



GOVERNMENT OF KERALA

Abstract

Local Self Government Department – Establishment – Order in O.A (EKM) no.348/16 filed by Sri.E.P Shajeth, Legal Assistant, Kochi Municipal Corporation – Complied with - orders issued

LOCAL SELF GOVERNMENT (EU) DEPARTMENT

GO(Rt)No.2089/2016/LSGD.

Dated, Thiruvananthapuram, 07/07/2016.

- Read:- 1. Representation dated 10.07.2015 submitted by Sri. E.P Shajeth, Legal Assistant, Kochi Municipal Corporation before the Hon'ble Secretary, Local Self Government Department
2. Order dated 21/03/2016 in O.A(EKM) No.348 of 2016.
3. Letter.No.E6/9397/2016 dated 01/06/2016 from the Director of Urban Affairs.

ORDER

The Hon'ble Kerala Administrative Tribunal in its Final Order dated 21/03/2016 in O.A (EKM) no.348/16 filed by Sri.E.P Shajeth, Legal Assistant, Kochi municipal Corporation, has disposed the Original Application with a direction to Government to take a decision on Annexure A2, in accordance with law, after hearing the Applicant within a period of four months from the date of receipt of the order. Copy of Order along with the copy of the Original application produced by the applicant was received on 22/04/2016. Annexure A2 is the representation dated 10.07.2015 submitted by Sri. E.P Shajeth, Legal Assistant, Kochi Municipal Corporation before the Hon'ble Secretary, Local Self Government Department requesting for fixing proportion as 20% for promotion from the post of Legal Assistant to Head Clerk/Revenue Inspector.

2. Accordingly, the applicant was heard on 27/05/2016. Senior Superintendent of the Directorate of Urban Affairs was also present. The contentions of the petitioner are as the same in Annexure A2 representation. The Director of Urban Affairs has reported that Sri. E.P. Shajeth joined service as LDC /BC (Category 8) in Municipal Common Service on 17.06.2005 through selection of PSC. As per the Municipal Common Service (ministerial and Revenue Branch), qualification and method of appointment Rules 2001, the prescribed qualification for appointment of Legal Assistant post, the basic qualification is a Degree in Law from a recognised University. Being a Law Degree holder, Sri. E.P Shajeth was appointed as Legal Assistant (Category No. 7) by transfer as per the order of the Director of Urban Affairs dated 16.03.2011. In the Municipal Common Service (Ministerial and Revenue Branch), qualification and method of appointment Rules 2001, it has been recommended to make promotions to the post mentioned as Category No.5 (Head Clerk/Revenue Inspector/Manager, Relief Settlement post) from Category No.7 (Legal Assistant) and Category No.6 (Upper

Division Clerk). The appointment to the post of Category No. 7 (legal Assistant) is made from the Category No. 8 of Municipal Common Service (Ministerial and Revenue Branch), qualification and method of appointment Rules 2001,(ie, L.D Clerk/Bill Collector (entry cadre)) having the basic qualification of Degree in Law OR in their absence through direct recruitment. Moreover, it is reported that , the senior most among the officers in the cadre of LDC/BC (Category No. 8) and Senior Clerks Category No.6) in the Municipal Common Service possessing Degree in Law has been appointed as Legal Assistant. The promotion posts of Legal Assistant like Legal Assistant Grade I or Law Officer does not exist in Municipal Common Service. Director of Urban Affairs in his letter read as 3rd paper above has reported that the promotion of Sri. E.P. Shajeth, who has been appointed in a post equivalent to the post of Senior Clerk only on the basis that he possessed a Degree in Law, to the post of HC/RI, overlooking the seniority in the gradation list of Senior Clerk will be against the existing Act and Rules and also a violation of natural justice. In the above circumstance the request of the applicant cannot be considered till the creation post that require legal knowledge to which legal assistant can be promoted. The request of the applicant for promotion can be considered as and when his turn arise according to the existing seniority list.

3. In the circumstances that there exist no promotion post of Legal Assistant like Legal Assistant Grade I or Law Officer in Municipal Common Service and also that the promotion of Sri. E.P. Shajeth, who has been appointed in a post equivalent to the post of Senior Clerk only on the basis that he possessed a Degree in Law, to the post of HC/RI, overlooking the seniority in the gradation list of Senior Clerk will be against the existing Act and Rules. Hence the the request of the applicant is rejected.

4. The direction of the Tribunal read as 2nd paper above is thus complied.

(By Order of the Governor)
Remesan.M.K
Joint Secretary.

To

The Advocate General, Kerala, Thiruvananthapuram
The Director of Local Fund Audit, Thiruvananthapuram
The Director of Urban Affairs, Thiruvananthapuram
The Secretary, Kochi, Corporation.
Sri. E.P Shajeth, Legal Assistant, Kochi Municipal Corporation
The Director, Information Kerala Mission, Thiruvananthapuram.
Stock file/Office Copy.

Forwarded/By Order,

Section Officer