



## GOVERNMENT OF KERALA

### Abstract

Local Self Government – Panchayat Department – Order dated 19.11.2015 in OA 778/2015 filed by Sri. Krishnankutty C and others before the Hon'ble Kerala Administrative Tribunal - Complied with - Orders issued.

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### LOCAL SELF GOVERNMENT (EPA) DEPARTMENT

G.O.(Rt)No. 1744 /2016/LSGD

Dated, Thiruvananthapuram, 25/5/2016

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- Read :
1. Proceedings No. E13-14/2014 dated 16.04.2015 of the Director of Panchayats, Thiruvananthapuram
  2. Order dated 19.11.2015 in OA 778/2015 filed by Sri. Krishnankutty C and others before the Hon'ble Kerala Administrative Tribunal
  3. Letter No. C3/OA. 778/15/AGO dated 19.12.2015 of the Advocate General, Thiruvananthapuram
  4. Letter No. E13-14/2014 dated 15.03.2016 of the Director of Panchayats, Thiruvananthapuram

### ORDER

By disposing OA 778/2015 filed by Sri. Krishnankutty C and others the Hon'ble Kerala Administrative Tribunal has directed the 1st Respondent to take a decision on Annexure A11 to A13 representations after affording an opportunity of being heard the Applicants within a period of 2 months from the date of receipt of a copy of the order . Government received the judgment on 08/01/2016.

2. In the representations Annexure A11 to A13 the Applicants have requested to cancel the order dated 16/04/2015 & 29/04/2015 issued by the Deputy Director of Panchayats, Palakkad and direct to permit them to continue as Accountants. Pursuant to the Hon'ble Tribunal's direction, the Applicants were heard on 17.03.2016.

3. The 1st Applicant, a member of SC community was appointed as LDC and his satisfactory completion of probation was declared on 14/05/2004 and was

promoted as UDC as per order dated 30/07/2007 of the Director of Panchayat by granting the benefit of exemption provided under Rule 13 A(1) a of Part II KS&SSRs. He was subsequently promoted as Accountant. While continuing as Accountant, the Director of Panchayats issued direction to the Deputy Director Panchayats, Palakkad reverting the Applicant to the post of Lower Division Clerk. Pursuant to this the Deputy Director of Panchayats issued posting orders. Similarly the 2nd and 3rd Applicants in the OA are aggrieved by the proposal to revert them from the post of Accountant.

4. The 1st applicant deposed that by the time he received the notice he has passed all the tests and had sought for time upto January 2016. The 2nd applicant contented that as he has crossed the age of 45, under Rule 13 A (3)(iii) of KS &SSRs there is no need for him to pass the tests for promotion. The 3rd Applicant contended that she has to pass one more paper in Panchayat test by the time she received the notice.

5. The matter in question was examined with the extant Rules in KS&SSRs and with reference to the report of the Director of Panchayats as per paper read as 4<sup>th</sup> above and the contentions put forth by the Applicants.

6. The Applicants were promoted as UDC by granting the benefit of exemption as provided under Rule 13 A (1) (a) of KS&SSRs Part II. Subsequently the Applicants were promoted to the post of Accountant disregarding the fact that they failed to acquire test qualification within 3 years. All the 3 Applicants had not acquired test qualification within a period of 3 years from the date of promotion as provided under Rule 13 A(2) of KS &SSRs, Part II. Therefore the stand taken by the Director of Panchayats in the matter of reversion is correct and maintainable. Moreover the reversion ordered as per paper read as 1<sup>st</sup> above was issued after hearing the Applicants.

7. In the light of the facts and circumstances as detailed above, the request of the Applicants to cancel the order reverting them to the post of Lower Division Clerk is declined and the order of Hon'ble Administrative Tribunal read as 2<sup>nd</sup> paper above is hereby complied with accordingly

(By Order of the Governor)

**SREEKALA.C.S**  
**Under Secretary to Government.**

To

1. Shri Krishnankutty, Prejeesh Bhavan, Edathilpadam, Mudappalloor P.O, Palakkad – 688 537
2. Shri Sisan P V, Puthenveeduparambil House, Vaniyakkadu, Mannam P.O, North Paravur, Ernakulam – 676 633
3. Smt. Beena K, Abhi Nivas, Agali P.O(AVIP Quarters), Attappady – 687 786
4. The Director of Panchayats, Thiruvananthapuram
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(File No. 376/EPA1/15/LSGD)

Forwarded/By Order



Section Officer