



W/Island,
01.11.2023.

From

Krishnakumar K. N,
Staff No. 7132,
Sr. Accountant,
Chief Engineer's office, Cochin Port Authority.

To

The Chief Public Information Officer,
Cochin Port Authority,
Willingdon Island,
Cochin-682009.

Dear Sir,

Sub. :- Information sought under Right to Information Act- 2005.

Kindly provide me the following information in hard copy, under RTI Act- 2005.

1. Copy of the Note and instruction given in the Note sheet by the Hon. Chairperson- Dr. M. Beena IAS, based on the Vigilance Report submitted by the Chief Vigilance Officer, Cochin Port Authority to the Chairperson, Cochin Port Authority during the month of March- 2023, in connection with the complaint raised by M/s. Cochin Port Employees Sangh towards Recruitment Rule in respect of filling up of 20% vacancy to Manager/Dy. Chief Accountant (Jr.) post.
2. Copy of the file Noting containing the decision of the Competent Authority in connection with my Grievance petition dt. 07.09.2023, addressed to the Chairperson, Cochin Port Authority regarding filling up of 20% vacancy to Manager post on the basis of Written qualifying examination.

I am enclosing herewith a postal order for Rs 10/- (No. 61F 781164) and ready to bear additional charges if any, for furnishing the above information.

Thanking you,

Yours faithfully,

KRISHNAKUMAR K. N

Encl. a/a.

(P-5-0)

12/6/2021

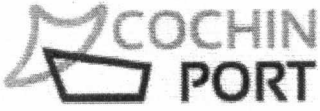
Ref. No. RTI Cell/1674/KKN/2023-s Dt 02/11/2023

Copy of RTI request is forwarded to Asst. Secy, 'A' Section for furnishing the details sought for by the applicant subject to the provisions under RTI Act 2005 to the RTI cell on or before 10/11/2023 Pl



AP10 (GAD)

CHS



ADMINISTRATIVE OFFICE,
COCHIN – 682009

संख्या /No.GAD/RTI Cell/KKN/1674/2023-S

दिनांक: 05.12.2023

सेवा में/To

Shri. Krishnakumar K N
Staff No. 7132, Sr. Accountant
Chief Engineer's Office
Cochin Port Authority

Sir,

विषय /Sub : Information under the RTI Act, 2005- reg.

संदर्भ /Ref : Your application dated 01.11.2023 (received in this application on
02.11.2023)

With reference to the above, the information is given below.

Sl. No. 1 - Copy of the relevant document as requested - 4 pages

Sl. No. 2 – Copy of relevant document as requested – 2 pages.

The details of the Appellate Authority under the RTI Act for Cochin Port Authority are given below.

Dy. Chairperson
Cochin Port Authority
Cochin - 682009

Yours faithfully,

Central Public Information Officer
General Administration Department
Cochin Port Authority

Received
Shri. K N
Krishnakumar
5/12/2023

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cochin_port PortofCochin portofcochin company/portofcochin

COCHIN PORT AUTHORITYVigilance Office
Cochin, 682009

No. VIG/17/CPES/2023

Dated: 24/03/2023

NOTE TO THE CHIEF VIGILANCE OFFICER

Sub: Complaint filed by Cochin Port Employees Sangh relating to irregularities in filling up the post of Manager / Dy. Chief Accountant (Jr) through written qualifying examination in Cochin Port Authority - Reg.

A complaint (PUC-I) was received by this office over CVC portal filed by Shri.K.K.Vijayakumar, President Cochin Port Employees Sangh wherein irregularities were alleged in filling up of Class-III post of Manager/ Dy. Chief Accountant (Jr) vide Dy. Secretary's circular No. A10/1306/2021/S Dated 14.11.2022. (Flay-A)

In the said complaint, the office bearer of the Union has mainly leveled the following allegations:-

1. There is irregularity in filling up of the post of Manager/ Dy. Chief Accountant (Jr), from third year onwards from the date of notification of relevant recruitment rule in the State Gazette.
2. The RR should prescribe "Non-Selection" instead of "Selection" for filling up the posts of Manager/ Dy. Chief Accountant (Jr).

The matter was examined in this office and the following is summited :-

- A. The filling up process as per the enclosed approval (PUC-II) is found to be in order as per the notified RR read with the provisions of Cochin Port RSP Regulations 2010.No vigilance angle was observed in the filling up process. (Flay-B)
- B. The Recruitment Rules for Class-III posts were scrutinized by this office and the following observations are placed for consideration: -
 - a. The RR for Class-III posts under Cochin Port notified vide Kerela Gazette Notification No.12 dated 12.03.2016 prescribes the manner of appointment to Class-III posts through promotion by means of "Selection".
 - b. Prescription of "Selection" in case of promotion upto class-III level is "Not permissible" and clear directions was issued vide DoPT OM No. AB.14017/13/2013-Estt(RR) Dated 31.03.2015 that specified the manner of appointment through promotion by means of "Non-Selection" i.e Seniority -cum -Suitability (Section 5). (Flay-c)
 - c. The Recruitment Rules framed by the Cochin Port for Class-III & Class-IV employees in the year 2016 is not in consonance with the extant Central Government Guidelines prescribed for amendment of Recruitment Rules in the year 2015

As
Manager, Section, C.M.



d. In view of the above, the RR's for all the Class-III and Class-IV posts are required to be amended suitably in line with extant Central Government instructions issued by DoPT in this regard.

