

KARNATAKA POWER CORPORATION LIMITED
Corporate Identity Number [CIN] U85110KA1970SGC001919



No. A1 P1 A

No.82, "Shakthi Bhavan"
Race Course Road,
Bengaluru - 560 001.

Date: **29.07.2017.**

NOTIFICATION

Sub: Publishing of Provisional Seniority List, revised in accordance with the judgement 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] also in accordance with Govt. Order No.DPAR 182 SRR 2011 dated 06.05.2017.

Ref: 1] Judgement dated 09.02.2017 of Hon'ble Supreme Court of India in B.K.Pavitra & Others Vs Union of India & Others.
2] Government of Karnataka Order No.DPAR 182 SRR 2011 dated 06.05.2017.

1. The Hon'ble Supreme Court in their judgement dated 09.02.2017 in Civil Appeal No.2368 of 2011 filed by B.K.Pavitra & Others Vs Union of India & Others clubbed with other 7 Civil Appeal including Civil Appeal No.2369/2011 mentioned above has held that Section 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" which provides consequential seniority to those promoted under reservation 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 19.02.2017 is reproduced below:

'In view of the above we allow these appeals, set aside the impugned judgment and declare the provision of the impugned Act to the extent of doing away with the 'catch up' rule and providing for consequential seniority under Section 3 and 4 to be ultra vires Articles 14 and 16 of the Constitutions. 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 the above judgment within three months from today. Further consequential action may be taken accordingly within three months'.

2. Based on the judgment dated 09.02.2017 of the Hon'ble Supreme Court in Pavitra's case Government of Karnataka by its order dated 06.05.2017, has directed that the seniority list of all the 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.
3. 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 Government vide Order dated 06.05.2017 of DPAR seeking to operationalize the judgment, the date of promotions already accorded from time to time based on consequential seniority have been reviewed and revised as per "Other catch-up rule" duly taking into consideration of the following Government of Karnataka Order dated 06.05.2017.

(a) The review shall be undertaken with effect from 27.04.1978 and all the promotions made and seniority lists published on or after 27.04.1978 to all the cadres shall be subject to such review.

(b) As a result of policy of reservation contained in the Government Order dated 27.04.1978, O.M. dated 01.06.1978 and 2002 Act, read at (1), (2) and (6) above, a junior reserved category employee [JRCE - in short] would have got promotion earlier to a senior general category employee [SGCE - in short]. As and when SGCE (in the feeder cadre) gets his promotion, his seniority in the cadre to which he is promoted shall be restored and he shall be placed above the JRCE though the JRCE got his promotion earlier as consequential promotions granted to serving employees, based on consequential seniority benefit have to be treated as adhoc as directed by the Hon'ble Supreme Court. In such a case, the date of eligibility to be assigned to a SGCE shall be the date of promotion of the JRCE in accordance with Section 4 read with Section 6 and 9 of the Karnataka State Civil Services (Regulation of Promotion, pay and Pension) Act, 1973.

(c) On such restoration of seniority, the SGCE shall be deemed to have been promoted with effect from the date his Junior (JRCE) got his promotion earlier and the seniority of the SGCE shall count notionally from that deemed dated of promotion.

(d) Such exercise shall be carried out in respect of every cadre. 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 JRCE in that cadre shall not be altered. However, the exercise, as explained above, shall be repeated when the SGCE is also promoted to the next higher cadre.

(e) Consequent on review of seniority, while assigning the deemed date of promotion the eligibility and suitability for promotion as on that date shall be assessed as in the case of normal promotion.

(f) In the case of serving employees, consequent upon review, if any JRCE does not get deemed date of eligibility in the cadre under review, he shall not be reverted if he has been promoted in the basis of consequential seniority prior to 01.03.1996. Only his position in the seniority list may be refixed. The benefit of consequential seniority which he might have derived after 01.03.1996 shall be subject to review. The post, to which JRCE has to be finally fitted against will be determined after revision of seniority lists of all cadres up to and inclusive of his current cadre is completed.

(g) In the case of SGCEs, 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.

(h) A JRCE may be 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.

(i) When promotions are to be made to a cadre from two or more lower [feeder] cadres, the deemed date of eligibility to be assigned shall be determined on the basis of the quota prescribed in the rules of recruitment.

(j) Promotions made against backlog in favour of the employees belonging to the Scheduled Castes and the Scheduled Tribes in accordance with instructions contained in Government Order No.DPAR 10 SBC 97, dated:24.06.1997 and instructions issued from time to time in this regard shall also be subject to review of seniority lists and assignment of dates of eligibility as above.

(k) While reviewing the seniority lists as above, the question of determining the dates of eligibility in respect of direct recruits does not arise since their seniority is determined in accordance with Rule 5 of the Karnataka Government Servants' (Seniority) Rules, 1957, keeping in view the instructions contained in the O.M. No.DPAR 48 SSR 75, dated: 05.07.1976.

4. In the light of the above, the provisional seniority lists of the following cadres in which promotions have been made in accordance with the existing policy of reservation in promotion and the seniority list of the higher cadres are reviewed and published as here under. The concerned may also visit KPCL Website: www.karnatakapower.com.

Sl. No.	Cadres	Annexures
	<u>CORPORATE - TECHNICAL</u>	
1	Provisional revised seniority list of Asst. Engineer Graduate and above from 27.04.1978 to 30.06.2017 CIVIL	ANNEXURE - A
2	ELECTRICAL	ANNEXURE - B
3	MECHANICAL	ANNEXURE - C
4	INSTRUMENTATION	ANNEXURE - D
5	SYSTEMS	ANNEXURE - E
	<u>CORPORATE - NON-TECHNICAL</u>	
1	Provisional revised seniority list from 27.04.1978 to 30.06.2017 ASSISTANT FIRE OFFICER	ANNEXURE - F
2	CHEMICAL	ANNEXURE - G
3	CORPORATE AFFAIRS	ANNEXURE - H
4	CORPORATE COMMUNICATION	ANNEXURE - I
5	GEOLOGY	ANNEXURE - J
6	HIGH SCHOOL	ANNEXURE - K
7	LEGAL	ANNEXURE - L
8	MATRON	ANNEXURE - M
9	MEDICAL	ANNEXURE - N
10	SECRETARY	ANNEXURE - O
11	SECURITY	ANNEXURE - P
12	SPORTS	ANNEXURE - Q

The provisional seniority list of HRD & Finance Section will be published shortly.

5. Objections, if any may be submitted to the Managing Director, KPCL, Bengaluru through individual representations with supporting records / documents within 30 days from the date of publication of this notification, for verification and consideration as per regulations.
6. After considering the objections received, if any, against the provisional seniority lists, the final seniority lists will be published and consequential action taken thereon.

Sd/-
Managing Director

Copy to: TD / FD

- : All EDs
- : All CEs & equivalents
- : All SEs & equivalents
- : All EEs & Equivalents
- : All Pos/AOs

- : The president / Secretary
GEA/MEA/I&C Engineers Association/DEA
- : The president / Secretary
KPCEU/RTPS EU/KPC Mazdoor Sangh/KPC Officers Union/
KPC SC/ST Association.