുത കേഡറിൽ തന്നെയുള്ള പ്രൊമോഷൻ /direct recruitment എന്നിവ വഴി നികത്തുന്നു എന്നതിനാൽ പ്രസ്തുത കേഡറിലെ cadre strength- ൽ കുറവുണ്ടാകുന്നില്ല. എന്നാൽ അസിസ്റ്റന്റ് കേഡറിലുണ്ടാകുന്ന ഒഴിവിലാണ് ഇവർ നിയമിക്കപ്പെടുന്നത്. അസിസ്റ്റന്റ് തസ്തികയിലെ ഒഴിവുകളാണ് ഇവരുടെ നിയമനം വഴി നികത്തപ്പെടുന്നത്. ഈ തസ്തികമാറ്റ നിയമനത്തിന് തത്തുല്യമായ തസ്തികകൾ അസിസ്റ്റന്റ് തസ്തികയുടെ entry cadre-ലും പി.എസ്.സി.ക്ക് ഒഴിവ് റിപ്പോർട്ട് ചെയ്യുന്നതിലും കുറവ് വരുകയും ചെയ്യും. അസിസ്റ്റന്റ് ടൈനി നിയമനം ഒഴിവാക്കി തസ്തികമാറ്റത്തിനുള്ള 20% കണക്കാക്കിയാൽ ആയത് പി.എസ്.സി. റാങ്ക് ലിസ്റ്റിനെ ദോഷകരമായി ബാധിക്കും. ഈ സാഹചര്യത്തിൽ തസ്തിക മാറ്റം വഴി അസിസ്റ്റന്റ് ആകുന്നതിനായുള്ള ജീവനക്കാരുടെ എണ്ണം കണക്കാക്കുമ്പോൾ അസിസ്റ്റന്റ് ടൈനിമാരുടെ എണ്ണവും കണക്കിലെടുക്കേണ്ടതുണ്ട് എന്നുള്ള സർക്കാർ തീരുമാനത്തിന്റെ അടിസ്ഥാനത്തിലാണ് അസിസ്റ്റന്റ് ടൈനിമാരെ ഉൾപ്പെടുത്തിയിട്ടുള്ളത്.

(ഇ) കമ്പ്യൂട്ടർ അസിസ്റ്റന്റ്/ കോൺഫിഡൻഷ്യൽ അസിസ്റ്റന്റ് തസ്തികയിലേക്ക് തസ്തികമാറ്റം വഴിയുള്ള എത്ര നിയമനം ബാക്കിയുണ്ട്?

(ഇ) കമ്പ്യൂട്ടർ അസിസ്റ്റന്റ്/ കോൺഫിഡൻഷ്യൽ അസിസ്റ്റന്റ് തസ്തികയിലേക്ക് തസ്തികമാറ്റം വഴി ഇനി നിയമനം ഒന്നും തന്നെ നല്ലാനില്ല.

Maya P

സെക്ഷൻ ഓഫീസർ

To

- All Departments (All Sections) of the Administrative Secretariat
- The Secretary, Kerala. Public Service Commission, Trivandrum (with C. L.)
- The Personnel & Administrative Reforms Rules) Department necessary action).
- The Registrar, University of Kerala/Calicut/Cochin/Mahatma College
- The Finance Department
- The Law Department
- The Legislature Secretariat
- The Advocate General, Ernakulam.



GOVERNMENT OF KERALA

Abstract

SECRETARIAT — ESTABLISHMENT — ADMINISTRATIVE SECRETARIAT—
 METHOD OF APPOINTMENT AND QUALIFICATION FOR THE
 POST OF SECTION OFFICER—REVISED ORDERS ISSUED

GENERAL ADMINISTRATION (SERVICES-E) DEPARTMENT
 G. O. (P) No. 138/89/GAD. Dated, Trivandrum, 5th June 1989.

- Read :—
1. G. O. (MS) No. 338/62/PD dated 18-6-1962.
 2. G. O. (P) No. 254/76/PD dated 31-7-1976
 3. G. O. (P) No. 15/77/PD dated 10-1-1977.
 4. G. O. (P) No. 342/77/GAD dated 7-10-1977.
 5. Judgment of the Hon'ble High Court of Kerala dated 8-4-1988 in O. P. No. 1302/87-E.
 6. Judgment of the Hon'ble High Court of Kerala dated 8-4-1988 in O. P. No. 1915/84-R.
 7. Letter No. AV (2) 2900/89/GW dated 6-4-1989 from the Secretary, Kerala Public Service Commission, Trivandrum.

