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9/6/14



**GOVERNMENT OF KERALA**

**Abstract**

Local Self Government Department – Establishment – Order of the Hon'ble Kerala Administrative Tribunal dated 15.03.2017 in O.A.No.422/2016 filed by Smt.Nashrathneesa, Lower Division Clerk, PWD, Buildings Division, Palakkad – Complied with – Orders issued.

**LOCAL SELF GOVERNMENT (ERA) DEPARTMENT**

**G.O.(Rt) No.1850/2017/LSGD**

**Dated, Thiruvananthapuram, 05.06.2017.**

- Read:
- 1) G.O.(P) 187/2000/LSGD dated 04.07.2000.
  - 2) G.O.(P) 254/15/LSGD dated 31.07.2015.
  - 3) Proceedings No.ED1-7132/08 dated 06.08.2015 from Chief Engineer, PWD, Thiruvananthapuram.
  - 4) Representation dated 10.04.2017 from Smt.Nashrathneesa, Lower Division Clerk, PWD Buildings Division, Palakkad.
  - 5) Order of Hon'ble Kerala Administrative Tribunal dated 15.03.2017 in OA No.422/2016 filed by Smt.Nashrathneesa, Lower Division Clerk, PWD, Buildings Division, Palakkad.

**ORDER**

As per Government Order read as 1<sup>st</sup> paper above, Government have fixed clear norms for deployment of staff to Local Self Government Department. On the basis of the order, Government have invited option from the willing persons for deployment from various departments. When the willing persons are found inadequate junior most will be deployed as per rules. Accordingly the list of junior most clerks with their option has been called for from Public Works Department.

2) On the basis of the list of officials obtained from Public Works Department, Government as per the order 2<sup>nd</sup> read above issued order of deployment. In this order Government had directed all the head of departments to relieve all deployees so as to enable them to join duty in Local Self Government Institutions before 31.08.2015. Thus Public Works Department issued orders for relieving the petitioner on 06.08.2015. The petitioner was deployed to Block Panchayat, Palakkad but she continued illegally in PWD Buildings Division, Palakkad. When it came to the notice of the officer of Chief Engineer, Controlling Officers were directed to relieve the incumbent immediately. Hence she was about to join the Palakkad Block Panchayat another person had already joined in that post. Hence, Smt.Nashrathneesa, Lower Division Clerk, PWD Buildings Division, Palakkad has filed O.A.No.422/2016 before the Hon'ble Kerala Administrative Tribunal and Hon. Tribunal granted stay of her deployment.

3) The Hon'ble Kerala Administrative Tribunal, in the final order read as 5<sup>th</sup> paper above, has directed the 1<sup>st</sup> respondent i.e., Secretary to Government, Local Self Government Department to consider and pass orders on representation read as 4<sup>th</sup> paper above after affording an opportunity of being heard to the applicant within a period of two months from the date of receipt of a certified copy of the Order.

4) As per the final order of the Hon'ble Kerala Administrative Tribunal the applicant was heard on 17.05.2017. She said that the authorities did not relieve her in time to join at Block Panchayat, Palakkad. So she continued in that office. When she was relieved from the office, to join duty in the office of Secretary, Block Panchayat, Palakkad, another person had already joined that seat through deployment on 11.12.2015. Hence she approached the Tribunal and obtained Stay Order. She alleged that she was deployed to the office which is far away from her residence. Deployment list was prepared not looking into the seniority and also without inviting options. She pleaded to issue order allow her to continue in Public Works Department. The officer from Public Work Department stated that Smt.Nashrathneesa was junior most officer during the period of deployment. Hence her name was included in the deployment order. Moreover option was invited for deployment to Local Self Government Institutions, sufficient number of options were not received for deployment to Local Self Government Institutions. The petitioner, being the junior as on the date of calling option, was included in the list.

5) Government have examined the case in detail. Though the applicant was deployed to Palakkad Block Panchayat as per reference 3<sup>rd</sup> cited, the applicant was not relieved from PWD, merely on the ground that no substitute had been posted in her place. The G.O.(P) No.254/15/LSGD dtd.31.07.2015 does not say this condition. As, such her continuance in her parent department is a clear violation of the conditions of the said Government order. Therefore, Chief Engineer(PWD) may be directed to take urgent steps to deploy the applicant as per the existing rules, after obtaining option from her. Thus the order of the Hon'ble Kerala Administrative Tribunal complied with accordingly.

By order of the Governor,

**JAYASREE M.  
UNDER SECRETARY**

To

Smt.Nashrathneesa, Lower Division Clerk, PWD Buildings Division, Palakkad.  
The Advocate General, Thiruvananthapuram. (with Covering Letter)  
The Chief Engineer, Public Works Department, Thiruvananthapuram.  
Information Kerala Mission, Thiruvananthapuram.  
Information & Public Relations (Web & New Media) Department. (For uploading  
in the Government Website)  
Stock File/Office Copy.

Forwarded/by order

  
Section Officer