



GOVERNMENT OF KERALA

Abstract

Local Self Government – Panchayat Department – Order dated 31.07.2015 in OA No. 1182/2015 filed by Sri.Sreenivasan.P and Sri.Abbas T. M before the Hon'ble Kerala Administrative Tribunal - Complied with - Orders issued.

LOCAL SELF GOVERNMENT (EPA) DEPARTMENT

G.O.(Rt)No. 3678 /2015/LSGD

Dated, Thiruvananthapuram, 09.12.2015

Read : 1. Order dated 31.07.2015 in OA No. 1182/2015 filed by Sri. Sreenivasan P and Sri Abbas T. M before the Hon'ble Kerala Administrative Tribunal.
2. Letter No. E4-22481/2015 dated 13.10.2015 of the Director of Panchayats, Thiruvananthapuram.

ORDER

By disposing OA No. 1182/2015 filed by Sri. Sreenivasan P and Sri Abbas T. M the Hon'ble Kerala Administrative Tribunal directed the first respondent ie. the Principal Secretary,LSGD to consider and pass orders on Annexure A8 appeal in accordance with law, after affording an opportunity of being heard to the applicants, within three months from the date of receipt of a copy of the Order.

The Applicant preferred Annexure A8 appeal before Government against the orders of Joint Director of Panchayats, Thiruvananthapuram, reverting the petitioners to the post of Clerk and transfer of the applicants.

Pursuant to the Hon'ble Tribunal's direction, Sri.Sreenivasan.P was heard by the Deputy Secretary on 03.11.2015.The other petitioner Sri.Abbas.T.M has not attended the hearing and he informed that he was not able to attend the hearing due to some official engagements and had nothing more to say than that what is submitted by Sri.Sreenivasan P.

The request of the applicants is to set aside the reversion order issued by the Joint Director of Panchayats, Thiruvananthapuram. The first Applicant Sri.Sreenivasan.P entered in service on 26.06.1981 as peon and was promoted as Junior Bill Collector on 28.10.1983. As per Kerala Panchayat Common Service Rules,1977, Junior Bill Collectors who have not passed SSLC and have achieved 100% tax collection for five consecutive years can be promoted to the post of LDC. Accordingly he was promoted as LDC on 19.10.1987. The second Applicant Sri Abbas T. M entered in Service on 05.04.1980 and was promoted to Full Time Sweeper on 17.10.1988 and then to Junior Bill Collector on 10.07.1992. He was promoted as LDC on 26.03.1998. Both the applicants were promoted as Senior Clerk as a stop gap arrangement on condition that they will be reverted when

qualified hands are available. Accordingly the applicants were reverted to the post of LDC

During hearing the first Applicant Sri.Sreenivasan.P informed that applicants have not got the chance of attending the special test equivalent to SSLC,conducted by KPSC. No other things substantiating their claim were put forth by them.

The Director as per letter read above has informed that the reversion is as per rules. However since Sri Sreenivasan P, the first Applicant has completed 50 years of age, he may be promoted to Senior Clerk giving exemption from acquiring qualification.

Exemption on acquiring 50 years is allowed only for acquiring test qualification for declaration of probation and promotion as per Rule 13(B), Part II, KS&SSR. No relaxation is allowed in acquiring basic qualification for promotion as per the said Rule. Hence the proposal of the Director of Panchayath cannot be considered.

Government have examined the Annexure A8 appeal in detail. As per Kerala Panchayat Subordiante Service Rules, 1994, the prescribed qualification for promotion to UDC is SSLC. The Applicants have no SSLC qualification and hence they are not eligible for promotion to Senior Clerk. Moreover the promotion given to the Applicants as Senior Clerk was a temporary arrangement in the absence of qualified clerks on condition that they will be reverted as and when qualified clerks come. Hence the Order issued by the Joint Director of Panchayats, Thiruvananthapuram, reverting the Applicants to the post of Clerk is in order. In the circumstance, the request of the Applicants to cancel the reversion Order from Senior Clerk to Clerk is not sustainable and hence declined.

Orders of the Hon'ble Kerala Administrative Tribunal read above is complied with accordingly.

(By Order of the Governor)
N. NANDAKUMAR
Deputy Secretary to Government

To

1. Sri. Sreenivasan P, Clerk, Thirumittakode Grama Panchayath, Palakkad
(through the Director of Panchayats)
2. Sri. Abbas T. M, Clerk, Kulukkallur Grama Panchayath, Palakkad
(through the Director of Panchayats)
3. The Director of Panchayats, Thiruvananthapuram
4. The Joint Director of Panchayats, Thiruvananthapuram (through the Director of Panchayats)
5. The Advocate General, Kerala, Thiruvananthapuram Branch (with covering letter)
6. The Director, Information Kerala Mission (for publishing on official Website)
7. Stock File/Office Copy.

Forwarded/By Order


Section Officer