

**THE HIGH COURT OF KERALA**

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Date: 24-01-2026

HCKL/7786/2025-C3-HC KERALA(2)**OFFICIAL MEMORANDUM**

Sub:- Promotion orders – Irregularities noticed – Directions to review proceedings and to issue fresh orders strictly in accordance with rules – Regarding.

- Ref:-
1. Office Memorandum No. HCKL/9869/2025-C3-HC KERALA dated 18.12.2025 of the High Court.
 2. Office Memorandum of even number dated 17.10.2025
 3. Office Memorandum of even number dated 26.11.2025
 4. Rule 31 of the Kerala State and Subordinate Services Rules, 1958
 5. Rule 15 of the Kerala Judicial Ministerial Subordinate Service Rules, 2024
 6. Rule 28(a)(i) of the Kerala State and Subordinate Services Rules, 1958
 7. Judgment dated 12.11.2025 in WP(C) No.14690/2024.

Attention of all appointing authorities is invited to the references cited above.

The Office Memoranda referred (1 to 3) above had prescribed the procedure, format and mandatory particulars to be followed while issuing orders of promotion and transfer.

On scrutiny of certain promotion and transfer orders issued by appointing authorities, it has been noticed that, in several instances, promotions were ordered in deviation of the above directions and in contravention of the applicable statutory rules.

Irregularities Noticed**I. Promotions in excess of sanctioned strength**

It has been observed that promotions were effected in excess of the sanctioned cadre strength in certain categories.

There is no statutory provision permitting appointments or promotions beyond the sanctioned cadre strength. Promotions made in excess of sanctioned strength are therefore **prima facie irregular and liable to be reviewed and set aside in accordance with law.**

II. Anticipatory promotions and non-existent vacancies

In certain cases, promotions were ordered on the assumption of vacancies likely to arise due to consequential movements.

It is a settled principle of service jurisprudence that:

- promotions can be made only against actual vacancies;
- appointments in anticipation of vacancies are impermissible; and
- consequential or chain vacancies cannot be presumed.

Promotions made on hypothetical or anticipated vacancies are therefore unsustainable.

III. Improper grant of temporary promotions

Temporary promotions under Rule referred (4) above were granted without fulfillment of the mandatory conditions, namely:

- existence of a clear vacancy;
- non-availability of eligible hands; and
- administrative necessity.

Temporary promotions were, in certain cases, ordered simultaneously with regular promotions, which is procedurally impermissible.

Rule referred (4) above cannot ordinarily be invoked either to regularise promotions or to anticipate vacancies. Its application is confined to exceptional circumstances specifically contemplated under the Rules.

Temporary promotion under Rule referred (4) above may be resorted to only where there would otherwise be undue delay in filling up a post in accordance with the prescribed procedure, such as where no eligible hand is immediately available. In all such cases, the specific administrative necessity justifying invocation of the rule shall be clearly recorded in the order itself.

It is also relevant to note that the indiscriminate resort to temporary promotions, without adequate justification, had earlier necessitated the issuance of regulatory instructions by the Government to curb such practices. The permission granted by the Hon'ble High Court in the writ petition referred (7) above shall therefore be exercised with due diligence and responsibility. Accordingly, any deviation from the prescribed norms, in the absence of recorded reasons justifying such action, shall be treated as impermissible.

IV. Violation of probation and eligibility provisions

In certain cases, promotions were granted to employees who had not completed probation in their feeder categories.

As per Rule referred (5) above, read with Rule referred (6) above, only those employees whose probation has been duly declared are eligible for promotion.

Promotions granted in violation of the above provisions are **prima facie irregular and liable to be reviewed and set aside in accordance with law.**

V. Undue gain of seniority and prejudice to others

In several instances, seniority was conferred by reckoning the date of issuance of promotion orders as the effective date, even in the absence of actual vacancies.

Such conferment of seniority, without a valid vacancy and lawful promotion, is contrary to settled principles of service jurisprudence and results in undue advantage to certain individuals, causing prejudice to others in the cadre.

VI. Adverse impact on Civil-Criminal Unit integration

The irregular promotions are likely to adversely affect the proposed integration of Civil and Criminal Units, which is governed by strict statutory norms, cadre strength regulations and seniority principles.

Unauthorized or premature promotions disrupt cadre equilibrium, distort inter se seniority, and impair the orderly implementation of the integration process. Such deviations are likely to result in avoidable litigation and long-term administrative complications.

VII. Non-compliance with prescribed procedure

It has further been noticed that promotion orders, in several instances, do not conform

to the prescribed format, inasmuch as they fail to indicate:

- the date of vacancy;
- the name of the incumbent vacating the post;
- the effective date of promotion;
- the impact on seniority; and
- a clear distinction between regular and temporary promotions.

In certain cases, promotion orders were issued without due verification of vacancy statements, joining reports or relieving orders.

Directions

In view of the foregoing, the following directions are issued for strict compliance by all appointing authorities:

- i. All promotion and transfer orders issued on or after 26.11.2025 shall be reviewed forthwith. Where any such order is found to be inconsistent with the applicable rules or directions, the same shall be cancelled and appropriate consequential action shall be taken in accordance with law.
- ii. Wherever fresh promotion orders are found to be necessary, the same shall be issued strictly in conformity with:
 - the sanctioned cadre strength;
 - the actual vacancies existing as on the relevant date;
 - the eligibility and probation requirements prescribed under the applicable Service Rules; and
 - the directions contained in the Office Memoranda referred (2) and (3) above.
- iii. No promotion shall be given effect to unless the joining reports, relieving orders, and duly authenticated vacancy statements relating to the concerned posts are received and verified.
- iv. The appointing authorities shall examine the circumstances that led to the issuance of irregular promotion orders and take such action as may be considered appropriate, in accordance with law.

v. The following instructions shall be strictly adhered to in all future cases:

- Promotion orders shall be issued strictly category-wise and shall not be combined.
- Regular promotions and temporary promotions shall not be issued in the same order.
- Temporary promotions, wherever unavoidable, shall be effected strictly in accordance with the Office Memorandum referred (1) above and the Rule referred (4) above, and only where a clear administrative necessity in public interest so warrants. The specific reasons necessitating such temporary promotion shall be expressly recorded in the order itself.
- Promotions shall not be ordered in anticipation of vacancies.
- Promotion and transfer orders shall be issued separately.
- Relieving and joining reports shall be obtained and verified before giving effect to any promotion.

All appointing authorities shall submit, at the earliest, a detailed compliance report along with specific remarks and recommendations regarding the above directions.

Non-compliance with the above directions will be viewed seriously.

(By Order)



Sunitha S

ASSISTANT REGISTRAR
(for Registrar (District Judiciary))

To:- All Appointing Authorities.