

KARNATAKA POWER TRANSMISSION CORPORATION LIMITED

Corporate Identity Number (CIN): U40109KA1999SGC025521

No.KPTCL/B58/71527/2017-18
Encl: As per Notification



Corporate Office,
Kaveri Bhavan,
Bengaluru-560009

Date: 16.01.2018

NOTIFICATION

Sub: Publishing of Revised Final Seniority List of Assistant Engineer (Elec./Civil) [Non-Graduate] & above and Senior Personal Assistant & above in accordance with the Judgment dated 09.02.2017 of the Hon'ble Supreme Court in Civil Appeal No.2368 of 2011 (B.K.Pavitra & Others vs Union of India & Others) [(2017) 4 SCC 620] connected with other 7 Civil Appeals including Civil Appeal No.2369 of 2011 (R.S.Raveesh Kumar & Others vs KPTCL & Others) and also in accordance with Govt. Order No.DPAR 182 SRR 2011 dated 06.05.2017.

Ref:

1. Official Memorandum No.KPTCL/SA3/43100/2013-14 dated 28.05.2014 publishing the Seniority List of State-Wide Cadres as on 01.04.2014.
2. Judgment dated 19.10.2006 of the Hon'ble Supreme Court of India in M.Nagaraj & Others vs Union of India & Others. [(2006) 8 SCC 212]
3. Judgment dated 09.02.2017 of the Hon'ble Supreme Court of India in B.K.Pavitra & Others vs Union of India & Others [(2017) 4 SCC 620]
4. Govt. Order No. DPAR 182 SRR 2011 dated 06.05.2017 issued by the DPAR, (Service Rules-1) Govt. of Karnataka
5. Corporate Order No KPTCL/B16/69324/ 2017-18 dated 08.05.2017 adopting the Govt. Order No. DPAR 182 SRR 2011 dated 06.05.2017
6. Order dated 08.09.2017 of the Hon'ble Supreme Court in Contempt Petition (C) No.1682/2017 in C.A.No.2368/2011 in B.K.Pavithra vs Subhash Chandra Khuntia and ANR and connected Contempt Petitions.
7. Order dated 13.10.2017 of the Hon'ble Supreme Court in Contempt Petition (C) No.1682/2017 in C.A.No.2368/2011 - B.K.Pavithra vs Subhash Chandra Khuntia & ANR with IA No.93118/2017 in Contempt Petition (C) No. 1681/2017 in C.A. No. 2369/20110 (IV-A) - KPTCL General Category Association (Regd.) vs Managing Director, Karnataka Power Transmission Corporation Limited.
8. Notification No KPTCL/B58/71527/2017-18 dated 16.12.2017 publishing Provisional Seniority List of Assistant Engineer (Elec./Civil) [Non-Graduate] & above and Senior Personal Assistant & above in accordance with the Judgment dated 09.02.2017 and Govt. Order dated 06.05.2017.

1. The Corporation vide Official Memorandum dated 28.05.2014 had published the Seniority List of State Wide Cadres as on 01.04.2014 subject to the outcome of the Civil Appeal No.2369/2011 (R.S.Raveesh Kumar & Others VS KPTCL & Others).
2. The Hon'ble Supreme Court in their Judgment dated 09.02.2017 in Civil Appeal No.2368 of 2011 filed by B.K.Pavitra & Others vs Union of India & Others connected with other 7

Civil Appeals including Civil Appeal No.2369/2011 [(2017) 4 SCC 620] mentioned above has held that Sections 3 and 4 of the “**Karnataka Determination of Seniority of the Government Servants promoted on the basis of Reservation (to the posts in the Civil Services of the State) Act, 2002**” providing consequential seniority to persons belonging to the category of the Scheduled Castes and the Scheduled Tribes on promotion against roster points is ultra vires of Articles 14 and 16 of the Constitution of India. The extract of Para 27 of Hon’ble Supreme Court Judgment dated 09.02.2017 is reproduced below;

‘In view of the above, we allow these appeals, set aside the impugned judgment and declare the provisions of the impugned Act to the extent of doing away with the ‘catch up’ rule and providing for consequential seniority under Sections 3 and 4 to persons belonging to SCs and STs on promotion against roster points to be ultra vires Articles 14 and 16 of the Constitution. The judgment will not affect those who have already retired and will not affect financial benefits already taken. Consequential promotions granted to serving employees, based on consequential seniority benefit, will be treated as ad hoc and liable to be reviewed. Seniority list may be now revised in the light of this judgment within three months from today. Further consequential action may be taken accordingly within three months’

