



GOVERNMENT OF KERALA



Abstract

LSGD - Engineering Wing – OA no.1531/2019 filed by Sri. Sureshkumar S., Asst.Exe.Engineer - Order dated 30.07.2019 of the Hon'ble Kerala Administrative Tribunal- Complied with - Orders issued.

LOCAL SELF GOVERNMENT (EW) DEPARTMENT

G.O.(Rt)No.2314/2019/LSGD Dated, Thiruvananthapuram, 21/10/2019

Read 1 GO(Rt)No.1550/2019/LSGD dated 23.07.2019.

2 Representation dated 23.07.2019 from Sri. Sureshkumar S.

3 Order of the Hon'ble Kerala Administrative Tribunal dated 30.07.2019 in OA no.1531/2019.

4 Letter no.E1/13750/16/CE/LSGD dated 03.10.2019 from the Chief Engineer, LSGD.

ORDER

Sri. Suresh Kumar S., Asst.Exe.Engineer, Thiruvananthapuram Corporation has filed OA no.1531/2019 challenging his transfer and posting to Azhutha/Peermedu BP, vide GO read as 1st paper above. The Hon'ble KAT, as per its order dated 30.07.2019 in the OA, read as 3rd paper above, has disposed of the OA, directing the 1st respondent, i.e., the Govt, to consider and pass appropriate orders on Annexure A5 representation read as 2nd paper above, in accordance with the transfer guidelines contained in GO(P)no.3/2017/P&ARD dtd 25.02.2017, and after affording an opportunity of personal hearing to the applicant and the affected parties, within a period of two months from the date of receipt of a certified copy of the order.

2. In compliance with the Hon'ble KAT direction, the Under Secretary to Government heard the applicant on 04.10.2019. The contentions of the applicant are as follows:

i. He was transferred from Thiruvananthapuram Corporation to Azhutha/Peerumedu BP in Idukki, before completing hardly one year, in the present station.

ii. Being a person belonging to SC, he was denied protection as envisaged in G. O. (P) No. 3/2017/P&ARD dated 25.02.2017, that such protected category officers should be given posting in one station for 5 years.

iii. His wife is working as Ayurveda Medical Officer in Indian System of Medicine (ISM) dept in Neyyattinkara Erichalloor Govt. Ayurveda Dispensary. The condition that Govt servants who are

couple should be allowed to work in the same district has been violated.

iv. After 15 years of married life, they are childless and he along with his wife has been undergoing infertility treatment in various hospitals in Thiruvananthapuram, the latest, at SAT hospital. The treatment needs the couple to be together and this is denied due to the transfer order.

v. He was transferred over many officers who have been working in the district for more than 2-3 years.

3. During hearing the Officers from O/o the Chief Engineer, reported that Sri. Sureshkumar has been working as AEE in different offices in Thiruvananthapuram district since 2014, the last being Thiruvananthapuram Corporation, till he was transferred vide the Govt Order in question. As such, he has served in his home district for almost five years. There are many Officers whose home district is Thiruvananthapuram and have been working in the northern districts for want of vacancy here. Their claim also needs to be considered while issuing transfer orders. His claim that officers in the protected category, should be allowed to continue in one station for five years is not true. In the G.O dated 25.02.2017, it is stated that the maximum period that can be allowed for protected transfer and postings is five years. Hence this clause is not applicable in the case of the petitioner. He has already availed the facility of working in his home district for almost five years, in different offices within the district.

4. Moreover, Chief Engineer reported that the applicant was transferred to Idukki district vide order dated 23.07.2019, at the pure discretion of the Government, on administrative exigency as the Department has received numerous complaints regarding conduct of the Officer in his present station. He being a Gazetted Govt. officer is bound to work anywhere in the state. As he has already availed the privilege of working in his home district for almost five years, the condition that couple should be allowed to work in the same station cannot be considered in his case. The guidelines for transfer vide G.O. dated 25.02.2017 states that "as much as possible, husband and wife shall be allowed to work in the same station".

5. Government have examined the matter in detail. As regards, the submission of the applicant, that he along with his wife has been undergoing infertility treatment in various hospitals in Thiruvananthapuram district which requires the husband and wife to stay together, and hence he may be allowed to continue in the district, seems worth consideration on humanitarian grounds. Hence, the Chief Engineer, LSGD is hereby directed to consider the request of the applicant on humanitarian grounds and to explore the possibility of posting the applicant in arising vacancies in Thiruvananthapuram district or any neighbouring districts as and when it occurs and to furnish proposal in this regard at the earliest, to Government.

6. The order of the Hon'ble KAT in OA no.1531/2019 read as 3rd paper above, is complied with accordingly.

(By order of the Governor)
GOPAKUMAR U
UNDER SECRETARY

To:

- 1 Sri. Suresh Kumar S., Asst.Exe.Engineer, Azhutha/Peermedu BP, Idukki
(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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