



GOVERNMENT OF KERALA

Abstract

LSGD - Engineering Wing - OA No. 325/2017 filed before the Hon'ble KAT by Sri. Rajesh.D. Nair, Overseer Gr I, Meenachil Grama Panchayath & others - Order dated 13.07.2017 of the Hon'ble Kerala Administrative Tribunal- Complied with - Orders issued

LOCAL SELF GOVERNMENT (EW) DEPARTMENT

GO(Rt) No.4191/2017/LSGD.

Dated, Thiruvananthapuram, 28.12.2017.

- Read: 1 Representation dated 27.01.2017 from Sri. Rajesh.D. Nair & others.
2 Order dated 13.07.2017 of the Hon'ble Kerala Administrative Tribunal in OA No. 325/2017.
3 Letter no.E22/123/2013/CE/LSGD dated 14.09.2017 from the Chief Engineer, LSGD.

ORDER

The Hon'ble Kerala Administrative Tribunal as per its order read as 2nd paper has disposed of the OA No. 325/2017 filed by Sri. Rajesh.D. Nair, Overseer Gr I, Meenachil Grama Panchayath & others directing the 1st respondent, the Govt to consider the Annexure A21 representation and pass orders thereon in accordance with law within a period of two months from the date of receipt of a copy of the order.

2. The petitioners are Overseers Gr I under diploma quota and their contentions in the Annexure A21 representation, are that the ratio of 3:1 for promotions to the cadre of Asst.Engineer should be applicable to the cadre strength and not to the vacancies, as prescribed in the special rules and in KS&SSRs, but the promotions are being made in violation of these rules. It is also argued that when a Asst.Engineer in certificate quota retires, the present practice is effecting promotions from the certificate quota only though senior hands are available in diploma quota. The above ratio should only be made applicable to the newly appointed officials in the department after its formation, rather than the absorbed Asst.Engineers from other depts. Therefore, it has been requested to review the promotions made in LSGD Engg Wing and make necessary modifications in accordance with existing rules.

3. The Chief Engineer, LSGD, vide letter read as 3rd paper, has reported that as per Note 4 to Rule 3 of the Special Rules of the Department (Kerala Local Self Government Service Special Rule 2007), the ratio fixed for appointment by direct recruitment and by transfer, ie 3:1 should be applied to the cadre strength of posts of Assistant Engineer and not to the vacancies. The total cadre strength of Assistant Engineer is 1094, which is fixed in the ratio 6:3:1. As such there is 656 Assistant Engineers in Direct recruitment, 328 Assistant Engineers in Diploma Quota and 109 Assistant Engineers in Certificate quota. This ratio is always being

maintained in this Department as stated in the special rule including the absorbed officials. There is no separate group namely absorbed group as alleged by the petitioner. All the incumbents are clearly absorbed and freshers are arrayed in the Seniority List based on their appointment/qualifications as specified in the special rules. If the promotions are made in accordance as stated by the Petitioner in the ratio 3:1 against the above 53 retirement vacancies, the cadre strength in diploma quota will exceed 352 against the fixed cadre strength of 328 and the cadre strength of certificate holders will reduce to 94 as against the strength of 109, which is in violation of the special rules (rule 3, note 4) and this will lead to serious litigations.

4. Government have examined the matter in detail and in view of the report of the Chief Engineer, it is found that in order to maintain the ratio of 3:1 among the diploma and certificate holders in the Asst.Engineer cadre, the vacancy arising in the cadre should be filled up from the senior most officials in the same cadre only. Therefore the promotions being made by the Chief Engineer in the above manner is in order and is in accordance with the provisions of existing Special Rules. Hence the contentions put forth by the petitioners in the Annexure A21 representation deserves no merit and is hereby declined.

5. The order of the Hon'ble KAT in CA No. 325/2017 read as 2nd paper above, is complied with accordingly.

(By Order of the Governor)

SREEJITH.V.P

Under Secretary to Govt.

To

- 1 Sri. Rajesh.D. Nair, Overseer Gr I, Meenachil Grama Panchayath, Kottayam.
- 2 The Advocate General, Thiruvananthapuram Branch (with Covering Letter).
- 3 The Chief Engineer, LSGD, Thiruvananthapuram.
- 4 The Executive Director, Information Kerala Mission.
- ✓ 5 The Web & New Media, I & PRD.
- 6 Stock File/Office Copy.

Forwarded / By Order



Section Officer