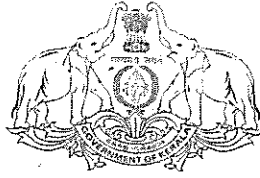


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GOVERNMENT OF KERALA

Abstract

Local Self Government – Panchayat Department – Order dated 17.11.2017 in OA (EKM) No. 2332/2017 filed by Sri. M.A. Mohanan before the Hon'ble Kerala Administrative Tribunal - Complied with - Orders issued.

LOCAL SELF GOVERNMENT (EPA) DEPARTMENT

G.O.(Rt)No.228/2018/LSGD

Dated, Thiruvananthapuram, 24/01/2018

- Read :
1. G.O(P) No. 03/2017/P&ARD, dated 25.02.2017.
 2. Order dated 17.11.2017 in OA (EKM) No. 2332/2017 filed by Sri. M.A. Mohanan before the Hon'ble Kerala Administrative Tribunal.
 3. E3-101/14 dated 21.06.2017 of the proceedings of the Director of Panchayats, Thiruvananthapuram.
 4. E3-101/14 dated 13.10.2017 of the proceedings of the Director of Panchayats, Thiruvananthapuram.
 5. Letter No. E3-37248/2017 dated 22.11.2017 of the Director of Panchayats, Thiruvananthapuram.

ORDER

Sri. M.A. Mohanan has filed OA (EKM) No. 2332/2017 before the Hon'ble Kerala Administrative Tribunal with a prayer to cancel the proceedings of the Director of Panchayats read as 4th paper above and requested to repost him in Mokery Gramapanchayat, Kannur as Head Clerk.

2. By disposing the OA (EKM) No. 2332/2017 filed by Sri. M.A. Mohanan, the Hon'ble Kerala Administrative Tribunal in their order read as 2nd paper above have directed the 1st respondent, ie the Government to take a decision on Annexure A6 appeal after hearing the applicant and the additional 4th respondent within a period of two months from the date of receipt of a certified copy of this order, which will be produced along with a copy of the Original Application.

3. The applicant, a native of Thalassery, Kannur District is aggrieved by his transfer from Mokery Gramapanchayat to Ayyankunnu Gramapanchayat, Kannur District, a station situated more than 90 kms away from his residence. It is stated that within a short span of 14 months, he had been transferred 4 times consecutively. The transfer is in total violation of Government order read as 1st paper above; whereby the Government have issued modified transfer norms to Government Servants. The Hon'ble Kerala Administrative Tribunal, by an interim order dated 20.10.2017 had stayed the implementation of the transfer order, as far as the applicant is concerned, for a period of one month; if the applicant has not been relieved and a substitute has not joined as on that day. But the substitute posted, Sri. Sajith Kumar, the fourth respondent had joined duty on 19.10.2017, and hence Sri. M.A. Mohanan was relieved from his duties. The Hon'ble Tribunal, in their final order dated 17.11.2017 have directed the

Government to take a decision on Annexure A6 Appeal after hearing the applicant and the additional 4th respondent Sri. Sajith kumar, within a period of two months.

4. In pursuance to the direction of the Hon'ble Kerala Administrative Tribunal, the applicant and the fourth respondent were heard in person by the Under Secretary to Government on 05.01.2018. During hearing, the applicant deposed that transfer is in violation of the norms issued vide G.O read as 1st paper above, as he was transferred 4 times consecutively within a short span of 14 months and Ayyankunnu Gramapanchayat is 90 kms away from his residence and his juniors were given convenient posting. It is also informed that he and his wife are undergoing infertility treatment and also having the responsibility to look after mother-in-law, who is bedridden.

5. The Director of Panchayats has reported that the applicant Sri. M.A. Mohanan was transferred on the basis of a complaint received from the President, Mokerly Gramapanchayat. It is reported that the behavior of the applicant towards the staff and public is strange and indifferent which caused lot of problems in the smooth functioning of the office. Hence the department was forced to transfer him immediately on administrative convenience vide order read as 4th paper above. A good and healthy relationship between the elected representatives and officials in a Gramapanchayat office is an inevitable factor for the smooth functioning of the office. Otherwise it will lead to miseries to public in providing needful service.

6. Government have examined the matter in detail. On going through the case in detail, it is inferred that the transfer of the applicant in question is purely on administrative grounds, as envisaged as per Government order read as 1st paper above, so as to maintain decorum and smooth functioning of the office. Hence the Annexure A6 appeal dated 21.10.2017 preferred by the applicant before the Government is declined and are pleased to order that the Director or Panchayats will consider the request for transfer in respect of the applicant favourably and post him in a place other than the Mokerly Gramapanchayat during the General Transfer 2018.

7. The order of the Hon'ble Kerala Administrative Tribunal read as 2nd paper above is thus complied with accordingly.

(By Order of the Governor)

SREEJITH. V.P
UNDER SECRETARY TO GOVT.

To

1. The Advocate General, Kerala, Thiruvananthapuram Branch (with covering letter).
2. The Director of Panchayats, Thiruvananthapuram.
3. The Deputy Director of Panchayats, Kannur. (Through the Director of Panchayats).
4. Sri. M.A. Mohanan, Head Clerk, Ayyankunnu Grama Panchayat, Kannur (Through the Director of Panchayats).
5. Sri. Sajith Kumar, Head Clerk, Mokerly Grama Panchayat, Kannur (Through the Director of Panchayats).
6. Web & New media, I&PRD.
7. The Director, Information Kerala Mission (for publishing on official Website)
8. Stock File/Office Copy (File No. 302/EPA1/17/LSGD)

Forwarded/By Order


Section Officer