



**GOVERNMENT OF KERALA**

**Abstract**

LSGD - Engineering Wing – Order of the Hon'ble Kerala Administrative Tribunal dated 05.02.2020, in OA no.1814/2019 filed by Sri. Sureshkumar S., Asst. Exe. Engineer- - Complied with - Orders issued.

**LOCAL SELF GOVERNMENT (EW) DEPARTMENT**

**G.O.(Rt)No.1328/2020/LSGD**

Dated, Thiruvananthapuram, 03/07/2020

Read 1 Order of the Hon'ble Kerala Administrative Tribunal dated 05.02.2020 in OA no.1814/2019.

2 Minutes of the Departmental Promotion Committee (H) held on 17.03.2020.

**ORDER**

The Hon'ble Kerala Administrative Tribunal, vide order read as 1<sup>st</sup> paper above have disposed of the OA directing the 2<sup>nd</sup> respondent, ie the Convener, DPC(H) to consider the suitability of the applicant Sri. Sureshkumar S., for inclusion in the select list for appointment as Executive Engineer in accordance with Note (i) to Rule 28(b)(i) (7) Part II of KS&SSRs and to extend the benefit granted to Smt. Nisha M. B., Assistant Engineer. The KAT has also directed the 2<sup>nd</sup> respondent to consider whether the final report has been submitted in VC 16/15/ALP and if not, in accordance with the dictum on Sasidharan K. K.'s case, will pass appropriate orders for the inclusion of the applicant in the select list within a period of two months from the date of receipt of the copy of the order.

2. In the light of the Hon'ble Kerala Administrative Tribunal direction, the DPC(H) held on 17.03.2020 considered the suitability of the applicant for promotion to the post of Executive Engineer in accordance with Note (i) to Rule 28(b)(i)(7) Part II of KS&SSRs and observed that disciplinary action for minor penalty initiated against the applicant in two cases as per recommendation of Vigilance and Anti-Corruption Bureau vide MOC/SOA nos.EW1/348/2015/LSGD and EW1/384/2017/LSGD dated 07.10.2018 have not yet been finalised and the charges are still alive. Moreover another disciplinary action for minor penalty has been initiated against him vide MOC/SOA no.EW1/335/2015/LSGD dated 17.12.2018 after the convening of DPC(H) 2019. Accordingly, the DPC(H) has observed that he is not at all eligible for inclusion in the select list 2019 for promotion to the post of Executive Engineer owing to the pendency of the above disciplinary actions and thus superseded him.

3. Smt. Nisha M. B.'s case, as pointed out by the Hon'ble KAT, is no way related to that of the applicant, as the former was superseded for promotion to the cadre of Asst.Exe.Engineer by the DPC(H) owing to the issuance of prosecution sanction against her in VC 16/15/ALP. But later, the review DPC(H) held on 10.07.2019 reconsidered her case in view of the KAT direction in OA 635/2019 after taking note of the Judgement of the Hon'ble High Court in Sasidharan K. K.'s case and observed that no final report was filed before the Court of justice regarding Vigilance case in VC 16/15/ALP against her and that no other disciplinary action was pending against her. As such the Committee decided to include her in the select list. However, in the case of the applicant, disciplinary actions for minor penalty in three cases are pending against him due to which his eligibility for promotion as Executive Engineer is under question.

4. In view of the decision taken by the DPC(H) on 17.03.2020 and the above facts, the direction of the Hon'ble KAT in 1814/2019 read as 1<sup>st</sup> paper above is complied with accordingly.

(By order of the Governor)  
**BIJUKUTTAN.M.S**  
**ADDITIONAL SECRETARY**

To:

1. Sri. Sureshkumar S., Asst.Exe.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  
Signature valid

Digitally signed by BEEKANTH G  
Date: 2020.03.18 12:50:00 IST  
Reason: Approved

Section Officer