



GOVERNMENT OF KERALA

Abstract

Local Self Government Department – Establishment – O.A No.1717/16 filed by Shri. J Devadasan, Superintendent, Kodungallur Municipality, Thrissur – Order dated 28/7/2016 of the Hon. Kerala Administrative Tribunal- Complied with - Orders issued.

LOCAL SELF GOVERNMENT (EU) DEPARTMENT

GO(Rt)No.3418/2016/LSGD. Dated, Thiruvananthapuram, 15.12.2016

Read:-

1. Order No. E6-16357/16 dated 22.07.2016 of the Director of Urban Affairs, Thiruvananthapuram.
2. Appeal petition dated 23.07.2016 submitted by Shri. J Devadasan, Superintendent, Kodungallur Municipality, Thrissur before Government (Annexure A4).
3. Order dated 28/7/2016 of the Hon. Kerala Administrative Tribunal in O.A No.1717 of 2016 filed by Shri. J Devadasan, Superintendent, Kodungallur Municipality
4. Letter.No.E6-19682/2016 dated 09.11.2016 from the Director of Urban Affairs, Thiruvananthapuram.

ORDER

As per Order read as 1st paper above the Director of Urban Affairs issued transfer and postings and promotions in the cadre of Superintendents of Municipal Common Service. Aggrieved by this order, Sri.J. Devadasan, Superintendent, Kodungallur Municipality filed appeal before Government, as per 2nd paper above. His complaint is that his request for transfer to Thiruvananthapuram Corporation has not been considered in this transfer order and the following promotees are retained in Thiruvananthapuram Corporation against transfer norms;

- 1) Smt. P. Gayathri

(2) G. Manikantan,

(3) A.B. Vijayakumar,

(4) T. Mahesh.

(2) The appellant submitted that no provisional transfer list is published prior to passing of this transfer and he has only 22 months to retire and he is eligible to get transfer to any one of the vacancies in Thiruvananthapuram Corporation where the promotees are retained or in the next arising vacancy.

(3) Sri. J. Devadasan, Superintendent also filed O.A No. 1717/2016 before the Kerala Administrative Tribunal. The Hon. Tribunal in the Order read as 3rd paper above directed Government to consider and pass orders on Annexure A4 representation, in accordance with law, after hearing the applicant and persons likely to be affected by the transfer of the applicant within two months from the date of receipt of a copy of this order.

(4) In accordance with the direction of the Hon. Kerala Administrative Tribunal the Under Secretary, Local Self Government Department heard the applicant on 4/10/2016. In the hearing he submitted that he has plenty of outstation service and the Director of Urban Affairs has issued transfer order without publishing the draft transfer list as per norms and the retention of the promotees in Thiruvananthapuram Corporation is against norms.

(5) The Under Secretary also heard the affected parties (Smt. P. Gayathri, Sri. G. Manikantan, A.B. Vijayakumar and Sri. T. Mahesh, Superintendents of Thiruvananthapuram Corporation) on 21/10/2016. During the hearing they submitted that Sri. Devadasan has only 4 Years and 2 months Service outside Thiruvananthapuram. While he was continuously working as RI/HC from 9/1/2012 he got promotion as Superintendent as per Order dated 11/5/2015 and got posting in Kodungallur Municipality. They submitted that after service in Neeleshwaram, Vikom, Mavelikkara and Cherthala for several years, they got

posting in Thiruvananthapuram Corporation and got promotion as Superintendent while working in Thiruvananthapuram Corporation and by that reason the Rule 20 of Transfer norm is not applicable to them. They added that Sri. Devadasan is requesting for transfer without even completing even two years in new station.

(6) Government have examined the case in detail with the report read as 4th paper above of the Director of Urban Affairs and with the transfer norms of LSGD issued under GO(Ms) No. 105/2007/LSGD dated. 4/4/2007. As per Para 27 of this transfer norm, the proposed transfer list should be published in notice board as well as the web-site. This has not done in this case. By that reason Sri. Devadasan could not submit objection against that transfer list. More over the norm 14 insist that as far as possible those who retire within 2 years shall be posted in their station of choice. The para 20 of transfer norms insists that vacancies to be filled up by promotion shall be first filled by transfer and resultant vacancy shall be filled up by promotion. In this case, the Director of Urban Affairs issued transfer and promotion in the same order without publishing the draft transfer list. It is not advisable to cancel the transfer Order, because so many persons were promoted and transferred and subsequent promotions and transfers happened in the matter. If the transfer/promotion order dated 22/7/2016 is cancelled, it will cause many administrative inconvenience to the department and a number of persons in the department will suffer. There will be a retirement vacancy of Superintendent in Thiruvananthapuram Corporation on 31/1/2017. The date of retirement of Sri. J. Devadasan is 31/5/2018. In the Annexure A4 he has requested to post him in any one of the vacancies of promotees or in the next arising vacancy.

(7) In the above circumstances considering the fact and circumstances of the case, the Director of Urban Affairs is directed to transfer Sri.J. Devadasan

to Thiruvananthapuram Corporation in the next arising vacancy of Superintendent on 31/1/2017, according to his eligibility.

(8) The appeal petition dated 23.07.2016 filed by Shri. J Devadasan read as 2nd paper above is disposed of accordingly in compliance with the Court Order read as 3rd paper above.

(By Order of the Governor)

RESMI RAVEENDRAN
Under Secretary

To

1. The Advocate General, Kerala, Thiruvananthapuram(With C/L)
2. The Director of Urban Affairs, Thiruvananthapuram
3. Shri. J Devadasan, Superintendent, Kodungallur Municipality,
Thrissur- 680664
4. The Executive Director, Information Kerala Mission,
Thiruvananthapuram (For publishing this order in the web-site).
5. Stock file/Office Copy.

Forwarded /By Order


Section Officer