



## GOVERNMENT OF KERALA

### Abstract

Water Resources Department - Order of the Hon'ble Kerala Administrative Tribunal in O.A. (EKM) No. 1605/2025 filed by Sri. Shandeep Kakkariyil & Others - complied with - order issued.

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### WATER RESORCES (A) DEPARTMENT

G.O.(Rt)No.274/2026/WRD Dated, Thiruvananthapuram, 11-03-2026

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- Read 1 Order No. IC1 - 14629/2011 dated 01/08/2014 of the Chief Engineer (I&A), Thiruvananthapuram.
- 2 Letter no. A9/27545/2018 dated 05.10.2018 of the Chief Engineer (I&A), Thiruvananthapuram.
- 3 G.O(Rt) no.845/2018/WRD dated 23.11.2018.
- 4 Circular no. IC1-34954/2018 dated 15.11.2018 of the Chief Engineer (I&A), Thiruvananthapuram.
- 5 Proceedings No. A3-7800/2020 dated 29.01.2020 of the Chief Engineer (I&A), Thiruvananthapuram.
- 6 Proceedings No. A3/5000/2000 dated 29/05/2021 the Chief Engineer (I&A), Thiruvananthapuram.
- 7 Judgment dated 14/07/2021 in WP(c) no. 29433/2015 before Hon'ble High Court
- 8 Order dated 06/12/2023 of the Hon'ble Kerala Administrative Tribunal in OA (EKM) nos 1229/2019, 2387/2018 & 2358/2018.
- 9 Proceedings no.IC6-3461/2024 on 10.10.2024 published by Chief Engineer (I&A)
- 10 Order dated 29/10/2024 in OP(KAT)-320/2024 before Hon'ble High Court
- 11 Proceedings no.IC6-3461/2024 on 22/11/2024 of the Chief Engineer (I&A), Thiruvananthapuram.
- 12 Order dated 23/10/2025 in OA[EKM]-1605/2025 before Hon'ble Kerala Administrative Tribunal.
- Representation dated 10/01/2026 submitted by the Applicants

13 before Government.

### **ORDER**

Sri. Shandeep Kakkariyil and others filed O.A. (EKM) No. 1605/2025 before the Hon'ble Kerala Administrative Tribunal, being aggrieved by the rank assigned to them in the Annexure 1 seniority list. As per the order read as 12<sup>th</sup> paper above, the Hon'ble Kerala Administrative Tribunal disposed the O.A with a direction to the I<sup>st</sup> respondent (Secretary, Water Resources Department) to consider and pass orders on Annexure A2 appeal, after affording an opportunity of hearing the applicants and to those who are likely to be affected, within a period of three months from the date of receipt of a copy of the order.

2. Pursuant to the Hon'ble Tribunal's direction, the applicants were heard on 08/01/2026 in the presence of an official from the Office of the Chief Engineer (I&A), Thiruvananthapuram. The applicants are Assistant Engineers in the Irrigation Department appointed by promotion from the post of First Grade Draftsmen. While they were working as First Grade Draftsmen, a final seniority list was published as per the order read as 1<sup>st</sup> paper above and the promotions to the post of Assistant Engineer were carried out from that list in a timely manner as per orders dated 23.5.2017, 02.07.2018 and 30.10.2018. In the meantime, 22 Assistant Engineers (Diploma Quota) were promoted to Assistant Executive Engineers as per the Government order read as 3<sup>rd</sup> paper above, which resulted in 22 vacancies in the Assistant Engineer (Diploma Quota) category. Following this, the Chief Engineer (I&A) invited applications as per circular read as 4<sup>th</sup> paper above, from the employees in the Certificate Quota to change their category to the Diploma Quota.

