



GOVERNMENT OF KERALA

Abstract

Local Self Government Department - Rural Development Department - Establishment - Order of the Hon'ble Kerala Administrative Tribunal dated 22.12.2017 in OA No.995/2015 filed by Sri. George Thomas – Complied with - Orders issued.

LOCAL SELF GOVERNMENT (ERA) DEPARTMENT

G.O.(Rt) No.2188/2018/LSGD

Dated, Thiruvananthapuram, 08.08.2018.

- Read: 1. Representation from Sri. George Thomas (Annexure-A8 in OA)
2. Order of the Hon'ble Kerala Administrative Tribunal dated 06.11.2014 in OA No. 1943/2014 filed by Sri. George Thomas.(Annexure-A12 in OA)
 3. Order of the Hon'ble Kerala Administrative Tribunal dated 22.12.2017 in OA No.995/2015 filed by Sri. George Thomas.
 4. Letter No. 10905/Estt.B1/2015/CRD dated 03.02.2018 from the Commissioner for Rural Development, Thiruvananthapuram.

ORDER

Sri. George Thomas, Block Development Officer (retired), filed O.A No.985/2015 challenging the orders issued vide G.O (Rt)1470/15/LSGD dated 16.05.2015, in which his request for reassigning the date of promotion to the post of Block Development Officer as 16.2.11, ie., the date on which special rules came in to effect, was rejected. The Hon'ble Kerala Administrative Tribunal, as per order read as 3rd paper above, directed the first respondent, Government, to consider Annexure A8 representation afresh as directed in Annexure A12 order; specifically considering as to why the applicant's request for being posted as Secretary, Block Panchayat was not considered earlier and pass necessary orders within a period of three months from the date of receipt of a certified copy of the order.

2. In compliance with the directions of the Hon'ble Kerala Administrative Tribunal, Under Secretary, Local Self Government Department heard the applicant on 09.02.2018.

3. During the hearing, the applicant reiterated his claim made in the representation, read as 1st paper above, and requested to place him in between Sri.M. Gopalakrishnan and Sri. C. Sakthidharan in the seniority list of Block Development Officers and promote him as Assistant Development Commissioner with effect from 22.02.2013, the date on which his junior was promoted to the above post.

4. The Commissioner for Rural Development as per letter read as 4th paper above, reported that though the applicant has opted for posting as Secretary, Block Panchayath, the same was not given, since such posting at the fag end of March would result in administrative inconvenience.

5. The matter was examined in detail. While working as Senior Superintendent, the name of Sri. George Thomas (No. 12 in Seniority) was suggested for posting as BDO on 28.3.11, but he was not posted and his junior Sri.Sasidharan was appointed as BDO vide proceedings No.5325/Estt.B 1/11 /CRD dated 24.3.11, ignoring seniority and option. Similarly, several Senior Superintendents were given appointment as BDO and Sri.George Thomas was exempted from appointment as BDO till 2014 due to administrative convenience during the fag-end of the financial year. Since many of his juniors had been given regular appointment as Secretary, Block Panchayath, Sri. George Joseph also should have been given appointment unless he was otherwise found ineligible for that post. It has not been reported that Sri.George Joseph was ineligible to the post of Secretary, Block Panchayath as per the special rules or otherwise. But it is reported that Sri. George Joseph was denied appointment citing ground of administrative convenience. Administrative convenience is neither sufficient nor justifiable ground for denial of promotion to an otherwise eligible hand.

6. In the above circumstances, Government are pleased to order the following:

- i) The date of transfer appointment of Sri. George Thomas as BDO is regularised with effect from 24.03.2011, the date on which Sri.Sakthidharan was posted as BDO;
- ii) Sri. George Thomas is granted notional promotion, to the cadre of Assistant Development Commissioner with effect from 22.02.2013, the date of promotion of his immediate junior Sri..Radhakrishnan, as Assistant Development Commissioner, on condition that Sri. George Thomas is not

eligible for back arrears on notional promotion, but only for pensionary benefits, based on the fixation consequent on notional promotion.

7. The order of the Hon'ble Kerala Administrative Tribunal, read as 3rd paper above, is thus complied with.

By Order of the Governor

**PREETHA K.S.
DEPUTY SECRETARY**

To

Sri. George Thomas, Block Development Officer (Rtd), Elanjipurathu House,
Manimala P.O., Kottayam, Kerala 686543

The Advocate General, Kerala, Thiruvananthapuram (with C/L)

The Commissioner for Rural Development, Thiruvananthapuram.

The Principal Accountant General (Audit), Kerala, Thiruvananthapuram

The Accountant General (A & E), Thiruvananthapuram/Thrissur.

✓ The Director, Information Kerala Mission, Thiruvananthapuram.

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Section Officer