



GOVERNMENT OF KERALA

Abstract

LSGD - Engineering Wing – OA(EKM) 621/2019 filed by Sri. Syam G., Exe. Engineer (Rtd) - Order dated 03.04.2019 of the Hon'ble Kerala Administrative Tribunal - Complied with - Orders issued.

LOCAL SELF GOVERNMENT (EW) DEPARTMENT

G.O.(Rt)No.2683/2019/LSGD

Dated,Thiruvananthapuram, 28/11/2019

- Read 1 GO(Rt)no.1266/2013/LSGD dated 13.05.2013.
2 Representation dated 15.06.2013 from Sri. Syam G.
3 Order of the Hon'ble Kerala Administrative Tribunal dated 03.04.2019 in OA(EKM) 621/2018.
4 Letter no.E1/2126/18/CE/LSGD dated 31.05.2019 from the Chief Engineer, LSGD.

ORDER

Sri. Syam G. while working as Asst.Exe.Engineer was on Commuted Leave and Half Pay Leave for the period from 03.02.2012 to 02.04.2012. After the expiry of the leave, he reported for duty before the Chief Engineer, LSGD on 03.04.2012. As there was no existing vacancy at that time, he waited for posting order and got posting order only after 5 months, i.e., on 10.09.2012. Accordingly he joined duty on 11.09.2012 in Tirur Municipality. But the period of waiting for posting, from 03.04.2012 to 30.06.2012 was regularised by granting eligible leave and the period from 01.07.2012 to 10.09.2012 was regularised as duty under Note 4 below Rule 12(7) Part I KSRs, vide GO read as 1st paper above.

2. Aggrieved by the regularisation of the period from 03.04.2012 to 30.06.2012 as eligible leave, Sri. Syam G. filed OA(EKM) 621.2018 before the Hon. KAT. The Hon. KAT, as per its order read as 3rd paper above, has disposed of the OA directing the 1st respondent, i.e., Govt to call for a report from the 2nd respondent, i.e., the Chief Engineer and to pass appropriate orders on Annexure A5 representation, read as 2nd paper above in accordance with the rules, within a period of one month from the date of receipt of a copy of the order.

3. In the Annexure A5 representation, the applicant has contended that he reported for duty before the Chief Engineer, LSGD on 03.04.2012 itself after the expiry of leave on 02.04.2012, but was given posting only on 11.09.2012 and the delay occurred in this regard was not due to his fault. Therefore, he requested to regularise the period of his waiting from 03.04.2012 to 30.06.2012 as duty, instead of eligible leave.

4. The Chief Engineer, LSGD vide letter read as 4th paper above reported that Sri. Syam G. while working at Poverty Alleviation Unit, Thrissur, had availed Commuted leave with effect from 03.12.2012 and continued up to 02.04.2012. While he was on leave, another incumbent was posted in his leave vacancy who had to retire from service on 31.03.2012 on attaining the age of

55. Meanwhile, due to enhancement of retirement age by the Government, the incumbent could not rejoin after expiry of his leave on 03.04.2012 and he reported before the Chief Engineer on 03.04.2012 requesting to provide suitable posting. But there was no open vacancy of Assistant Executive Engineer as all the leave vacancies were filled by promoting senior most Assistant Engineer as Assistant Executive Engineers. The incumbent was given posting only on 18.08.2012, i.e., after a delay of 4 months and as such, he had joined duty in Tirur Municipality on 11.09.2012. Hence the Chief Engineer has reported that there was no deliberate delay or fault on the part of the incumbent and delay has been occurred for want of vacancy.

5. Government have examined the matter in detail and found that there is merit in the request of the applicant in Annexure A5 as there is no fault on the part of the applicant in getting belated posting order, which occurred solely for the want of vacancy. Therefore, he is entitled for the regularisation of his said period of waiting for posting, as duty, as a special case.

6. In the above circumstances, the period of waiting for posting in respect of Sri. Syam G., Exe. Engineer (Rtd) from 03.04.2012 to 30.06.2012 is regularised as duty under Note 4 below Rule 12(7) Part I KSRs, as a special case and orders issued accordingly.

7. The orders of the Hon. KAT, in OA(EKM)no.621/2018, read as 3rd paper is complied with accordingly.

(By order of the Governor)
GOPAKUMAR U
UNDER SECRETARY

To:

- 1 Sri. Syam G., Exe. Engineer (Rtd), Prabhavan, PMRA -C-10, Near NSS Karayogam, Pappanamecode, Thiruvananthapuram - 695018
- 2 The Advocate General, Ernakulam (*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