



GOVERNMENT OF KERALA

Abstract

LSGD - Engineering Wing - OA(EKM) 534/2018 filed by Smt. Radhika. M.K, Sr. Clerk - Order dated 27.02.2018 of the Hon'ble Kerala Administrative Tribunal- Complied with - Orders issued.

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**LOCAL SELF GOVERNMENT (EW) DEPARTMENT**

GO(Rt) No.3023/2018/LSGD.

Dated, Thiruvananthapuram, 28/11/2018

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- Read:
- 1 Representation dated 31.10.2017 from Smt. Radhika. M.K.
  - 2 Order of the Hon'ble Kerala Administrative Tribunal dated 27.02.2018 in OA(EKM) 534/2018.
  - 3 Letter no. A1-7501/2018/CE/LSGD dated 09.07.2018 from the Chief Engineer, LSGD.

ORDER

As per the Order read as 2<sup>nd</sup> paper above, the Hon'ble Kerala Administrative Tribunal have disposed of OA(EKM) 534/2018 filed by Smt. Radhika. M.K, Sr. Clerk, directing the 1<sup>st</sup> respondent, ie, the Govt to consider and pass appropriate orders on Annexure A9 Appeal Petition, read as 1<sup>st</sup> paper above, in accordance with law and after affording an opportunity of personal hearing to the applicant within a period of 3 months.

2. The applicant who is a senior Clerk in the Office of the Assistant Executive Engineer, LSGD Sub Division, Wadakkancherry Block Panchayat, Thrissur, entered service as a Lower Division Typist and subsequently promoted to the post of Upper Division Typist. Thereafter she sought for conversion as UD Clerk in accordance with the relevant orders. Pursuant thereto, the claim of the applicant was considered and 8 UD Typists were converted as UD Clerks. It is stated that the applicant is serial No. 1 in the above order. However, while assigning the seniority, the applicant has been assigned seniority as junior most to the UD Clerks in existence in the department. Aggrieved by the same, she had filed OA(E)607/2017. Pursuant to the directions of the KAT in the OA, the Chief Engineer had heard her in person and later rejected her request. Against the same she has preferred the Annexure A9 Appeal Petition before the Government and has approached the Tribunal by filing OA(EKM) 534/2018 for speedy disposal of her appeal.

3. Pursuant to the KAT direction in OA (EKM) 534/2018, the applicant was heard by the Under Secretary on 09.07.2018, during which she has informed the following:

a. She entered in service as LD Typist in the irrigation department on 25.08.2001, promoted as UD Typist from 26.03.2008 and redeployed to the LSGD Engineering Wing,

vide GO (Ms) No 4497/2004/ LSGD dated 17.12.2004.

b. Even though she had 10 years service as UD Typist and was fully qualified, her request for category change to UD Clerk was not entertained. But 45 LD Clerks, redeployed from other departments were promoted as UD Clerks during the same period. Later as per the directions of the KAT in OA 1288/2014, she was promoted as junior most UD Clerk / senior Clerk on 29.06.2016.

c. Again as per the directions of the KAT dated 17.03.2017 in OA (EKM) No. 607/2017, the Chief Engineer considered the seniority issue, but rejected on the ground that for considering conversion from the post of UD Typist to senior Clerk and for retrospective promotion / conversion, the incumbent should have completed 5 years of service in the cadre of UD Typist.

4. The Chief Engineer, vide letter read as 3<sup>rd</sup> paper above, has reported as follows:

a. As per GO(Ms) No. 41/2012/ P&ARD dated 23.08.2012, the period of service, as stipulated, for category change from UD Typist/ Senior Grade Typist to UD Clerk has been reduced from 10 to 5 years. Hence those UD typists having 5 years of service and passed qualifying tests are eligible for category change to UD Clerk / senior clerk in the ratio 5:1. Smt. Radhika has qualified the departmental test during December 2003 and had completed the required 5 years service.

b. Even though the incumbent officer has applied for category change on 23.09.2013, the same had not effected as the ministerial cadre was not formed in the LSGD (Engineering Wing) and deferred vide Government Direction vide letter No. 42512/ EW3/12/ LSGD dated 18.05.2013, but the LD Clerks were given provisional promotion as per Government direction. The applicant was given category change on 29.6.2016, vide Government direction in GO (Rt) No. 1192/2016/ LSGD dated 4.3.2016.

c. As the nature of duties of UD Typist and UD Clerks are different, the request for category change with retrospective effect is not possible. Also, it is reiterated that those senior clerks who got category change provisionally will be placed as junior most to the UD Clerks of the department.

5. The main contention of the applicant is that her request for category change was rejected by the Chief Engineer, without application of mind and is against the provisions of the existing Government orders and directions. LD Clerks in the department were given category change during the currency of her requests of similar nature. She is eligible for seniority vide GO(Rt)No.1192/16 LSGD dated 4.3.2016 and GO(Ms) No. 301/68/PD dated 26.09.1968. As per para2(2) of GO(Ms)No.1192/16/LSGD dated 4.3.2016, it is ordered that provisional promotion to the UD Typists can be given in the 6<sup>th</sup> arising vacancy, based on their seniority in the parent department and the date of qualifying the departmental test.



6. Government have examined the matter in detail. As per Circular No.100745/SD3/70/PD dated 05.02.1972, it has specified that eligible U.D typists should also be appointed as UD Clerks temporarily along with eligible L.D Clerks. Since temporary appointments do not give any claim for the incumbent to be considered for regular appointment to the post with effect from the date of such appointment, the request of the applicant to give retrospective effect to her promotion as UD Clerk does not merit consideration and hence the Annexure A9 Appeal Petition is hereby declined.

7. The order of the Hon' KAT in OA 534/2018, read as 2<sup>nd</sup> paper above, is complied with accordingly.

(By Order of the Governor)  
**SREEJITH.V.P**  
Under Secretary to Govt.

To

- 1 Smt. Radhika. M.K, Sr. Clerk (*through the Chief Engineer, LS GD*)
- 2 The Advocate General, Ernakulam (*with Covering Letter*).
- 3 The Chief Engineer, LS GD, Thiruvananthapuram.
- 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.