ORDER

Till 1976 appointment to the post of Section Officer, Administrative Secretariat was being made from among the categories of Assistants, and qualified Stenographers (since redesignated as Confidential Assistants) and Typists. A ratio 1 : 1 : 15 between Typists, Confidential Assistants and Assistants was also prescribed for appointment as Section Officer, from among these categories. According to the above procedure a Typist/Confidential Assistant will not however, be appointed as Section Officer, in preference to an Assistant, who has the next chance of promotion as Section Officer, and whose total length of service was equal to or greater than that of the Typist or Confidential Assistant. Appointment to the post of Confidential Assistant in the Administrative Secretariat is made by direct recruitment and by appointment of qualified Typists in the

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Secretariat. In the G. O. read as first paper above it was ordered that the service of Confidential Assistant rendered as Typist would also be taken into account for fixing the total length of service for appointment as Section Officer. Certain Stenographers of the Administrative Secretariat, appointed from the category of Typists, claimed that they should be considered for appointment as Section Officers, in preference to their qualified seniors, recruited direct, reckoning their typist service also for the purpose of calculating the total length of service for appointment as Section Officer, in view of the above orders. The High Court of Kerala in O. P. No. 1150/73 filed by Shri K. Parameswaran Nair considered this issue and in the Judgment disposing of the O. P. observed that it was open to Government to remove the anomaly due to which the petitioner though fully qualified and eligible for promotion could not be promoted. Government considered the question as to how best the anomaly could be removed and after detailed examination, it was decided to evolve a new procedure for appointment to the post of Section Officer in the Administrative Secretariat. In the new procedure introduced as per the G. O. read as second paper above Typist, Typist Promotee Confidential Assistant, directly recruited Confidential Assistant and Assistant constitute the feeder categories for appointment to the post of Section Officer. Typist Promotee Confidential Assistants and directly recruited Confidential Assistants were treated as separate categories for the limited purpose of appointment to the post of Section Officer. Later, as per the G. O. read as third paper above Government prescribed the method of appointment and qualification for the post of Section Officer incorporating the above procedure. According to this Order, appointment by transfer from among the categories of Typist, Typist Promotee Confidential Assistant, direct recruit Confidential Assistant and Assistant (including Office Superintendents promoted from all categories) will be made in the ratio of 2 : 1 : 1 : 30 respectively. It was also stated therein that if no eligible person from the categories of Typist/Typist Promotee Confidential Assistant/direct recruit Confidential Assistant is available in his turn for appointment as Section Officer, while applying the above ratio, that vacancy will be lost to that category and the same will be given to the Assistant.

Two Confidential Assistants of the Administrative Secretariat, who were directly recruited, challenged the validity of the categorisation of Confidential Assistants into two viz., directly recruited and Typist Promotee, before the Hon'ble High Court in O. P. No. 1302/87. The Hon'ble High Court in their Judgment read as fifth paper held that if there has been a complete integration or full fusion between direct recruit Stenographers and Typist Promotee Stenographers there can not be any classification between them for the purpose of appointment to the post of Section Officer. The Court has also directed the Government to reconsider the matter after affording the petitioners and respondents as well as any affected parties opportunity to make further representations and pass orders in accordance with law and in the light of the observations in the Judgment. In the light of the observations made by the Court,

Government reconsidered the entire matter. Though Confidential Assistants are appointed by two different methods, once appointed there is complete integration and full fusion between them. There is only one combined seniority list for Confidential Assistants and there is no difference between them either in duties or in responsibilities. In M. P. Singh Vs Union of India [1987 (1) SCC 592] the Supreme Court has held that discriminatory treatment shown to officers performing duties having identical nature is invalid and opposed to Articles 14 and 16 of the Constitution of India. In view of the above decision of the Supreme Court the categorization of Confidential Assistants into two based on their origin, for the limited purpose of appointment to the post of Section Officer, is untenable. Accordingly, it was tentatively decided to do away with the categorisation and objections were called for from the persons who are likely to be affected. The objections received were examined and found to be not sustainable. The matter was taken up with the Kerala Public Service Commission and the Kerala Public Service Commission has also agreed to the proposal.

