



GOVERNMENT OF KERALA

Abstract

Local Self Government Department – Town & Country Planning Department – Common Jugdement dated, 03.07.2018 in the OA 1807/2015, 1012/2015 & 1760/2015 filed before the Hon'ble Kerala Administrative Tribunal - complied with - orders issued.

**LOCAL SELF GOVERNMENT (EU) DEPARTMENT**

**GO(Rt)No.2989/2018/LSGD.**

**Dated, Thiruvananthapuram 24/11/2018**

Read:-1. G O(MS) No. 178/2011/LSGD Dated 09.08.2011.

2. GO (MS) No.73/2014/LSGD. Dated 06/05/2014.

3. Jugdement dated, 03.07.2018 in the OA 1807/2015 filed before the Hon'ble Kerala Administrative Tribunal

4. Letter No. A3/7051/2016 dated 29.08.2018 from the Chief Town Planner.

**ORDER**

In the G O read as 1<sup>st</sup> paper above 25 posts of Deputy Town Planners were created in the Town and Country Planning Department. As per the existing Special Rule for the Kerala Town and Country Planning Department issued under S.R.O No. 105/2001m, the appointment through the Direct recruitment in the cadre of Deputy Town planner can be done only in the absence of the qualified hands for promotion. The Chief Town planner has requested Government to report the above 25 vacancies to the Kerala Public Service Commission for Direct Recruitment as there was no qualified hands for promotion to this category on the basis of the Government order read as 2nd paper above. Hence the above 25 vacancies of Deputy Town planners were reported to Kerala Public Service commission for direct recruitment. Aggrieved by this, various O.As were filed before the Hon.Kerala Administrative Tribunal.

2. In the common order dated 03.07.18 in OA Nos. 1807/2015, 1012/2015 & 1760/2015 the Hon'ble Kerala Administrative Tribunal has ordered as follows.

“.....In the result, it is declared that Annexure A4 order (GO (MS) No.73/2014/LSGD. dated 06/05/2014) cannot amend the Special Rules for the Kerala Town and Country Planning Service, 2001. There will be a direction to the 1<sup>st</sup> and 2nd respondents to consider the filling up of the vacancies in the cadre of Deputy Town Planner by promotions from the cadre of Assistant Town Planner as provided under the Special Rules expeditiously. Necessary orders in this regard shall be issued within two months from the date of receipt of a copy of this order. The PSC shall not take any further actions pursuant to Annexure A8 notification without statutory amendment to Rule 2 of the Special Rules. O.A.

(EKM)No.1012 of 2015 and O.A.No.1807 of 2015 are disposed of with the above directions. O.A.No.1760 of 2015 is dismissed”.

3: Government have examined the matter in detail. As per the existing Special Rule for the Kerala Town and Country Planning department issued under S.R.O No.105/2001, the appointment through the Direct Recruitment in the cadre of Deputy Town Planner can be done only in the absence of the qualified hands for promotion. The proposal for amendment to the existing Special Rule is under consideration of Government. Therefore as per the existing Special Rules, the appointment to the post of Deputy Town Planner can be made through promotion from the cadre of Assistant Town Planner and the direct recruitment to the post of Deputy Town Planner cannot be proceed further without the statutory amendment to Rule 2 of the Special Rules.

4. In compliance to the direction of Hon'ble Kerala Administrative Tribunal, Government are pleased to direct the Chief Town Planner to initiate necessary steps for the filling up of vacancies in the cadre of Deputy Town Planner, by promotion from the eligible Assistant Town Planners in the department by observing statutory procedures for promotion, as per the existing special Rules, statutory amendenment to Rule 2 of the special Rules for the Kerala Town and country planning service, 2001 will be pursued simultaneously.

5. The order of the Hon'ble Kerala Administrative Tribunal read as 3<sup>rd</sup> paper above is thus complied with.

By Order of the Governor,  
S MOHANDAS  
ADDITIONAL SECRETARY

To

The Advocate General, Hon'ble Kerala Administrative Tribunal, Trivandrum.  
(with covering letter)

The Chief Town Planner ,Thiruvananthapuram.

The Secretary K.P S C, Pattom, Thiruvananthapuram.

Petitioners in the OA

✓ The Director, Information Kerala Mission, Thiruvananthapuram.

Stock file/Office Copy.

Forwarded by order

  
Section Officer