



## GOVERNMENT OF KERALA

### Abstract

Local Self Government Department – Establishment – O.A No.1734/16 filed by Shri. S. Jayakumar, Superintendent, Nilambur Municipality – Order dated. 29/7/2016 of the Hon. Kerala Administrative Tribunal- Complied with - Orders issued.

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### Local Self Government (E.U) Department

G.O.(Rt)No.3091/16/LSGD Dated,Thiruvananthapuram. 14.11.2016.

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Read:

1. Order No. E6-16357/16 dated 22.07.2016 of the Director of the Urban Affairs, Thiruvananthapuram.
2. Appeal petition dated. 25.07.2016 submitted by Shri. S. Jayakumar, Superintendent, Nilambur Municipality before the Government (Annexure A3).
3. Order dated. 29/7/2016 of the Hon. Kerala Administrative Tribunal in O.A No.1734/16 filed by Shri. S. Jayakumar, Superintendent.
4. Letter.No. E6- 22779/2016 dated 18.10.2016 from the Director of Urban Affairs, Thiruvananthapuram.

### ORDER

As per Order read as 1<sup>st</sup> paper above, the Director of Urban Affairs issued transfer and postings and promotions in the cadre of Superintendent of Municipal Common Service. In that Order one Sri. S. Jayakumar, Superintendent Thiruvananthapuram Corporation has been transferred to Nilambur Municipality on administrative convenience. Against this order, Sri. S. Jayakumar filed appeal petition read as 2<sup>nd</sup> paper above before the Government. In the appeal

petition he submitted that he joined in Thiruvananthapuram Corporation as Superintendent on 7/2012 and many of his seniors are still working in Thiruvananthapuram Corporation. He complained that without transferring them he was transferred to Nilambur Municipality. He added that his aged mother is bed-ridden and he is the only son. He submitted that at the time of his transfer, there were 7 vacancies of Supdts in Thiruvananthapuram Corporation and intention behind his transfer was to accommodate 5 Revenue Inspectors who were given promotion as Supdts. He therefore requested to retain him Thiruvananthapuram Corporation.

2. In connection with the above transfer, Sri. S. Jayakumar filed O.A No. 1734/2016 before the Kerala Administrative Tribunal. The Hon. Tribunal in the Order read as 3<sup>rd</sup> paper above directed the 1<sup>st</sup> Respondent, Secretary to Government, LSGD to consider and pass orders on Annexure A3 Appeal within two months from the date of receipt of a copy of the order, after affording an opportunity of being heard to the applicant.

3. In accordance with the direction of the Hon. Kerala Administrative Tribunal, Sri.S. Jayakumar was heard by the Under Secretary to Government, Local Self Government Department on 18/10/2016. During the hearing the appellant submitted that 4 Revenue Inspectors were allowed to continue in Thiruvananthapuram Corporation on promotion as Supdts and 3 existing Supdts who are completed more years than the service period of the applicant in Thiruvananthapuram Corporation are retained in Thiruvananthapuram Corporation without transfer. He produced medical certificate of his mother and requested to retain him in Thiruvananthapuram Corporation.

4. Government have examined the Annexure A3 Appeal petition read as 2<sup>nd</sup> paper above in detail with the report read as 4<sup>th</sup> paper above of the Director of Urban Affairs and with the transfer norms of Local Self Government Department issued under GO (Ms) No 105/2007/LSGD dated. 4/4/2007. As per Para II and III of this order an employee who completed 3 years service can be transferred out. In this case, at the time of transfer, the appellant had completed 4 years service in Thiruvananthapuram Corporation. The Director of Urban Affairs transferred the incumbent for administrative convenience. In the letter read as 4<sup>th</sup> paper above, the Director of Urban Affairs has submitted that the incumbent was continuing in Thiruvananthapuram Corporation from 2012 onwards and transfer request of many officers who were working in remote Municipalities has to be considered and by that reason the incumbent was transferred to Nilambur Municipality. However, the Director of Urban Affairs submitted

that he will consider the application of appellant for transfer and will be given a more convenient posting in any of the Municipalities in accordance with eligibility.

5. Considering the fact and circumstances of this case, Government are of the view that there is no need to interfere the transfer order read as 1<sup>st</sup> paper above of the Director of Urban Affairs. The request in the Annexure A3 appeal petition read as 2<sup>nd</sup> paper above of Sri. S. Jayakumar, Superintendent is therefore rejected and orders accordingly.

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

(By Order of the Governor).  
**M. Abul Kalam.**  
**Under Secretary.**

To

1. The Director of Urban Affairs, Thiruvananthapuram.
2. The Director, Kerala State Audit Department, Thiruvananthapuram.
3. The Advocate General, Kerala, Thiruvananthapuram( With C/L).
4. Shri. S. Jayakumar, Superintendent, Nilambur Municipality, Malappuram District..
5. The Executive Director, Information Kerala Mission, Thiruvananthapuram.(For publishing this order in the Website).
6. The Principal Accountant General (Audit), Thiruvananthapuram.
7. Stock file/Office Copy.

Forwarded/By Order



Section Officer