



GOVERNMENT OF KERALA

Abstract

Local Self Government Department - Engineering Wing - Establishment-promotion as Senior Clerk with retrospective effect- representation submitted Sri. M. Rejaneekanth, Senior Clerk, LSGD Sub Division, Mulanthuruthy-disposed of in compliance with the Order dated 12/02/2016 of the KAT in O.A. No. 224 of 2016- orders issued

LOCAL SELF GOVERNMENT (EW) DEPARTMENT

G.O. (Rt) No.2123/2016/LSGD. Dated, Thiruvananthapuram, 14-07-2016

- Read:
1. Representation dated 20/05/2015 submitted by Sri. M. Rejaneekanth, Senior Clerk, LSGD Sub Division, Mulanthuruthy
 2. Order dated 12/02/2016 of the KAT in O.A. No. 224 of 2016.
 3. Letter No. A1/1965/2015/CE/LSGD dated 19/12/2015 and 21/03/2016 from the Chief Engineer, LSGD, Thiruvananthapuram.

ORDER

As per the paper read as paper 1st above, Sri. M. Rajaneekanth, Senior Clerk, LSGD Sub Division, Mulanthuruthy, represented Government for giving retrospective effect to his promotion as Senior Clerk in the LSGD Engineering Wing. As per the Order read as paper 2nd above, the Honourable Kerala Administrative Tribunal has directed the Government to take appropriate decision on the representation in accordance with law after obtaining the remarks of the Chief Engineer, LSGD, thereon. As per the letter dated 21/03/2016, read as paper 3rd above, the Chief Engineer, LSGD has furnished his comments on the representation.

2. On examination of the representation and the report of the Chief Engineer, the following facts are revealed.

(a). Sri. M. Rajaneekanth entered Government Service as Lower Division Clerk in the Public Works Department. As part of the decentralization of powers, the excess posts in the Public Works Department were shifted to the Local Self Government Department. Accordingly, the incumbent had opted for permanent absorption to the Local Self Government Department and as per G.O.(Ms) No. 40/2012/LSGD dated 17/02/2012, he was absorbed as L.D. Clerk in the LSGD.

(b). A combined seniority list of the LD Clerks absorbed to the LSGD Engineering Wing from the Public Works and Irrigation Departments were prepared and finalized by the Department and the applicant was also included in

this Seniority list. Based on this Seniority list, the applicant was promoted as Senior Clerk also in the LSGD Engineering Wing.

(c). Sri. M. Rejaneekanth, represented that as per Rule 13A(i)(a) of the KS & SSRs Part II, the Chief Engineer, PWD has promoted him as Senior Clerk, vide his order dated 30/04/2013, with effect from 11/08/2008 and hence he is eligible for salary and allowances in the post of Senior Clerk from 30/04/2012.

3. Sri.Rejaneekanth was absorbed in the LSGD- Engineering Wing permanently as LD Clerk. Hence the preparation of Seniority list and granting of promotion are vested with the Chief Engineer, LSGD, the Head of the Department. Therefore, the promotion with retrospective effect as ordered by the Chief Engineer, PWD cannot be implemented. Further, if the order of promotion of the Chief Engineer, PWD is implemented in this particular case, it will scuttle the settled seniority among the clerks in the LSGD Engineering Wing. For these facts the representation read as paper 1st above is rejected and thereby the direction contained in the Order read as paper 2nd above is complied with.

(By Order of the Governor)

MINI M.

Deputy Secretary to Government

To

1. Sri. M. Rajaneekanth, Mannuvelil House, Keezhoor, Keezhoor P.O., Thalayolaparambu, Kottayam, 686605.
2. The Chief Engineer, LSGD Thiruvananthapuram.
3. The Advocate General, Thiruvananthapuram(with C/L)
4. The Accountant General(Audit/A&E), Kerala, Thrissur.
5. The Director, Information Kerala Mission, Thiruvananthapuram.
6. The Web & New Media, I & PR Department.
7. Stock File/Office Copy.

Forwarded/By Order



Section Officer

