



GOVERNMENT OF KERALA

Abstract

Local Self Government Department – Urban Affairs Directorate-
Establishment - Order dated.15/3/2016 of the Hon.Kerala Administrative
Tribunal in O.A No. 403/2016 filed by Sri. Ram Prasad K.M, Senior Clerk,
Cherthala Municipality, Alappuzha- Complied with- Orders issued.

Local Self Government (E.U) DEPARTMENT

G.O. (Rt) No. 2719/16/LSGD Dated, Thiruvananthapuram. 23/9/2016.

- Read: 1) Letter No. E3- 15782/2013 dated. 24/4/2014 of the Director,
Urban Affairs Department.
- 2) Representation dated 8.02.2016 from Sri. Ram Prasad K.M,
Senior Clerk, Cherthala Municipality.
- 3) Order dated. 15/3/2016 of the Hon. Kerala Administrative
Tribunal in O.A No. 403/2016 filed by Sri. Ram Prasad K.M,
Senior Clerk, Cherthala Municipality, Alappuzha.
- 4) Letter No. E3- 9452/2016 dated. 27/6/2016 of the Director,
Urban Affairs Department.

ORDER

As per Letter read as 1st paper above, the Director of Urban Affairs finalised and communicated the Gradation List, as on 31/7/2013, of Senior Clerks of the Municipal Common Service. Against the seniority assigned, Sri. Ram Prasad K.M, Senior Clerk, Cherthala Municipality, Alappuzha filed representation read as 2nd paper above before the Government. He also filed O.A No. 403/2016 before the Hon. Kerala Administrative Tribunal. The Hon. Kerala Administrative Tribunal in the Order read as 3rd paper above directed Government to take a decision on Annexure A.11 representation after hearing the applicant, third respondent and anybody else affected, within a period of four months from the date of receipt of a certified copy of the order.

2. In compliance of the direction contained in the Order of the Hon. Kerala Administrative Tribunal, the Under Secretary, Local Self Government Department conducted hearing in the matter. In the Annexure A.11 representation and in the hearing, the applicant has submitted that in pursuance to the advice dated. 17/12/2002 of the

Kerala PSC he was appointed as L.D Clerk by the appointment order No. B7/01/2003 dated. 24/1/2003 of the Director of Urban Affairs and after that he passed MOP Test in Dec. 2003, KSR in June 2005, Kerala Financial Code Vol I and II in December 2003 and Municipal Act and Rules in Jan. 2005. The fact regarding passing of obligatory departmental tests were reported to the Director of Urban Affairs well in advance. He submitted that even though he had passed all the required tests, his promotion to the post of U.D Clerk was much delayed and one Sri. Babuji and many others who have passed the departmental tests along with him were given temporary promotion under Rule 31 (a) (i) of Part II KS&SSRs without promoting him. He is on the stand that in the seniority list read as 1st paper above, he was not assigned proper seniority even after submitting representation before the Director of Urban Affairs. He submitted that his seniority as per the advice memo of the Kerala PSC has been violated and the Director of Urban Affairs has not looked into the dates of advice of various candidates and their eligibility to get promotion with reference to the dates on which the vacancies arose and date on which they secured qualification to get promotion. He submitted that the persons included as Sl. No 231 to 234 are junior to him. He therefore requested to reconsider the seniority assigned to him in the Proceedings read as 1st paper above of the Director Urban Affairs and place him in rank No. 223 (a) or above in that list.

3. Government have examined the above representation in the light of the report of the Director of Urban Affairs in his letter read as 4th paper above. In that letter the Director of Urban Affairs has reported that the incumbent has entered service on 7/2/2003 and passed the required test for promotion on 6/2005. Even though he was eligible for promotion by including in the promotion order No. B7-20415/2004 dated. 24/8/2005, the details of test qualification of the incumbent were received in his office only on 11/2005 and promoted him in the promotion order dated 10/2006. The Director of Urban Affairs therefore admitted that the seniority of the incumbent has to be altered in the seniority list of U.D Clerks and a thorough revision of seniority is under progress.

4. Government have examined the above report in detail and are of the view that the present seniority list of Senior Clerks published by the Director of Urban Affairs as per letter read as 1st paper above is erroneous. Therefore the Director of Urban Affairs will first take action to prepare a seniority list of L.D Clerks on the basis of the principles

laid down in Rule 27 of Part II KS&SSRs. After fixing that seniority, the Director of Urban Affairs will consider their eligibility for promotion to the post of U.D Clerk and fix the same, with reference to the date of occurrence of relevant vacancies observing Rule positions in Rule 13 (A)(1)(a), 13.A(2), 28 (a), 28 (bb) and 28 (bbb) Part II KS&SSRs and recast the present seniority list of Senior Clerks and finalise the same, after due notice to all concerned within a period of 3 months from the date of this Government Order. The Director of Urban Affairs will arrange to publish the said seniority list in the Kerala Gazette as well as in the web-site.

5. The direction contained in the order read as 3rd paper above of the Hon. Kerala Administrative Tribunal is complied with accordingly.

(By Order of the Governor)

M. ABUL KALAM
Under Secretary.

The Director of Urban Affairs, Thiruvananthapuram

The Principal Accountant General (A& E) / Audit, TVPM

The Director, Kerala State Audit Department

Sri. Ram Prasad K.M, Senior Clerk, Cherthala Municipality (Through the Director of Urban Affairs).

Sri. Babuji, UD Clerk, Cherthala Municipality (Through the Director of Urban Affairs).

The Executive Director, Information Kerala Mission (For publishing in the web-site)

The Advocate General, Kerala , TVPM (With C/L).

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Forwarded by Order



Section Officer