3. The applicants stated that they had filed an appeal to the Principal

Secretary, Water Resources Department, seeking withdrawal of the Chief Engineer's circular regarding the quota change on the grounds that it was issued four years after the final seniority list (read as 1st paper above) was published and after more than 50% of promotions within the Diploma Quota had already been effected. Subsequently, Original Applications were filed before the Hon'ble Kerala Administrative Tribunal, which stayed the operation of the said circular and temporarily halted the promotion proceedings. Subsequently, 14 more individuals from the same seniority list were promoted to the post of Assistant Engineer as per the order read as 5th paper above. The applicants pointed out that those 14 promotions were made against the 22 vacancies which occurred due to the issuance of the order read as 3rd paper above. The applicants contended that despite the existence of eight remaining vacancies, their promotions were delayed, with the department citing the pending cases in the Hon'ble Tribunal as the reason for the same. They were eventually promoted only on 29.05.2021. The applicants contended that the provisional seniority list of Assistant Engineers, published as per the order read as 9th paper above, assigned them a seniority position that they deemed prejudicial to their interests.. Consequently, they submitted a representation dated 22.10.2024 to the Chief Engineer (I&A), asserting that their promotions had been unduly delayed despite the existence of eligible vacancies and requested that they be granted seniority with effect from the date of occurrence of those vacancies. The applicants pointed out that the final seniority list was published as per the proceedings read as 11th paper above, without addressing their grievances. They stated that they had submitted further representations to the Chief Engineer on 20.02.2025 and to the Secretary, Water Resources Department on 29.09.2025. Aggrieved by the lack of redressal, they approached the Hon'ble Kerala Administrative Tribunal, which issued the order read as 12th paper above.

4 . During the hearing, the applicants stated that they had additional documents to submit in support of their claim and, accordingly, submitted a representation read as 13th paper above. The applicants further stated that they had completed 15 years of service and had attained eligibility for the second grade (Assistant Executive Engineer grade). They contended that granting them seniority with effect from the date of occurrence of the vacancies would not entail any additional financial burden to the Government, as they were already drawing the scale of pay of the higher post. Furthermore, the applicants pointed out that during the pendency of cases related to the order read as 8th paper above before the Hon'ble Kerala Administrative Tribunal, promotions to the post of Assistant Engineer were significantly delayed. They explained that whenever vacancies arose in the Assistant Executive Engineer (Diploma Quota) category, the Department was constrained to keep them vacant due to a lack of eligible Assistant Engineers in that quota (owing to the existing superseding clause), which adversely affected the smooth functioning of the Department. Noting that Assistant Engineers from the Degree Quota cannot be promoted against Diploma Quota vacancies, they requested that they be granted seniority in the Assistant Engineer post with effect from the date the vacancies originally arose. In support of their claim, the applicants also submitted the order read as 10th paper above and the Judgement read as 7th paper above.

5. The Chief Engineer (I&A) reported that Sri. Shandeep Kakkariyil, Smt. Sheeja P. K., and Smt. Ambili I. entered service in the Irrigation Department as First Grade Draftsmen on 24.02.2010, 20.04.2010, and 17.04.2010, respectively, and were subsequently promoted to the post of Assistant Engineer as per the order read as 6th paper above. The Chief Engineer stated that, as per the order read as 1st paper above, the final seniority list for the post of First Grade Draftsman (for the period from 01.01.2004 to

31.10.2010) was published, comprising Annexure A for the Diploma Quota and Annexure B for the Certificate Quota. It was further noted that, following applications from Certificate Quota employees who had acquired diploma qualifications, the circular read as 4th paper above was issued inviting applications for inclusion in the Diploma Quota. However, a group of employees challenged the said circular by filing cases before the Hon'ble Kerala Administrative Tribunal, which led to delays in promotions to the post of Assistant Engineer due to the ongoing seniority dispute. The Chief Engineer stated that, pursuant to the orders of the Hon'ble Kerala Administrative Tribunal dated 05.03.2021 in M.A.(EKM) No. 299/2021 and connected cases, including O.A.(EKM) No. 2387/2018, O.A.(EKM) No. 2358/2018, O.A. No. 907/2019, and O.A. No. 1229/2019, there was no longer any legal impediment to granting promotions from the post of First Grade Draftsman to Assistant Engineer. Accordingly, the final seniority list of employees in the First Grade Draftsman category was published. Subsequently, a 'Field of Choice' was prepared including eligible employees from the seniority list for promotion, the Departmental Promotion Committee (DPC) was convened, and the Select List was notified. Finally, the promotion order to the post of Assistant Engineer was issued as per the order read as 6th paper above.

