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No.Estt.A1/5470/2022/KTDFC**12.03.2024****CIRCULAR**

- Sub : KTDFC-Estt-Compliance of the Judgements of Hon'ble High Court and Hon'ble Supreme Court's common decree dated 31.01.2022-Notional promotions granted to Sri.Sherith A and Basil T.K with retrospective dates-Seniority list of Managers-Revised list publishing of-Reg
- Ref : 1. Seniority list No.KTDFC/Estt/A1/01/2017 dated 11.12.2017 of Managers
2. Judgement of the Hon'ble High Court of Kerala in the in the W.P(C) No.15812 of 2014 dated 06/12/2018 arising from W.P(C) Nos.15812 of 2014 & 670/2018
3. Judgement of Hon'ble High Court of Kerala dated 14.03.2019 in writ appeal No.280 of 2019
4. Common Decree dated 31.01.2022 of Honb'le Supreme Court in Civil Appeal No.806, 807 & 808 of 2022 arising from SLP(C) No.13067/2019, 13179/2019 & 13200/2019
5. Contempt Case No.432/2023 dated 09.02.2023 before The Honb'le High Court of Kerala
6. Minutes of meeting of 185th meeting of Board of Directors held on 18.01.2024, agenda item No.10/185/2024
7. Circular resolution passed by the Board of Directors dated 19.02.2024
8. Proceedings No.Estt.A1/5470/2022/KTDFC dated 23.02.2024

The Hon'ble High Court of Kerala in the Judgement in the W.P(C) No.15812 of 2014 dated 06/12/2018 arising from W.P(C)Nos.15812 of 2014 & 670/2018 directed KTDFC "to grant promotion to the petitioners (Sri. Basil T.K and Sri.Sherith A) reckoning the period during which they were kept out of service treating the same as notional service, to the post of Manager and also Chief Manager. On the basis of such promotion, Ext.P20 shall be revised assigning the petitioners seniority above the 4th respondent (Sri. Aneesh Babu R). Petitioners will also be entitled to fixation of pay reckoning the period during which they were kept out of service and they shall be granted all benefits on the basis of such fixation of pay".

The operative part of the Judgement has been affirmed by the Division bench of the Hon'ble High Court of Kerala in Judgement dated 14.03.2019 in writ appeal No.280 of 2019 and the Honb'le Supreme Court in Common Decree dated 31.01.2022 in Civil Appeal No.806, 807 & 808 of 2022 arising from SLP(C) No.13067/2019, 13179/2019 & 13200/2019. The apex court has clarified that the Judgement dated 06.12.2018 shall stand modified to the extent that the petitioners Sri.Sherith A and Sri.Basil T.K shall not be entitled to monetary benefits including arrears of salary for the period between 2007 and 2012 when they were out of service.

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The Board of Directors of KTDFC in their 185th meeting held on 18.01.2024 vide agenda item No.10/185/2024 had decided to implement the Judgements of the Hon'ble Supreme Court dated 31.01.2022 and Hon'ble High Court of Kerala dated 06.12.2018, without further delay and to implement the first part of the judgment by treating the break of service period as notional service and to give notional promotions to both the petitioners from the eligible date of promotion from Assistant Manager to Deputy Manager and from Deputy Manager to Manager.

The Service Consultant appointed as decided by the Board vide agenda item No.11/185/2024; had submitted his report dated 19.02.2024 in KTDFC and the same was placed before the Board of Directors of KTDFC. The Board approved the report submitted by the Service Consultant through the Circular Resolution passed on 19.02.2024.

As suggested by the Service Consultant in his report and in compliance to the Judgments of Hon'ble High Court and that of the Hon'ble Supreme Court, notional promotions were granted vide paper (8) read above, to Sri.Basil T.K and Sri.Sherith A from the eligible date of promotion from Assistant Manager to Deputy Manager and from Deputy Manager to Manager by treating the break of service period as notional service.

Accordingly, the seniority list of Managers published as paper (1) read above is hereby ordered as modified and revised, following the notional promotions granted to Sri.Basil T.K and Sri.Sherith A in compliance to the Judgments of Hon'ble High Court and that of the Hon'ble Supreme Court. As such, the effective dates of promotions granted/probations declared in respect of officers included therein the seniority list under reference(1) is hereby revised and published as follows:

Name of Officer	Date of Birth	Revised date of declaration of probation in the feeder category (Deputy Manager) wef	Revised date of Promotion as Manager wef	Revised date of Declaration of Probation as Manager wef
1.Sherith A	23.11.1972	24.02.2008	25.02.2008	25.02.2009
2.Basil T.K	06.04.1974	24.02.2008	25.02.2008	25.02.2009
3.Aneesh Babu R	31.05.1980	11.12.2010	11.12.2010	27.12.2011
4.Prasad N.C	30.05.1973	15.12.2010	01.04.2014	31.03.2015

Objection if any shall be submitted to the under signed within 15 days from the date of publication of this circular.

By Order of the Board of Directors


Managing Director

To

- (1) Sri.Sherith A, Manager
- (2) Sri.Basil T.K, Manager
- (3) Sri.Aneesh Babu R, Manager
- (4) Sri.Prasad N.C, Manager

Copy to

To publish the list at official web site (www.ktdfc.kerala.gov.in)



As per (Admin)

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