



GOVERNMENT OF KERALA

Abstract

Local Self Government Department – Establishment – O.A No.1733/16 filed by Shri. Gopakumar P, Senior Clerk, North Paravoor Municipality, Ernakulam – Order dated 29.07.2016 of the Hon. Kerala Administrative Tribunal- Complied with - Orders issued

LOCAL SELF GOVERNMENT (EU) DEPARTMENT

G.O.(Rt) No.2989/2016/LSGD.

Dated, Thiruvananthapuram, 02.11.2016

Read:-

1. Order No. E6-16362/16 dated 22.07.2016 of the Director of Urban Affairs, Thiruvananthapuram.
2. Appeal petition dated 25.07.2016 submitted by Shri. Gopakumar P, Senior Clerk, North Paravoor Municipality, Ernakulam (Annexure A4).
3. Order dated 29.07.2016 of the Hon. Kerala Administrative Tribunal in O.A No.1733/2016 filed by Shri. Gopakumar P, Senior Clerk, North Paravoor Municipality, Ernakulam.
4. Letter.No.E3-21212/2016 dated 29/09/2016 from the Director of Urban Affairs, Thiruvananthapuram.

ORDER

As per Order read as 1st paper above, the Director of Urban Affairs issued transfer and postings in the cadre of Senior Clerks of Kerala Municipal Common Service. In that transfer order Sri. Gopakumar. P, Senior Clerk of the South Paravoor Municipality has been transferred to North Paravoor Municipality, Ernakulam on administrative convenience. Against this transfer

Order he filed appeal petition read as 2nd paper above before the Government. In the appeal petition, the appellant has submitted that he had worked in Cochin Corporation for the period from 9/7/2007 to 30/1/2013, Kasaragod Municipality for the period from 31/1/2013 to 13/3/2013, Alappuzha Municipality for the period from 14/3/2013 to 31/7/2014 and from 1/8/2014 onwards in South Paravur Municipality. While working as Senior Clerk in the South Paravoor Municipality, he had applied for a transfer and posting to Kollam Corporation, which is his home station. But without considering his 7 years out station service in northern districts, the Director of Urban Affairs as per his Proceedings read as 1st paper above posted him in North Paravoor Municipality. The appellant submitted that he has two children of 7 and 4 years of age and aged mother of 70 years. He therefore requested to transfer him to the Kollam Corporation as per his option.

2. Sri. Gopakumar. P, Senior Clerk also filed O.A No. 1733/2016 before the Kerala Administrative Tribunal in the above matter. The Hon. Tribunal in the Order read as 3rd paper above directed the first Respondent (Government of Kerala) to take a decision on Annexure A4 on its merits after hearing the applicant within a period of two months from the date of receipt of a certified copy of the order.

3. As directed by the Hon. Tribunal Sri. Gopakumar. P, Senior Clerk was heard by the Under Secretary, Local Self Government Department on 30/9/2016. During the hearing the incumbent submitted that his option was to Kollam Corporation alone and he had not applied for any other place. He submitted that without considering norms he has been transferred to North Paravoor Municipality and there are persons still working in the South Paravoor Municipality even after completing their 5 years of service. He therefore requested to post him in Kollam corporation as per his option.

4. Government have examined the matter in detail with the report read as 4th paper above of the Director of Urban Affairs. Government have noted that as per the transfer order dated. 22/7/2016 of the Director of Urban Affairs, 213 Senior Clerks of Municipal Common Service were transferred to different places in Kerala. In that transfer list only 9 postings are made in Kollam Corporation. The applicant does not raise any complaint in the appeal petition on the said 9 postings. He has no argument that the said 9 persons are ineligible persons as per norms. It is a fact that posting in an opted place can be considered only with reference to the vacancy available at the time of transfer. As such there is no merit in the contention of Sri. Gopakumar that the Director of Urban Affairs did not consider his option to Kollam. In the transfer order read as 1st paper above, it is mentioned that the applicant has been transferred to North Paravoor Municipality on administrative convenience. The Director of Urban Affairs in his letter read as 4th paper above has assured that the application of the incumbent will be included and considered in the next general transfer.

5. In the above circumstances, Government are of the view that there is no need to interfere with the transfer Order read as 1st paper above issued by the Director of Urban Affairs. The request in the Annexure A.4 appeal petition read as 2nd paper above is hereby rejected and orders accordingly.

6. The direction contained in the Order read as 3rd paper of the Hon. Kerala Administrative Tribunal is complied with as noted above.

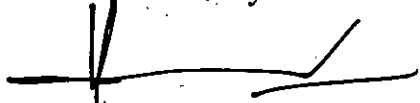
(By Order of the Governor)
ABUL KALAM M
Under Secretary

To

1. The Director of Urban Affairs, Thiruvananthapuram.
2. The Director, State Audit Department, Thiruvananthapuram.

3. Sri. Gopakumar. P, Senior Clerk, North Paravur Municipality, Ernakulam
PIN- 683 513 (By Regd Post).
4. The Advocate General, Kerala, Thiruvananthapuram (With Covering
Letter).
5. The Executive Director, Information Kerala Mission, Thiruvananthapuram (
to publish this order in the web-site).
6. The Principal-Accountant General (Audit), Thiruvananthapuram.
7. Stock File.
8. Office Copy.

Forwarded/By Order



Section Officer