



GOVERNMENT OF KERALA

Abstract

LSGD - Engineering Wing – O A 162/2018 filed by Sri. Mohammed Basheer T., Executive Engineer - Order dated 08.02.2019 of the Hon'ble Kerala Administrative Tribunal- Complied with - Orders issued.

LOCAL SELF GOVERNMENT (EW) DEPARTMENT

G.O.(Rt)No.2236/2019/LSGD

Dated, Thiruvananthapuram, 11/10/2019

Read 1 Representation dated 06.02.2019 from Sri. Mohammed Basheer T.

2 Order of the Hon'ble Kerala Administrative Tribunal dated 08.02.2019 in OA 162/2018.

ORDER

As per the Order read as 2nd paper above, the Hon'ble Kerala Administrative Tribunal have disposed of OA 162/2018, directing the 3rd respondent, i.e the Convenor, DPC(H) to cause the disposal of the Annexure A22 representation, read as 1st paper above, produced along with M.A no.358/2019 by convening an adhoc DPC as expeditiously as possible, at any rate, within a period of six weeks from the date of receipt of a copy of the order.

2. In the Annexure A22 representation, the request of the incumbent is to include him in the select list 2018 in view of the finalisation of the disciplinary action pending against him in Govt file no. EW2/243/2015/LSGD, vide GO(Rt)No.3088/2018/LSGD dated 04.12.2018.

3. The DPC(H) 2019 held on 06.12.2018 had superseded Sri. Mohammed Basheer T., Exe.Engineer for promotion to the post of Superintending Engineer due to the penalty of barring one annual increment without cumulative effect from the monthly salary of the incumbent for a period of one year, vide GO(Rt)no.2747/2018/LSGD dated 27.10.2018 in disciplinary action for minor penalty against him in Govt file no.90/EW2/2016/LSGD. The said disciplinary action was initiated as per Vigilance recommendation for the alleged involvement of the incumbent in the construction of a length of 90 meters of road from Paloliparamba to Pattaruthodi in Aliparamba Grama Panchayath through paddy field in violation to the provisions in Kerala Conservation of Paddy and Wet Land Act 2008. The necessary permission from the State Level Monitoring Committee or Government was not obtained for the work. The disciplinary proceedings revealed that the incumbent officer was responsible for giving sanction for the construction of the above road which was included in the Data Bank, without obtaining necessary permission from the State Level Monitoring Committee or Government as envisaged in Kerala Conservation of Paddy and Wet Land Act 2008.

4. The Departmental Promotion Committee found that the offence committed by the incumbent is grave in nature and Government imposed the punishment against him considering the gravity of the offences committed. Accordingly, the Committee observed that an officer who blatantly disregarded

an Act passed by the Legislature cannot be treated as meritorious and found him not suitable to officiate a highly Supervisory post like Superintending Engineer especially with the currency of the penalty of the case is up to 27.10.2019. Therefore, the Committee have decided to consider him for a vacancy of Superintending Engineer arising on or after 27.10.2019. However the Committee observed that no vacancy will be arising on or after 27.10.2019 for the year 2019 and hence decided to supersede him from the Select List 2019. Accordingly, the select list of Exe.Engineer was notified vide GO(P)No.95/2018/LSGD dated 19.12.2018.

5. In compliance with the KAT direction in OA 162/2019, the Review DPC(H) 2019 held on 10.07.2019, considered the Annexure A22 representation and observed that though the incumbent was absolved of charges in one disciplinary action case, he was awarded with punishment of barring one annual increment without cumulative effect for a period of one year vide GO(Rt)No.2747/2018/LSGD dated 27.10.2018 in another one considering its gravity of the case and the offence committed. The review petition of the incumbent for inclusion in the select list 2018 has already been considered and declined by the DPC(H) held on 06.12.2018. Hence, the Committee decided to reiterate the decisions taken to supersede the incumbent in the select lists 2018 and 2019.

6. In the above circumstances, as the Review DPC(H) 2019 considered the Annexure A22 representation and declined the demand therein, the orders of the Hon' KAT read as 2nd paper is complied with accordingly.

(By order of the Governor)

BIJUKUTTAN.M.S
ADDITIONAL SECRETARY

To:

- 1 Sri. Mohammed Basheer T., Executive Engineer, Kozhikode Corporation
- 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