6. The Chief Engineer stated that the primary demand of the applicants in the aforementioned cases was for their promotions to be granted retrospectively from the date of occurrence of vacancies in the Assistant Engineer cadre. The Chief Engineer pointed out that granting such notional promotions would necessitate a comprehensive review by the Departmental Promotion Committee (DPC) and the re-notification of the Select List. Furthermore, this would entail revising the promotion dates for 68 individuals in the original order, as well as 23 employees in the proceedings

read as 5th paper above and 131 employees in the order dated 24.02.2024. The Chief Engineer emphasized that the department has no precedent for granting such retrospective promotions in the First Grade Draftsman category. It was further brought to notice that such an action would prejudicially affect the smooth functioning of the department and severely impact current promotion proceedings. The Chief Engineer also pointed out that this would lead to protracted litigation and create a situation where promotions could be stalled for a prolonged period, as witnessed in the past.

8. Government have examined the matter in detail. The applicants requested that their seniority be re-fixed with retrospective effect from 2018, contending that the delay in effecting the promotions against the 2018 vacancies was solely due to administrative reasons. It is further noted that promotions to the next higher cadre of Assistant Executive Engineer are contingent upon the seniority positions established in the Assistant Engineer cadre. As per Note (2) under Item 4 of Rule 4 (Qualification) of The Kerala Irrigation Engineering Service Special Rules, 2010, it is stipulated as follows

*"A Diploma holder Assistant Engineer shall not be eligible for promotion over a Senior Graduate Assistant Engineer unless the latter is otherwise rendered ineligible for promotion to the post of Assistant Executive Engineer."*

The aforementioned rule implies that a Diploma holder Assistant Engineer is not entitled to be promoted to the post of Assistant Executive Engineer by superseding a Senior Graduate Assistant Engineer. A Diploma holder officer shall only be considered for promotion in the event that the said Senior Graduate Engineer is found to be otherwise ineligible for promotion for specific reasons. And also the applicant has requested the restoration of

seniority and has produced the order read as 10<sup>th</sup> paper above and the judgment read as 7<sup>th</sup> paper above. It is not appropriate to take a final decision on restoring seniority based solely on the General Principles of Law cited in those judgments. Upon examining those cases and the circumstances of the current complaint, it is evident that the court verdicts were not issued under identical circumstances.

9. Upon examining the merits of the present case, it is observed that the promotion was delayed primarily due to ongoing litigation which acted as a root cause. While the cases were pending before the Hon'ble Tribunal, promotions were eventually granted during the 2020–2021 period immediately following the clarification of the legal position. As a deliberate administrative delay cannot be presumed, and since the judgments produced by the applicants are not squarely applicable to the present issue, having been delivered under different circumstances, their claim for retrospective seniority lacks merit. Granting these retrospective notional promotions would necessitate a complete review by the Departmental Promotion Committee (DPC) and require the re-notification of the Select List. Such an action would lead to protracted litigation and create a situation where promotions could be stalled for a prolonged period, as witnessed in the past. In view of the above circumstances, the claims of the Applicants for retrospective seniority are hereby rejected.

11. The Order of the Hon'ble Kerala Administrative Tribunal read as 12<sup>th</sup> paper above is complied with accordingly.

(By order of the Governor)  
BISHWANATH SINHA  
ADDITIONAL CHIEF SECRETARY

To: Sri. Shandeep Kakkariyil, Kakkariyil House, Palayam, Mamba,

Kannur, Kerala PIN: 670611

Smt. Sheeja P.K., Paradath House, Mattoor, Kalady P.O. Ernakulam,  
Kerala PIN : 683574

Smt. Ambili I., Abhirama, TRA 439-B, Thittamangalam, Vattiyoorkavu  
P.O. Thiruvananthapuram PIN: 695013

The Advocate General, Ernakulam.

The Chief Engineer (I&A), Thiruvananthapuram.

The Principal Accountant General (Audit), Kerala, Thiruvananthapuram.

The Accountant General(A&E), Kerala, Thiruvananthapuram/Thrissur.

Web & New Media Division.

Stock File/O.C.

Forwarded /By order

Signed by

Sunithakumary S. Section Officer

Date: 12-03-2026 11:06:23

Copy to: P.S. to Hon'ble Minister for Water Resources.

P.S. to the Additional Chief Secretary.