



GOVERNMENT OF KERALA

Abstract

LSGD - Engineering Wing – OA(EKM)2793/2017 filed by Sri. P.N. Jayaprakash,
Asst.Engineer - Order dated 29.11.2017 of the Hon'ble Kerala Administrative
Tribunal- Complied with - Orders issued

LOCAL SELF GOVERNMENT (EW) DEPARTMENT

GO(Rt) No.863/2018/LSGD.

Dated, Thiruvananthapuram, 28/03/2018

Read:- 1 Representation dated 03.10.2017 from Sri. P.N. Jayaprakash.
2 Order dated 29.11.2017 of the Hon'ble Kerala Administrative
Tribunal in OA(EKM)2793/2017
3 Letter no.E3/1723/2017/CE/LSGD dated 09.02.2018 from the
Chief Engineer, LSGD.

ORDER

As per the Order read as 2nd paper above, the Hon'ble Kerala Administrative Tribunal have disposed of OA(EKM)2793/2017 filed by Sri. P.N. Jayaprakash, Asst.Engineer directing the 1st respondent, the Government to consider and pass appropriate orders on Annexure A3 appeal read as 1st paper, preferred by the applicant within a period of two months from the date of receipt of a copy of the order.

2. The Annexure A3 appeal petition has been preferred by the applicant aggrieved by the rejection of his application for 4th TBHG promotion on completion of 27 years of service, by the Chief Engineer, LSGD.

3. The applicant entered in service as Work Superintendent in Municipal Common Service through KPSC on 18.05.1987 and he later got appointment through PSC as Overseer Gr III in Irrigation Department on 05.10.1990 in the same pay scale as that of the former post. He was granted first TBHG promotion on completion of 10 years of total service w.e.f 18.05.1997 and 2nd TBHG promotion on completion of 18 years w.e.f 18.05.2005. Subsequently, he was appointed by transfer as Overseer Gr I in Irrigation Department itself through Kerala Public Service Commission on 01.10.2007. Thereafter, he was redeployed to LSGD Engineering Wing as Overseer Gr I on 27.07.2008. The incumbent was further granted 3rd TBHG promotion on completion of 23 years w.e.f 17.05.2010 by taking his entry cadre as Work Superintendent without considering the fact that he had got by transfer appointment as Overseer Gr I, through KPSC on 01.10.2007 .

4. In the Annexure A3 appeal petition, the applicant contented that he completed 27 years of qualifying service in the entry post on 17.05.2014 and is qualified for promotion to the post of Asst.Exe. Engineer. Accordingly, he is eligible for 4th TBHG promotion on completion of 27 years of service w.e.f 18.05.2014 in the pay scale of Rs 22360-37940.

5. The Chief Engineer, LSGD as per the letter read as 3rd paper, has reported that since the applicant got by transfer appointment to the post of Overseer Gr I in Irrigation Department on 01.10.2007, that appointment should be considered as direct appointment for allowing TBHG promotion. Therefore, he is eligible for further TBHG promotion considering the appointment in Overseer Gr I as entry post and as such the 3rd TBHG promotion granted to him w.e.f 17.05.2010 was an erroneous one. Accordingly, he is not eligible for 4th TBHG promotion on completion of 27 years of total service.

6. Government have examined the matter in detail. As per provision at para 3 in Circular no. 46/2008/Fin dtd 08.08.2008, appointment by transfer is treated equivalent to direct recruitment for allowing the benefit of TBHG. Therefore, the applicant is not eligible for 3rd as well as 4th TBHG promotion as he is only entitled for 1st TBHG promotion on completion of 8 years of service in the entry post of Overseer Gr I.

7. In the above circumstances, the contentions put forth by the applicant in Annexure A3 appeal petition deserves no merit and the same is hereby declined. The Chief Engineer is also directed to cancel the erroneous order sanctioning 3rd TBHG promotion to the applicant.

8. The order of the Hon'ble KAT in OA(EKM)2793/2017 read as 2nd paper above is complied with accordingly.

(By Order of the Governor)

SREEJITH.V.P

Under Secretary to Govt.

To

- 1 Sri. P.N. Jayaprakash, Asst.Engineer (*through the Chief Engineer, LSGD*)
- 2 The Advocate General, Thiruvananthapuram (*with Covering Letter*).
- 3 The Chief Engineer, LSGD, Thiruvananthapuram. (*with service book*)
- 4 The Accountant General, (A&E/Audit) of Kerala, Thrissur
- 5 The Executive Director, Information Kerala Mission.
- ✓ 6 The Web & New Media, I & PRD.
- 7 Stock File/Office Copy.

Forwarded / By Order



Section Officer