In the Judgment in O. P. No. 1915/84-R the Hon'ble High Court has quashed the provision contained in the G. O. read as second, third and fourth papers above to the effect that if any member belonging to a category to whom a quota has been assigned is not eligible to be appointed as Section Officer when his turn arises, his category will lose the right to be appointed to that post. The Court has also held that if a candidate belonging to a particular category is not eligible to be appointed as Section Officer when the turn for that category arises, that category will not lose the claim to be appointed to one vacancy out of the 34 vacancies in case qualified candidate becomes available.

Considering all the above aspects, Government are pleased to order in supersession of the orders issued in the G. O. read above that the following revised procedure prescribing the method of appointment and qualifications for the post of Section Officer, Administrative Secretariat be adopted with retrospective effect from 31-7-1976.

Method of Appointment.—By transfer from the following categories coming under the Kerala Secretariat Subordinate Service:

- Category 1. Senior Grade Assistant (including Office Superintendents) or, in the absence of Senior Grade Assistant, Assistant Grade I.
- Category 2. Typist (including Office Superintendents)
- Category 3. Confidential Assistant (including Office Superintendents)

Note.—Appointment by transfer from among the categories of Typist, Confidential Assistant and Senior Grade Assistant (including Assistant Grade I), (including Office Superintendents promoted from all categories) in the Kerala Secretariat

Subordinate Service, to the post of Section Officer, Administrative Secretariat will be made in the ratio of 1 : 1 : 15 respectively. The ratio will be applied in a block of 17 vacancies of Section Officers. When the appointments made to the post of Section Officer since 31-7-1976 are regulated based on the revised procedure the ratio will be applied as a continuation of the old ratio. While applying the ratio, even if a candidate belonging to the category of Typist/Confidential Assistant is not eligible to be appointed as Section Officer when the turn for that category arises, that vacancy will not be lost by that category and given to Assistant, but the category will retain its claim to be appointed against one of the 17 vacancies in case eligible candidate becomes available before appointment is made to all the 17 vacancies. A Typist/Confidential Assistant will not be appointed as Section Officer in preference to an Assistant who has the next chance of appointment as Section Officer and whose total length of service is equal to or greater than that of the Typist/Confidential Assistant. The post of Section Officer, Administrative Secretariat will be a selection post and appointment thereto, will be by selection by the Departmental Promotion Committee.

Name of the Category	Qualifications
Category 1 : Senior Grade Assistant (including Office Superintendents) or in the absence of Senior Grade Assistant Assistant Grade I	(1) B.A., B.Sc. or B.Com Degree of a recognised University or its equivalent (Non-graduate Assistants except those who have been recruited as per G. O. (MS) No. 1046/PD dated 14-12-1959 will be appointed as Section Officer only after passing the suitability test conducted by the Kerala Public Service Commission. (2) Account Test (Lower) (3) Secretariat Manual Test.
Category 2 : Typist (including Office Superintendents)	(1) S.S.I.C. (2) Account Test (Lower) (3) Pass in the suitability test conducted by the Kerala

(1) (2)

Public Service Commission for appointment as Section Officer.

(4) Satisfactory completion of the prescribed period of training as Assistant for one year.

(1) S.S.I.C.

Category 3 : Confidential Assistant (including Office Superintendents)

(2) Account Test (Lower)

(3) Pass in the suitability test conducted by the Kerala Public Service Commission for appointment as Section Officer.

(4) Satisfactory completion of the prescribed period of training as Assistant for one year.

Note :—(1) Typists and Confidential Assistants (including those working as Office Superintendents) who pass the suitability test conducted by the Kerala Public Service Commission for appointment as Section Officer will be posted for training as Assistant for a minimum period of one year, if they are likely to be appointed as Section Officer within a period of five years. Thereafter, they will continue to work as Assistants till they are appointed as Section Officers.

Note :—(2) Non-graduate Assistants will be exempted from passing the suitability test for appointment for the post of Section Officer as provided in G. O. MS. 134/85/GAD dated 6-4-1985.

Note :—(3) The Graduate Typists and Confidential Assistants will be exempted from passing the suitability test for appointment to the post of Section Officer with effect from 17-6-1988, subject to the conditions laid down in G. O. (P) No. 219/88/GAD dated 17-6-1988.

By order of the Governor,

C. RAMACHANDRAN,

Secretary to Government

3/25/93/R

Section Officer