



**GOVERNMENT OF KERALA**

**Abstract**

LSGD - Engineering Wing – Order of the Hon'ble Kerala Administrative Tribunal in OA 1840/2019 filed by Sri. Asharaf Khan. A, Assistant Executive Engineer - Order dated 17.09.2019 - Complied with - Orders issued.

**LOCAL SELF GOVERNMENT (EW) DEPARTMENT**

**G.O.(Rt)No.1465/2020/LSGD**

Dated,Thiruvananthapuram, 06/08/2020

Read 1 G. O. (Rt) no.1953/2019/LSGD dated 06.09.2019.

2 Order of the Hon'ble Kerala Administrative Tribunal dated 17.09.2019 in OA 1840/2019.

3 Representation dated 07.09.2019 from Sri. Asharaf Khan A.

**ORDER**

Sri. Asharaf Khan, Assistant Executive Engineer has filed OA 1840/2019 before the Hon. KAT against the Govt Order read as 1<sup>st</sup> paper above, transferring him from Neyyattinkara Municipality to Muthukulam Block Panchayath, Alappuzha.

2. The Hon'ble Kerala Administrative Tribunal, as per its order read as 2<sup>nd</sup> paper above, disposed of the OA 1840/2019 directing the 1<sup>st</sup> respondent, i.e., Government, to take a decision on Annexure A7 representation, read as 3<sup>rd</sup> paper above after giving a hearing to the applicant as well as the 3<sup>rd</sup> and 4<sup>th</sup> respondents within a period of 6 weeks from the date of receipt of a copy of the order. Sri. Suresh Kumar S. K., Assistant Executive Engineer, under orders of transfer to Neyyatinkara Municipality and Sri. Gireesh, Assistant Executive Engineer, under orders of transfer to Thiruvananthapuram Corporation are arrayed as the 3<sup>rd</sup> and 4<sup>th</sup> respondents respectively.

3. Pursuant to the Hon'ble Tribunal direction, the applicant as well as the 3<sup>rd</sup> and 4<sup>th</sup> respondents were heard by Government on 25.10.2019.

4. During the hearing, the applicant has reiterated the points mentioned in his representation. He stated that he is suffering from epilepsy and was advised to avoid long distant journeys and stress. His wife is working as Associate Professor in Govt. Medical College, Thiruvananthapuram and as such he is entitled to be permitted to work in the same district where his spouse works. He has also put forward a proposition of mutual transfer between him and 4<sup>th</sup> respondent, who is a native of

Kollam district as it will be easier for the latter to work at Muthukulam BP and the applicant may be posted in Thiruvananthapuram Corporation, in the place of the 4<sup>th</sup> respondent.

5. The Chief Engineer, LSGD has reported that the applicant was transferred purely on administrative convenience. As per the guidelines of transfer norms, an employee can be transferred to any place as desired by Government. Being a Government servant, he is bound to serve anywhere in Kerala. The demand of the applicant for considering him in Thiruvananthapuram Corporation by transferring out another officer is quite illegal. The Chief Engineer has also reported that while the petitioner was working as Assistant Engineer in Thiruvananthapuram Corporation, lot of allegations arose against him and some of them are still pending for disposal. In these circumstances, the applicant's demand cannot be considered.

6. As regards the 3<sup>rd</sup> and 4<sup>th</sup> respondents, they are contented with the postings vide the Govt Order in question and the 4<sup>th</sup> respondent is unwilling of the proposal of mutual transfer put forward by the applicant. The claim of the applicant regarding same station posting for both husband and wife, as stipulated in the guidelines of transfer and postings, is not a mandatory clause. The guidelines clearly states that "as much as possible", such demand shall be allowed.

7. As the transfer of the applicant is purely on administrative convenience, the objections raised by the applicant against his transfer from Neyyattinkara Municipality to Muthukulam BP are not maintainable. There are so many officials in his rank who hail from Thiruvananthapuram and other southern districts, but are forced to work in northern districts, for want of vacancy in their native districts.

8. But, the request of the applicant that he may be given a suitable posting considering his health condition (epilepsy) and restrictions on movement and strenuous activities, seems genuine and worth considering.

9. In the above circumstances, the Chief Engineer, LSGD is hereby directed to explore the possibility of posting the applicant in arising vacancy in Thiruvananthapuram district or any neighbouring districts as and when it occurs.

10. The order of the Hon'ble KAT in OA 1840/2019 read as 2<sup>nd</sup> paper above, is thus complied with.

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

To1

1. Sri. Asharaf Khan A, 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

Signature valid

Digitally signed by BEEKANTH G  
Date: 2020.09.23 11:09:23 IST  
Reason: Approved

Section Officer

