



## GOVERNMENT OF KERALA

### Abstract

Local Self Government Department – Town & Country Planning Department -  
Judgment in T.A. No.1659/12 of the Kerala Administrative Tribunal - Complied  
Orders issued .

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### LOCAL SELF GOVERNMENT (EU) DEPARTMENT

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GO(Rt)No: 2605/2013/LSGD. Dated, Thiruvananthapuram, 25.10.2013

- Read :
1. Order dated 28.1.2013 in IA. No. 1659/12 of the Kerala Administrative Tribunal.
  2. Letter No.A1/113/2008 dated 11.9.2013 from Chief Town Planner.

### ORDER

Shri. P.Girish Kumar and two others aggrieved by the seniority list of Draftsman, 1<sup>st</sup> Grade (Ext.P13) prepared by the Chief Town Planner filed WP(C) 37403/07 before the Hon'ble High Court which was subsequently transferred to the Hon'ble Kerala Administrative Tribunal vide TA No.1659/12. The Hon'ble Kerala Administrative Tribunal in their order in TA dated 28.1.2013 directed the Government to dispose of the appeals filed by the petitioners against the Ext.13 select list after affording the petitioners and the respondents 3 to 9 and also other affected persons if any an opportunity of being heard within 4 months of the receipt of the appeal. The petitioners have submitted their appeals before Government on 12.3.2013. Hon'ble Tribunal further extended the time limit by 4 more months with effect from 11.7.2013.

As directed by the Hon'ble tribunal, the petitioners and the respondents were called for hearing by the representative of Government on 24.6.2013.

Applicants 1 & 2 and respondent 3 & 8 were only present in the hearing . On the basis of the hearing taken and the report of the Chief Town Planner as per letter read as 2nd paper above , Government examined the issue in detail.

Shri. P.Girish Kumar and others filed an O.P. No. 32944/2001 and in the judgment in this OP dated 28<sup>th</sup> May 2007; it was ordered that the second respondent namely Chief Town Planner should consider and pass order on Exbt.P5 petition of Shri. P.Girishkumar, 1<sup>st</sup> Grade Draftsman/Town Planning Surveyor in accordance with law. Ext. P5 was the objection filed by Shri.Girish Kumar against the combiend provisional seniority list of 1st Grade Draftsman/Town Planning Surveyor as on 29.6.2000 in which the petitioner was placed at Sl.No. 58 reckoning the date of commencement of regular service on 7.8.1996.

The objection filed by the petitioner was examined by the Chief Town Planner in term of Rule 31 A of KS & SSR 1958 and judgment in O.P No.1184 of 1999. As per Rule 31A of KS & KSSR 1958, provisional promotion is permitted when the qualified Public Service Commission hands were not readily available. This provision is incorporated to ensure that smooth functioning of the department is not suffered for want of promotion of persons of key post as 1<sup>st</sup> grade Draftsman/Town Planning Surveyor. In such case the proportion will be maintained in cadre strength instead of individual strength. Accordingly the 2<sup>nd</sup> Grade Draftsman/Town Planning Surveyor of the department were provisionally promoted as 1<sup>st</sup> Grade Town Planning Surveyor/Draftsman on seniority basis. Later on, in the light of judgment in the O.P. No. 11184 of 1999 the provisional promotions were regularised before petitioner Shri.P. Girishkumar joined in regular service in the department. The seniority assigned to the petitioner Shri.P. Girishkumar as Sl. No. 58 in the seniority list was therefore in order and orders issued accordingly.

As per the letter read as 2<sup>nd</sup> the Chief Town Planner has informed that the Ext.P13 is in order and it cannot be reviewed or revised. Also, the applicants have got promotions in accordance with the special rules. The promotion ordered to the respondents as 1<sup>st</sup> grade Draftsman in no way affect the promotion of the applicants. Hence there is no need to revise the Ext. P13 Seniority list and promotion already ordered based on the special rules in force and earlier judgment, in O.P. No.11184/99 and O.P. No.32944/2001 in this regard.

Government find no reason/evidence to interfere in the seniority list prepared and published by the Chief Town Planner. In the circumstances, the appeal of the applicants is hereby rejected. The order of the Kerala Administrative Tribunal read as 1<sup>st</sup> paper above is thus complied with.

By Order of the Governor

**P. RAMLATHI**  
**UNDER SECRETARY.**

To

The Chief Town Planner, Thiruvananthapuram.  
The Advocate General, O/o the Advocate General,  
Thiruvananthapuram Branch, Vanchiyoor.  
Shri. P. Girish Kumar, Assistant Town Planner,  
District Town Planning Office, RTP Office, KUDFC  
Building, West Hill P.O., Kozhikode.  
Y. Sirajudeen Kutty, Assistant Town Planner,  
District Town Planning Office,  
Municipal Building, Chinnakkada, Kollam.  
The Director, Information Kerala Mission, TIRUM  
The Stock File / Office Copy

Forwarded by Order

  
Section Officer