

**NORMS TO BE FOLLOWED FOR PREPARATION
OF DT/JS SENIORITY LIST**

(Approved as per the order dated 22-01-2011 in LR T(1)-2001/2011)

1. METHOD OF APPOINTMENT

1. Recruitment by transfer from among the members of the Kerala Ministerial Subordinate Service employed in the Land Revenue Department.
2. By Direct Recruitment
Direct Recruitment shall be resorted to in the absence of qualified personal for appointment by transfer only.
(Rule 4 of Kerala Revenue Subordinate Service Special Rules, 1985)

2. QUALIFICATIONS

- a. Shall pass Revenue Test (Travancore/Cochin/Madras)
- b. Shall pass Account Test (Lower).
- c. Shall pass District Office Manual Test.

3. PROBATION

Every person appointed as Deputy Tahsildar/Junior Superintendent shall be on probation for a total period of two years on duty within a continuous period of three years.

(Rule 9 of Kerala Revenue Subordinate Service Special Rules, 1985)

A probationer, within the prescribed period of probation, shall pass the following tests if he has not already passed them and undergo the training prescribed in the Annexure in the Special Rules.

- (1) The District Office Manual.
- (2) The Revenue Test (Travancore/Cochin/Madras)
- (3) The Criminal Judicial Test
- (4) The Account Test (Lower) or the Account Test for Subordinate Officers Part I (Madras)
- (5) Survey Test (Higher)

A probationer who holds a degree in law of any recognized University need not pass Criminal Judicial Test. Survey Test (Higher) is compulsory from the 1st January 1974. Training laid down in the Annexure to the Special Rule is applicable in case of direct recruitment only.

(Rule 10 of Kerala Revenue Subordinate Service Special Rules, 1985)

4. PREPARATION OF SENIORITY LIST

1. The seniority of a person appointed by promotion or by transfer from one service, class, category or grade to another service, class, category or grade shall be determined with reference to the date of order of appointment. Appointment under Rule 9 and 31 are not meant as appointment for this purpose. (Sub Rule (a) of Rule 27 of K.S & S.S.R and its explanation).
2. The seniority of a person appointed by the advice of the Public Service Commission (Direct Recruitment) shall be determined by the date of first effective advice, unless he has been reduced to a lower rank as punishment. (Sub Rule (c) of Rule 27 of K.S & S.S.R).
3. When two or more persons are included in the same advice list, their relative seniority shall be fixed according to the order in which their names are arranged in the advice list. (Rule 27 of K.S & S.S.R)
4. Seniority of a person who has been granted extension of time to join duty beyond three months from the date of order of appointment shall be determined by the date of his joining duty. (Rule 27 of K.S & S.S.R)
5. Persons who have taken up Leave Without Allowance before completion of probation in the entry grade will have to start afresh and complete their probation on return from leave without allowance. They should forfeit their seniority prior to their proceeding on leave and they will be deemed as new entrants. Persons who have taken up Leave Without Allowance for employment within and outside India, for study purpose and for the purpose of joining spouse shall lose promotion benefits which may arise with reference to their seniority in the posts from which they proceeded on leave. They shall lose seniority in the higher grade/grades with reference to their juniors who might be promoted to such grade/grades before they rejoin duty. (Kerala Service Rules Rule 88, G.O.(P).780/83/Fin dated 16.12.1983, Circular No.16/98/Fin dated 16.3.1998)
6. The feeder category for appointment to the post of Deputy Tahsildar by method of transfer is Kerala Ministerial Subordinate Service. Since the Special Rule for Deputy Tahsildar does not make any distinction between various categories of posts in Kerala Ministerial Subordinate Service, Note (vi) and (vii) of Rule 28(b)(i) of K.S & S.S.R is applicable in determining seniority for promotion as Deputy Tahsildar. (*Judgement dated 21-3-1991 in W.A No.789/88*)

Note : As per Revenue Subordinate Service Special Rule and as per note (vi) under rule 28(b)(i)(vii), for appointment to the post of Deputy Tahsildar, persons in the cadre of HC/RI/VO should be appointed in preference to all persons in lower categories viz. UDC/SVO, LDC/VA will be considered for appointment as Deputy Tahsildar thereafter. Persons in the category of HC/RI/VO will be considered for promotion according to their seniority in that category alone. (*Govt.Ltr.No.19800/C3/08/RD dated 31-7-2009*)

7. A probationer in the cadre of Deputy Tahsildar should pass the mandatory tests during the period of probation of two years on duty within a continuous period of three years. If he fails in passing the test and acquiring the qualifications, the appointing authority can extend the period of probation by one year. If the probationer fails to acquire the qualifications or to pass the test during the extended period of probation, the appointing authority may extend the period of probation for another one year on condition that his increment shall be stopped. Thus, the total period during which an officer can be on probation is four years. If the probationer fails to acquire the qualifications or to pass the test during the extended period of probation, he will have to be discharged after affording him an opportunity of being heard.

The seniority list of Deputy Tahsildar is to be prepared by ranking an officer who completed the period of probation satisfactorily be adjusted to the substantive vacancy. A person who becomes an approved probationer on a later date on such satisfactory completion of probation must take a rank below the first. (*Appukuttan Nair v. State of Kerala, 1990(2) KLT 806, confirmed by Division Bench in W.A.Nos.691 and 719 of 1990 and 162 of 1991*)

8. As per Rule 2(1) of K.S & S.S.R, no one can be said to be on probation from a date anterior to the date on which he began to discharge the duties attached to that post. When a member of Kerala Revenue Ministerial Subordinate Service is recruited by transfer to the post of Deputy Tahsildar, then only he will start to discharge the duties attached to that post. Only there after he can said to be on probation. If on a subsequent date he is assigned an anterior notional date of promotion to the cadre of Deputy Tahsildar, by no stretch of imagination he can be deemed to have discharged the duties attached to the post of Deputy Tahsildar. (*Janardhanan v. State of Kerala, 1991(1) KLT 875 confirmed by Division Bench in W.A.162 of 19 91*)
9. Rule 2(6)(f) states that a person is said to be on duty as a member of service when he is given the benefit of notional promotion consequent on revision of rank and seniority etc. However the provision contained in Rule 2(6)(f) have not any application of general character where notional dates are assigned in the case of large number of officers. In a case where an officer was denied promotion in spite of his putting forth the claim for same and ultimately if he wins in court, then only he will have his probation declared with an anterior date on account of the decision rendered by the court.
(*Judgement in W.A. 162/1991 dated 6.4.1995*)
10. Employees who attain the age of 50 years shall be exempted from passing obligatory tests such as **Revenue test (Travancore/Cochin/Madras), Account Test (Lower), or the Account Test for Subordinate Officers Part I (Madras), District Office Manual Test, Criminal Judicial Test and Higher Survey Test**, for declaration of probation in the DT/JS Cadre.
(*Rule 13B of K.S & S.S.R and Rule 12(7) Explanation (i) of K.S.R Part I*)

11. Employees belonging to the Scheduled Castes and Scheduled Tribes who entered in service before 1-1-1986 shall permanently be exempted from passing obligatory tests such as *Revenue test (Travancore/Cochin/Madras), Account Test (Lower), or the Account Test for Subordinate Officers Part I (Madras), District Office Manual Test, Criminal Judicial Test and Higher Survey Test*, for declaration of probation in the DT/JS Cadre. (Rule 13A, 13AA, 13AB of K.S & S.S.R and Rule 12(7) Explanation (i) of K.S.R Part I)

Sd/-
Commissioner