3. Based on the judgment dated 09.02.2017 of the Hon’ble Supreme Court in Pavitra’s case, Govt. of Karnataka by its order dated 06.05.2017 has directed that the seniority lists of all cadres in which promotions have been made in accordance with the existing policy of reservation in promotion and the seniority lists of all cadres higher than such cadres shall be reviewed and action shall be taken.
4. In pursuance of the Judgment dated 09.02.2017 of the Hon’ble Supreme Court and strictly in accordance with the directions issued by the Govt. vide Order dated 06.05.2017 seeking to operationalize the judgment, the dates of promotions already accorded from time to time based on consequential seniority have been reviewed duly taking into consideration the following Govt. Orders and Notifications adopted from time to time.
 - a) Govt. Order dated 27.04.1978: Introduction of reservation in promotion upto the lowest level of Group A w.e.f. 27.04.1978.
 - b) Govt. Order dated 30.08.1979: Revising the roster prescribed in GO dated 27.04.1978.
 - c) Govt. Notification dated 01.04.1992: Amendment to KCS (General Recruitment) Rules, 1977 providing for treating of SC & ST roster points identified for the SCs or STs, unutilized or unfilled by promotion of SC & ST candidates but filled by general category, as backlog in promotion.
 - d) Govt. Order dated 24.06.1997: Providing additional roster points to clear backlog in promotions and to review promotions already issued under

Backlog since 01.04.1992 in accordance with additional roster points.

- e) Govt. Order dated 03.02.1999: Providing for post based reservation, restricting the operation of the roster points for promotion of SC and ST candidates where the representation exceeds 15% and 3% of working strength, respectively.
- f) Govt. Order dated 13.04.1999: Providing for clearing any existing backlog as per the additional roster points.

5. In the light of the above, the seniority lists of the state-wide cadres in which promotions have been made in accordance with the existing policy of reservation in promotion and the seniority lists of the higher cadres to these cadres were reviewed and provisional seniority list published along with the following notes vide Notification No KPTCL/B58/71527/2017-18 dated 16.12.2017.

Note:

- 1) Consequent to review of seniority, while assigning deemed date of promotion, the eligibility and suitability for promotion as on that date has been verified with reference to the date of passing of departmental examination, requests for postponement of promotion and status of departmental enquiries, if any.
- 2) Consequent to review of seniority the Senior General Category Employee (SGCE) is deemed to have been promoted with effect from the date his Junior Reserved Category Employee (JRCE) got his promotion earlier and the seniority of the Senior General Category Employee shall count notionally from that deemed date of promotion.
- 3) If by the time the SGCE reaches the higher cadre, the JRCE has already got his promotion to the next higher cadre, the seniority of the JRCE in that higher cadre is not altered. However, the exercise as explained above, has been repeated when the SGCE is also promoted to the next higher cadre.
- 4) In case of serving employees, consequent to review, if any JRCE does not get deemed date of eligibility in the cadre under review, he is not reverted, if he has been promoted on the basis of consequential seniority prior to 01.03.1996.
- 5) In case of SGCE if they have retired and consequent on review if they get a date of eligibility earlier to the actual date of promotion, they shall be deemed to have been promoted from such date.
- 6) The revised dates and rankings in respect of retired JRCE are indicated only for preparation of revised seniority lists and do not affect the financial benefits already drawn by them.
- 7) A JRCE has been considered for promotion to the next higher cadre to which reservation in promotion applies if he has the required qualifying service based on the deemed date of eligibility assigned to him and if he is otherwise eligible.
- 8) Where the promotions are made to a cadre from two or more lower (feeder) cadres, the deemed dates of eligibility assigned are determined on the basis of quota prescribed in the rules of recruitment.
- 9) After considering the objections received, if any, against the provisional seniority lists, the final seniority lists will be published and consequential action taken thereon.
- 10) The deemed dates of eligibility for promotion to the senior-most Asst.Engineers to the cadre of Asst.Ex.Engr shall be assigned against the utilized vacancies remaining consequent to review, after ascertaining their eligibility and suitability according to their seniority.

6. In the Notification dated 16.12.2017 it was stated that objections if any may be submitted to the Director (Admn. & HR), Corporate Office, KPTCL, Kaveri Bhavan, Bengaluru through individual representations with supporting records within one week from the date of publication of the notification, for verification and consideration as per regulations.
7. Pursuant to the Notification dated 16.12.2017 a total of 63 representations were received. Their objections were examined based on the prevailing regulations and orders issued from time to time. The following table shows the classification of objections to the Provisional Revised Seniority Lists dated 16.12.2017 and the findings thereon.


Type	Objections	Findings
Type-1	Requests for corrections in spellings, changes in date of report, date of promotion, date of birth, date of retirement, etc.	Material or factual corrections have been incorporated after verifying the same with reference to records. Changes in dates and deemed dates are incorporated accordingly.
Type-2	The objectors have represented that several officers who were junior to them have been shown above them in the cadre of Asst.Executive Engineer. They have hence requested to verify their seniority and set right the discrepancy.	After detailed verification it was found that some of the employees in the cadre of Junior Engineer had passed the departmental examination for promotion in later batches but were shown above their seniors on the basis of promotion to the cadre of Asst.Engineer. Such cases have been verified and corrected accordingly.

