GOVERNMENT OF KERALA

Abstract

Health & Family Welfare Department - Medical Education Service - Establishment - Order dated 26.11.2021of the Hon'ble Kerala Administrative Tribunal in OA No.2223/2021 filed by Dr.M Ganesh & Dr.Joby John - Complied with - Orders issued.

HEALTH & FAMILY WELFARE (B) DEPARTMENT

G.O.(Rt)No.162/2022/H&FWD Dated,Thiruvananthapuram, 20/01/2022

Read:- 1. G.O (P)No.61/2018/H&FWD dated 12.05.2018

2. G.O(MS)No.203/2021/H&FWD dated 19.11.2021

3. Order dated 26.11.2021 of the Hon'ble Kerala Administrative Tribunal in OA No.2223/2021 filed by Dr.M Ganesh & Dr.Joby John.

4. Letter No.F5/31150/2018/DME dated 13.01.2022 from the Director of Medical Education.

ORDER

The Hon'ble Kerala Administrative Tribunal, as per the order read as 3rd paper above has directed the first respondent, i.e, Additional Chief Secretary, Health & Family Welfare Department to consider and pass orders on Annexure A-2 representation submitted by Dr.M Ganesh and Annexure A-3 representation submitted by Dr.Joby John seeking promotion to the post of Associate Professor in the Department of General Surgery within two months from the date of receipt of a copy of the Order.

2. As per the decision of the Departmental Promotion Committee (Higher) which met on 14.03.2018, the select list of Assistant Professors fit for promotion to the post of Associate Professors in the Department of General Surgery was approved vide Government Order read as 1st paper above. Though the proposal for regular promotion to the cadre of Associate Professors in the Department of General Surgery was received from the Director of Medical Education on the basis of the above select list, the same was not materialised as it was not possible to effect the promotion due to various cases pending before the court with regard to the criteria to be adopted in the fixation of seniority in the cadre of Assistant Professors under Medical Education Department, though there were sufficient number of vacancies. Only on the basis of the final verdict in the pending cases, the seniority list of Assistant Professors could be finalized. The above situation has led to a stand still of promotions to the post of Associate Professors in all Departments under Medical Education Service.

3. As per the interim order dated 13.04.2018 in OA No. 541/2018 filed

by Dr.Lizy Mathew and others, the Hon'ble Court has directed that promotion to the post of Associate Professor in the Department of General Surgery and Microbiology will not be made for a period of 6 weeks. The interim order has been extended regularly. The interim order was last extended for another 2 months as per the order dated 25.10.2021.

4. Meanwhile, as per the letter read as 3rd paper above, the Director of Medical Education has submitted proposal for effecting promotion to five vacancies of Associate Professors which arose in 2018 on the basis of the select list published vide Government Order read as 1st paper above, after upgrading them as Associate Professor since these posts were temporarily downgraded as Assistant Professors vide Government Order read as 2nd paper.

5. Government have examined the matter in detail. The interim order in OA No. 541/2018 was last extended for 2 months as per the order dated 25.10.2021, which got expired by 24.12.2021.Government is not in receipt of any order extending the stay order beyond 25.12.2021. As such promotions to the post of Associate Professor can be effected as proposed by the Director of Medical Education subject to the final verdict in the cases pending with the Hon'ble Courts related to this issue. Since there are only 5 vacancies in the post of Associate Professor in the Department of General Surgery in 2018, the Annexure-A2 representation submitted by Dr. M. Ganesh, who is in the 4th position in the select list, can be considered favourably. But the Annexure-A3 representation submitted Dr. Joby John, who is in the 11th position in the select list cannot be considered favourably due to the lack of sufficient vacancy in the post of Associate Professor in General Surgery in 2018.

6. In the above circumstances, Government are pleased to grant regular promotion to the following Assistant Professors to the post of Associate Professors, by upgrading the Assistant Professor posts being held by them to that of Associate Professors, subject to the final verdict in the cases pending with the Hon'ble Courts regarding the seniority issues in Medical Education Department.

1. Dr. V. Raveendran, Assistant Professor, Government Medical College, Thrissur is granted regular promotion as Associate Professor and posted in the upgraded post at Government Medical College, Thrissur.

2. Dr. Poly T.J, Assistant Professor, Government Medical College, Thrissur is granted regular promotion as Associate Professor and posted in the upgraded post at Government Medical College, Manjeri.

3. Dr. Priya Radhakrishnan, Assistant Professor, Government Medical College, Kozhikode is granted regular promotion as Associate Professor and posted in the upgraded post at Government Medical College, Manjeri.

4. Dr.M. Ganesh, Assistant Professor, Government Medical College, Thiruvananthapuram is granted regular promotion as Associate Professor and posted in the upgraded post at Government Medical College,

Thiruvananthapuram.

5. Dr. Rakesh K.V, Assistant Professor, Government Medical College, Kozhikode is granted regular promotion as Associate Professor and posted in the upgraded post at Government Medical College, Manjeri.

7. The Annexure A2 representation is granted and the Annexure A3 representation is rejected due to the lack of sufficient vacancy in the post of Associate Professor in General Surgery in 2018 and the order dated 26.11.2021 of the Hon'ble Kerala Administrative Tribunal in OA No.2223/2021 filed by Dr.M Ganesh & Dr.Joby John is complied with accordingly.

By order of the Governor)

Vijayakumar S
Joint Secretary

The Advocate General, Thiruvananthapuram.(with C/L)
The Director of Medical Education, Thiruvananthapuram.
The Principal, Government Medical College, Thiruvananthapuram/Thrissur/ Manjeri/Kozhikode
The Doctors concerned (Through Director of Medical Education)
The Principal Accountant General (Audit/A&E), Kerala, Thiruvananthapuram.
The Information and Public Relations Department (Web & New Media)
Stock File/Office Copy
Copy to:- The P.S to Minister (Health and Women & Child Development)
The P.A to Additional Chief Secretary, Health & Family Welfare Department

Forwarded/By order

Signed by Anil Kumar.d
Date: 20-01-2022 16:53:15
Reason: Approved

Section Officer