

## GOVERNMENT OF KERALA

### Abstract

Local Self Government – Panchayat Department – Order dated 01.12.2015 in OA 2016/2015 filed by Sri. V. K. Sajeevan before the Hon'ble Kerala Administrative Tribunal - Complied with - Orders issued.

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### LOCAL SELF GOVERNMENT (EPA) DEPARTMENT

G.O.(Rt)No. 2217/2016/LSGD

Dated, Thiruvananthapuram, 22 /07/2016

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Read : 1. Order dated 01.12.2015 in OA 2016/2015 filed by Sri. V. K Sajeevan before the Hon'ble Kerala Administrative Tribunal  
2. Letter No. C1 OA 2016/15/AGO dated 15.12.2015 of the Advocate General, Thiruvananthapuram  
3. Letter No. E4-40830/2015 dated 11.07.2016 of the Director of Panchayats, Thiruvananthapuram

### ORDER

Sri V K Sajeevan, Senior Clerk, Kadamakudy Gramapanchayat, Ernakulam filed OA-2016/15 before the Hon'ble Kerala Administrative Tribunal seeking extension of time for passing qualification test and also for retaining in the promoted post.

2. By disposing OA-2016/15 the Hon'ble Kerala Administrative Tribunal directed the 1st Respondent to pass appropriate Orders on Annexure A2 within a period of two months from the date of receipt of a certified copy of the Order after affording an opportunity of being heard the Applicant. Annexure A2 is a representation dated 10.7.2015 seeking extension of time for passing the qualification test, which had not been received in Government.

3. The Applicant, a member of SC community was appointed as LDC and was promoted as Senior Clerk (UDC) by granting the benefit of exemption provided under Rule 13 A(1) (a) of Part II KS&SSRs. For want of test qualification he was reverted from the promoted post.

4. In pursuance to the direction of the Hon'ble Kerala Administrative Tribunal the Applicant was heard in person by the Under Secretary to Government on 12.7.2016. During the course of hearing the Applicant deposed that he has to pass one more paper ( Kerala Service Rules) by the time he received notice and requested to extend the period of passing the qualification test and also for seeking a further chance to acquire the test qualification. He also stated that due to adverse circumstances he could not able to pass the whole qualification test on time.

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 3<sup>rd</sup> above and the contentions put forth by the Applicant.

6. The Applicant was promoted as Senior Clerk on 29.01.2008 by granting the benefit of exemption as provided under Rule 13 A (1) (a) of KS&SSRs Part II. The Applicant had not acquired test qualification within a period of 3 years ie. upto the year 2011, from the date of promotion as provided under Rule 13 A(2) of KS &SSRs, Part II and had been continuing in the promoted post for more than 4 years until the reversion order was issued. The Deputy Director of Panchayats, Malappuram had not taken timely action to revert the applicant who got temporary promotion as envisaged in the Rules. Though late, the reversion ordered by the Director of Panchayats, Thiruvananthapuram is in order. The said rule is silent about extending the period of passing of qualification test.

7. In the light of the facts and circumstances as detailed above, the request of the Applicant to cancel the order reverting him to the post of Lower Division Clerk does not merit consideration, as it will pave way for undesired precedents and hence the request made by the applicant in Annexure A2 is rejected.

8. The order of Hon'ble Kerala Administrative Tribunal read as 1<sup>st</sup> paper above is complied with as above.

(By Order of the Governor)


**SREEKALA C.S**  
**UNDER SECRETARY TO GOVT.**

To

1. The Advocate General, Kerala, Thiruvananthapuram Branch  
(with covering letter)
2. Shri V. K Sajeevan, Senior Clerk, Kadamakudy Gramapanchayat,  
Kadamakudy PO, Ernakulam - 682027
3. The Director of Panchayats, Thiruvananthapuram
4. The Joint Director of Panchayats, Thiruvananthapuram  
( through the Director of Panchayats)
5. The Deputy Director of Panchayats, Malappuram ( through the Director  
of Panchayats)
- ✓ 6. The Director, Information Kerala Mission (for publishing on official Website)
7. Stock File/Office Copy(File No. 529/EPA1/15/LSGD)



Forwarded/By Order

  
Section Officer