As this is an administrative matter that does not involve prima facie any vigilance angle, the complaint may be closed from our end in the CVC portal as administrative matter upon approval of the CVO. Further, the observations w.r.t the Recruitment Rules may be brought to the notice of Management.

Submitted

[Signature]
24/03/2023
Dy. CVO

[Signature]
23/03/23
Chief Vigilance Officer

The observations as stated above may be examined administratively PI.

Chair person.

[Signature]
27/03/23

DyCM place

[Signature]
29/3

Please put up a factual note with RR's.

[Signature]
30/3/23

[Signature]
31/3/23 srps
[Signature]

[Signature]
Manager, A. Section, WAD



The observation made by Dy.Chief Vigilance Officer, has duly been examined and following factuality as per office records are submitted for kind consideration;

2. The Ministry vide letter dt. 25.05.2013 & dt.02.06.2015 had directed that the Recruitment Rules in respect of Class II, III & IV posts are to be prescribed by the Port Trust Board and notified in the State Govt. Gazette as required under Section 132 (1) (a) of MPT Act, 1963. Ministry informed that the proposal need not be sent to the Central Government for approval and notification.

3. Accordingly, a comprehensive review of the Recruitment Rule for Class II, III & IV posts in respect of all Departments has been carried out during July 2015 to September 2015 after several rounds of discussions with the 7 recognized unions including the unions the Labour Trustees represent. The suggestions put forth by the Unions during the meeting have been taken into consideration by the Management while finalizing the RRs. All attempts were made to standardize the RRs in all Departments during this exercise.

4. The Board in its meeting held on 21.10.2015 resolved to approve the proposed amendments to the RR's of Class II, III & IV vide Resolution No.139 Agenda Item (No.C-3) and authorize the Chairman, to proceed with issuance of notification after effecting changes as may be required on specific points referred therein (copy of Agenda & Minutes of Board meeting dt.21.10.2015 placed for kind reference).

Flag-D

5. A joint discussion in the matter was held with the two Labour Trustees and concerned HoD on 16.12.2015 and 17.12.2015. Discussions were also held under the Chairmanship of Dy.Chairman with the Labour Trustees. The RRs were finalized keeping in view the decisions of the Board as above.

6. Subsequently, at the time of finalization, Port Management decided to substitute 'Selection' with 'Non-Selection' in respect of all posts to be filled by promotion where there was no Trade Test and where promotion was based on Seniority-cum-fitness. The Port Management held the view that the change from 'Non-Selection' to 'Selection' may not have any impact in respect of promotions made on the basis of seniority-cum-fitness basis, where 'fitness' is a yard stick for promotion, even in the case of 'Non-Selection'. Hence it was decided to substitute 'Selection' in respect of all Class II Posts as against 'Non-Selection', wherever indicated in the draft RRs. 'Selection' in respect of posts carrying the highest scale of pay in Class -III. Further, wherever, the method of recruitment was 'promotion failing which by Direct Recruitment', 'Selection' has been indicated in all such posts.

Mangem, Secy, GAD.



7. As authorized by the Board, the approved RRs of Class II, III & IV have been forwarded to the Director of press on 08.02.2016 for notification in Kerala Gazette and were notified on 22.03.2016.

8. In the meantime, matter was again placed before the Board Meeting dated 11.02.2016 and the Board vide Resolution No.217 (Agenda Item No.T2) ratified the amendments incorporated in the Recruitment Rules for Class II,III & IV (Agenda & Minutes of the Board Meeting dt.11.02.2016 placed for perusal please).

Play-E

9. In this regard, it may please be noted that the Recruitment Rules are framed by Cochin Port by exercising the Statutory Power vested in it under Section 28 of the MPT Act, 1963, which provides, "Power to make regulations – A Board may make Regulations, consistent with this Act, in respect of conditions of service of employees.

Submitted please.

[Signature]
A10/Manager

[Signature]
Asst.Secretary(Jr)

[Signature]
Sr.Dy.Secretary

[Signature]
Secretary
19/10/23.

[Signature]
Dy.Chairperson

please discuss with senior officers
of SAD & finance.

[Signature]
Secretary R. S.R.D.

[Signature]

[Signature]
Manager, Station, C.A.D.



