



GOVERNMENT OF KERALA

Abstract

LSGD - Engineering Wing - Notional promotion to Sri. V.K. Abdul Salam, Asst.Exe.Engineer(Rtd) - Order of the Hon'ble Kerala Administrative Tribunal in OA No.841/2012 - Complied with - Orders issued.

LOCAL SELF GOVERNMENT (EW) DEPARTMENT

GO(Rt)No.1306/2019/LSGD.

Dated, Thiruvananthapuram, 26/06/2019

- Read:
- 1 Order of the Hon'ble Kerala Administrative Tribunal dated 15.11.2016 in OA No.841/2012
 - 2 GO(Rt)no.2552/2017/LSGD dtd 25.07.2017
 - 3 GO(P)No.24/2018/LSGD dtd 16.04.2018
 - 4 Letter no.E1/5105/15/CE/LSGD dated 30.06.2018 & 17.01.2019 from the Chief Engineer, LSGD.

ORDER

Sri. V.K. Abdul Salam, Asst.Exe.Engineer (Rtd) filed OA No.841/2012 seeking for a direction to declare his probation in the cadre of Assistant Executive Engineer, notwithstanding the disciplinary proceedings initiated against him and also sought for further promotion to the post of Executive Engineer.

2. The Hon'ble Kerala Administrative Tribunal vide order read as 1st paper above, have disposed of OA No.841/2012 directing the first and second respondents, the State of Kerala and the Chief Engineer, LSGD respectively, to initiate appropriate action to declare the probation of the applicant in the post of Assistant Executive Engineer, if the proceedings as evidenced by Annexures A5 & A9 have been concluded and if not to conclude the disciplinary proceedings at the earliest, and to consider the claim of the applicant for declaration of his probation in the post of Asst.Exe.Engineer and for further promotion thereon and it is also directed that appropriate orders be issued within 3 months from date of receipt of the certified copy of the order.

3. In compliance with the KAT direction, the probation of the applicant in the cadre of Asst.Exe.Engineer was declared to be satisfactorily completed w.e.f 18.12.2000 vide GO read as 2nd paper above. The Chief Engineer, LSGD was also directed therein to furnish proposal for promotion of the applicant to the cadre of Executive Engineer. As such, the Chief Engineer reported that the DPC(H) which convened on 01.06.2010 for preparing the select list for promotion to the post of Exe.Engineers considered the eligibility of the applicant, who was included as serial no. 15 in the field of choice. But the applicant was superseded for the sole reason that his probation in the cadre of Asst.Exe.Engineer was not declared.

As his probation in the cadre of Asst.Exe.Engineer was declared w.e.f 18.12.2000 vide GO read as 2nd paper above, he has become qualified for promotion to the cadre of Executive Engineer and the delay in declaring his probation can only be termed as administrative delay. Accordingly, the proposal to reassess the eligibility of Sri. V. K. Abdul Salam for promotion to the post of Executive Engineer in compliance with the Hon'ble KAT direction in OA 841/2012 was placed before the review DPC(H) held on 27.02.2018. The DPC(H) considered the merit and eligibility of the incumbent in detail, and after careful scrutiny has decided to include him as serial no. 20(a) just below the Sl. No. 20 of Smt. K. Renuka (Rank no.43) in the modified select list 2010 for promotion to the post of Executive Engineer. Accordingly, the modified select list 2010 for promotion to the cadre of Exe.Engineer was approved and published as per GO read as 3rd paper above.

5. Thereafter, the Chief Engineer, LSGD, vide letter read as 4th paper above, has furnished the proposal for granting notional promotion as Exe.Engineer to Sri. V. K. Abdul Salam, Asst.Exe.Engineer (Rtd) pursuant to the modified select list 2010 for promotion to the post of Exe.Engineer. It has been reported that Sri. G. Vishnukumar (Sl no.21), the immediate junior to Sri. V. K. Abdul Salam in the modified select list 2010, was promoted as Exe.Engineer vide GO(Rt)No.1949/2010/LSGD dtd 11.06.2010 and he joined duty in the post on 16.06.2010 FN.

6. In the above circumstances, Sri. V. K. Abdul Salam, Asst.Exe.Engineer(Rtd) is granted notional promotion to the cadre of Exe.Engineer with effect from the date on which his immediate junior, Sri. G. Vishnukumar, took charge in the post of Exe. Engineer, ie 16.06.2010 FN in pursuance of GO(Rt)No. 1949/2010/LSGD dated 11.06.2010, as per Rule 28 (b) (i) 7 of KS&SSRs without the eligibility for back arrears, but with consequential pensionary benefits.

7. Accordingly, the orders of the Hon' KAT in OA 841/2012 read as 1st paper above is complied with.

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

To

- 1 Sri. V. K. Abdul Salam, Exe.Engineer (Rtd), House no.13/370 A, K.C. Road, Chullikkal, Kochi - 682005.
- 2 The Advocate General, Thiruvananthapuram (*with Covering Letter*).
- 3 The Chief Engineer, LSGD, Thiruvananthapuram.
- 4 The Accountant General,(A&E/Audit) of Kerala, Thrissur
- 5 P&ARD (*Vide UO no.Adv.B2/219/2017/P&ARD dated 14.02.2019*)
- 6 Finance Dept (*Vide UO no.Dev.1/281/2018/Fin dated 13.06.2019*)
- 7 The Executive Director, Information Kerala Mission.
- 8 The Web & New Media, I & PRD.
- 9 Stock File/Office Copy.

Forwarded/By Order


Section Officer