



**GOVERNMENT OF KERALA**

**Abstract**

LSGD - Engineering Wing – OA 395/2019 filed by Sri. Vasu. T.P, Assistant Executive Engineer - Order dated 26.02.2019 of the Hon'ble Kerala Administrative Tribunal- Complied with - Orders issued.

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**LOCAL SELF GOVERNMENT (EW) DEPARTMENT**

**G.O.(Rt)No.2173/2019/LSGD** Dated,Thiruvananthapuram, 03/10/2019

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- Read 1 Representation dated 27.09.2018 from Sri. Vasu T. P.
- 2 Representation dated 20.01.2019 from Sri. Vasu T. P.
- 3 Order of the Hon'ble Kerala Administrative Tribunal dated 26.02.2019 in OA 395/2019.
- 4 GO(Rt)no.1057/2019/LSGD dated 27.05.2019.

**ORDER**

As per the Order read as 3<sup>rd</sup> paper above, the Hon'ble Kerala Administrative Tribunal have disposed of OA 395/2019 filed by Sri. Vasu T. P. , Assistant Executive Engineer directing the 1<sup>st</sup> respondent, i.e., Government to consider and pass appropriate orders on Annexure A9 Review Petition and Annexure A11 representation read as 1<sup>st</sup> and 2<sup>nd</sup> papers respectively, preferred by the applicant within a period of six weeks from the date of receipt of a copy of the order.

2. Annexure A9 is the Review Petition under Rule 35 of KCS(CC&A) Rules 1960 against the punishment of withholding one increment without cumulative effect for one year with imposed against the applicant as per G.O(Rt) No. 2403/2018/LSGD, dated 11.09.2018. Govt have examined the Annexure A9 Review Petition in detail and declined the same vide GO read as 4<sup>th</sup> paper above as there is no clear ground to review the order dated 11.09.2018.

3. In Annexure A11 representation, the demand of the applicant is to promote him to the post of Exe.Engineer with all consequential service benefits w.e.f date of promotion of his immediate junior to the post of Exe.Engineer by using the special powers of Government under Rule 39 of KS&SSR.

4. The DPC(H) 2019 held on 06.12.2018 for preparing select list for promotion to the post of Exe.Engineer, observed that disciplinary action for minor penalty prevailed against the applicant in Govt file no.242/EW2/2015/LSGD as per recommendation of the Vigilance Dept in connection with the irregularities in Ponnani Municipality, which was finalised by barring one increment for one year vide GO(Rt)No.2403/2018/LSGD dated 11.09.2018 is an admitted case of irregularity in which supervisory lapse of the incumbent officer was quite evident and hence found that the incumbent is not suitable to officiate the supervisory post of Executive Engineer with the currency of

the penalty of the case not over. Therefore, the Committee have decided to consider him for a vacancy of Executive Engineer arising on or after 11.09.2019 and as such he is to be placed in the Select list 2019 in accordance with the date of occurrence of vacancy of Executive Engineer on or after 11.09.2019. Accordingly, the Committee decided to include him as serial no.14 just below Smt. Shaija B., whose Serial No. is 13 in the select list 2019 for promotion to the post of Executive Engineer. Govt have accepted the DPC decision as such and have notified the select list vide GO(P)no.94/2018/LSGD dtd 19.12.2018. Earlier, DPCs(H) 2017 & 2018 held on 24.10.2017 and 14.12.2017 respectively had also superseded the incumbent for promotion to the post of Exe.Engineer due to the pendency of the above disciplinary action for minor penalty.

5. Later, in compliance with the KAT direction in OA 395/2019, the Review DPC(H) 2019 held on 10.07.2019 considered the Annexure A11 representation and observed that there is no ground to review the earlier decisions on the matter considering supervisory lapse on the part of incumbent in the disciplinary action case. Therefore the Committee decided to stick on to their earlier decisions in superseding the incumbent in the select lists 2017 and 2018 and in placing him as Serial no.14 in the select list 2019.

6. In the above circumstances, in view of the decisions of the review DPC(H), the demand of the applicant in the Annexure A11 Review Petition is declined and the order of the Hon' KAT in OA no. 395/2019 read as 3<sup>rd</sup> paper above is complied with accordingly.

(By order of the Governor)  
**GOPAKUMAR U**  
**UNDER SECRETARY**

To:

- 1 Sri. Vasu T. P., Assistant Executive Engineer (*through the Chief Engineer, LSGD*)
- 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 The Executive Director, Information Kerala Mission.
- 6 The Web & New Media, I & PRD.
- 7 Stock File/Office Copy.

Forwarded /By order

  
Section Officer

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