

# Government of Kerala

## Abstract

### Secretariat - Establishment - Administrative Secretariat - Method of Appointment and Qualification For the Post of Section Officer - Orders issued

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#### GENERAL ADMINISTRATION (SERVICE-E) DEPARTMENT

G.O. (P) No. 138/89/GAD.

Dated, Thiruvananthapuram, 5th June, 1989.

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- Read:-
1. G.O. (Ms) No. 338/62/PD Dated 18.06.1962.
  2. G.O. (P) No. 254/76/PD Dated 31.07.1976.
  3. G.O. (P) No. 15/77/PD Dated 10.01.1977.
  4. G.O. (P) No. 342/77/GAD Dated 7.10.1977.
  5. Judgement of the Hon'ble High Court of Kerala dated 8-4-1988 in O.P. No. 1302/87-E.
  6. Judgement 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 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 categorisation 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 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.Os. 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.Os. 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 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 above 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 candidates becomes available before appointment is made to all the 17 vacan-

cies. 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.

*Qualifications :*

Name of the Category		Qualifications
(1)		(2)
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.L.C (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.
Category 3 :	Confidential Assistant (including Office Superintendents)	(1) S.S.L.C (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 til 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.

Sd/-

By order of the Governor,  
**C. Ramachandran,**  
*Secretary to Government*

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 (for necessary action)  
The Registrar, University of Kerala/Calicut/Cochin/Mahatma Gandhi (with C.L.)  
The Finance Department  
The Law Department  
The Legislature Secretariat  
The Advocate General, Ernakulam.