1

File No: A10/1306/2021-S

Cochin Port Trust

NOTE

Sub:- General Administration - - Filling up the post of Manager/Dy.Chief Accountant (Jr.) against 20% promotion quota.

Note #173 Sangeetha B A, MANAGER A SECTION, 27-Sep-2023 11:42 AM

PUC is the Grievance representation (refer) addressed to the Chairperson, CoPA by Shri K.N.Krishnakumar, S.No.7132, Sr.Accountant, Civil Engg. Dept., regarding filling up of 20% vacancies of Manager/Dy.CA(Jr) cadre on the basis of written qualifying examination.

2. Wherein, the petitioner stated that as per the notified RR, no written test is required for Sr.Accountant having graduation for promotion against 20% quota from 3rd year onwards and so promotion given by GAD from 3rd year onwards through written test conducted among the Sr.Accountants, Sr.O.C.I.O.A and Accountants, is in violation of Rules and curtailed his promotion chances before his retirement on 30th April 2024. Hence he humbly requested to consider his grievance and issue order to examine the violation of RR in details and protect the interest of senior employees in the service.

3. The representation of Shri K.N.Krishnakumar, has duly been examined and following are submitted for kind notice:

(i) The provision for a written qualifying examination for promotion to the 20% quota of Manager/Dy. Chief Accountant (Jr.) was introduced by Cochin Port pursuant to a deliberate decision by the Board of Trustees Meeting No.2 of 2015-16 (Agenda Item No.C-2) (refer) and Resolution No.49 dated 27.05.2015 (refer), with a view to provide better promotional opportunities for qualified candidates to reach upto Class-I Ministerial posts and thereby improve the efficiency in Administration.

(ii) As per the Notified RR (refer) for the post of Manager/Dy.C.A (Jr.), vacancies under 20% quota is to be filled *from among Graduates in the grade of Sr.Accountant / Sr. O.C.I.O.A /Accountant based on seniority among candidates declared qualified in the written qualifying examination.* The filling up the post of Manager under 20% is in strict adherence as per the Notified RR.

(iii)As per clause 30 of RS&P Regulation 2010 'where a doubt arises as to the interpretation of any of these Regulations the matter shall be referred to the Chairman for a decision. Accordingly earlier the matter was discussed and it was confirmed by the Chairman that there is no ambiguity in the RR and written qualifying examination is mandatory for filling up of 20% of the vacancies to the post of Manager/Dy.CA (Jr) from among the graduates in the grade of Sr.Accountant /Sr.O.C.I.O.A/Accountant. Accordingly the above decision of the Chairman is final and binding. Relevant Note sheet is attached for kind reference (refer) (refer).

4. If approved, we may give a suitable reply in line with the above to the grievance representation of Shri K.N.Krishnakumar and draft reply (refer) is submitted for approval please



Ans
Manager A Section, Gms.

2.

Note #174 Usha TS, ASST. SECY-JR.(A-SECTION), 27-Sep-2023 05:23 PM

1. Please see the submissions at Note Para #173 with regard to the Grievance representation (refer) submitted by Shri K.N.Krishnakumar, S.No.7132, Sr.Accountant, Civil Engg. Dept., regarding filling up of 20% vacancies of Manager/Dy.CA(Jr) cadre on the basis of written qualifying examination.
2. In this regard it is informed that the process for filling up the post of Manager under 20% is in strict adherence as per the Notified RR (refer) of Dy.CA (Jr)/Manager. As per clause 30 of RS&P Regulation 2010 'where a doubt arises as to the interpretation of any of these Regulations the matter shall be referred to the Chairman for a decision. Accordingly earlier the matter was discussed and it was confirmed by the Chairman that there is no ambiguity in the RR and written qualifying examination is mandatory for filling up of 20% of the vacancies to the post of Manager/Dy.CA (Jr) from among the graduates in the grade of Sr.Accountant /Sr.OCIOA/Accountant. Accordingly the above decision of the Chairman is final and binding. Relevant Note sheet is attached (refer) (refer).
3. If approved, we may give a suitable reply in line with the above to the grievance representation of Shri K.N.Krishnakumar, Sr.Accountant, Civil Engineering Dept., Accordingly draft reply (refer) is submitted for approval please.
Submitted please.

Note #175 R Satish, SR. DS, 09-Oct-2023 10:38 AM

Draft reply (refer) is submitted for approval please.

Secretary


Note #176 C Premakumari, SECRETARY, 09-Oct-2023 12:35 PM

Draft reply is submitted for approval please.

Note #177 Vikas Narwal, DY. CM, 25-Oct-2023 01:19 PM

As proposed agreed subject to rules.

Note #178 (Seen.) C Premakumari, SECRETARY, 25-Oct-2023 01:43 PM


Manager, Asstins, GAD.