8. In the meantime, the Hon'ble Supreme Court in Order dated 08.09.2017, in Contempt Petition(C) No.1682/2017 in CA No.2368/2011 connected with Contempt Petition(C) No.1681/2017 in CA No.2369/2011 (IV-A) and other Contempt Petitions and in MA No.730-756 of 2017 in CA Nos. 5286/2011 and others and MA No. 834/2017 in CA No.2639/2011, seeking extension of time stipulated in the Order of the Court dated 09th February, 2017 and other issues has observed that;

- 1) The time to revise seniority list is extended till 30th November, 2017. Further consequential action may be taken by 15th January, 2018. List all matters in the last week of January 2018.
- 2) At this stage, it is brought to our notice that an order has been passed by the High Court of Karnataka on 7th August, 2017 in WP No(s) 34185-34190 of 2017 directing that personal hearing be given to the affected parties. Since the matter has already been decided by this Court, there is no requirement of any further personal hearing.

- 3) It is clear that if any department finalizes the seniority list earlier, the said department will be at liberty to take further steps earlier than the extended time.
9. Subsequently, in IA No. 93118/2017 in Contempt Petition (C) No.1681/2017 filed in CA No. 2369/2011 (IVA)- (The KPTCL General Category Association (Regd.) vs Managing Director, KPTCL) seeking a direction to the Managing Director to publish the seniority list and to implement the order. The Hon'ble Supreme Court in Order dated 13.10.2017. Upon hearing the Hon'ble Supreme Court has ordered as follows; "It is open to the respondent KPTCL to go ahead with finalizing the seniority list and publishing the same, within two weeks from today." (ie., 13.10.2017).
10. Accordingly, the objections to the Provisional Revised Seniority Lists have been examined and considered with reference to the prevailing regulations along with orders issued from time to time and the Final Revised Seniority Lists are hereby published in accordance with the Judgment dated 09.02.2017 of the Hon'ble Supreme Court as hereunder;

a)	Revised Final Seniority List of Asst.Engineer Elec. (Non-Graduate) from 27.04.1978 to 01.05.2017 .	ANNEXURE-1A
b)	Revised Final Seniority list of working Asst.Engineer Elec. (Non-Graduate) & above as on 01.05.2017 .	ANNEXURE-1B
c)	Revised Final Seniority List of Asst.Engineer Civil (Non-Graduate) from 27.04.1978 to 01.05.2017 .	ANNEXURE-2A
d)	Revised Final Seniority list of working Asst.Engineer Civil (Non-Graduate) & above as on 01.05.2017 .	ANNEXURE-2B
e)	Revised Final Seniority List of Senior Personal Assistant from 27.04.1978 to 01.05.2017 .	ANNEXURE-3A
f)	Revised Final Seniority list of working Senior Personal Assistant & above as on 01.05.2017 .	ANNEXURE-3B


Director (Admn.& HR)
KPTCL

Copy of Notification for kind information:

1. The Managing Director, BESCOM/ MESCOM/ HESCOM/ GESCOM /CESC /PCKL /KREDL/BMRL /KAVIKA with request to also host the Notification and Annexures on the websites.
2. The Director(Finance),BESCOM
3. All Directors(Technical), ESCOMs
4. All Financial Advisers, KPTCL/ESCOMs
5. All Chief Engineers Electy, KPTCL/ESCOMs
6. PS to Additional Chief Secretary, Energy Department, Govt. of Karnataka, Bengaluru to place copy of the Notification before the Additional Chief Secretary.
7. PS to MD/DF/DT/D(A&HR)/D&CS, KPTCL to place it before the MD/DF/DT/D(A&HR)/D&CS, KPTCL

Copy of Notification and Annexures published on www.kptcl.com/eprasarana for information of:

1. All Chief Engineers Electy/ Financial Advisers, KPTCL/ ESCOMs / on deputation
2. All Superintending Engineers/Controllers, KPTCL/ESCOMs / on deputation
3. All Executive Engineers /Dy.Controllers, KPTCL/ESCOMs / on deputation
4. All Asst. Executive Engineers /Accounts Officers, KPTCL/ESCOMs / on deputation
5. All Asst. Engineers /Asst. Accounts Officers, KPTCL/ESCOMs / on deputation

Copies of Notification for kind information to:

1. Sri.T.R.Ramakrishnaiah, President, KPTC Employees' Union, Bengaluru and Director KPTCL & ESCOMs
2. Sri.A.N.Jayaraj, President, KEB Engineers' Association, Bengaluru and Director KPTCL & ESCOMs.
3. General Secretary, KPTC Employees' Union, Bengaluru
4. General Secretary, KEB Engineers' Association, Bengaluru
5. General Secretary, KPTCL Accounts Officers' Association, Bengaluru
6. General Secretary, KEB SC/ST Employees Welfare Association, Bengaluru
7. General Secretary, KPTCL Diploma Engineers Association, Bengaluru
8. General Secretary, KPTCL & ESCOMs SC/ST Officers Association, Bengaluru