



GOVERNMENT OF KERALA

Abstract

Local Self Government Department – Establishment – O.A No.1801/16 filed by Sri.P.Vidyadharan, Health Supervisor, Kodungallur Municipality – Order dated. 03.08.2016 of the Hon. Kerala Administrative Tribunal- Compliance - Orders issued.

LOCAL SELF GOVERNMENT (EU) DEPARTMENT

GO(Rt)No.3419/2016/LSGD. Dated,Thiruvananthapuram, 15.12.2016

Read:-

1. Order No. E5-11961/16 dated 22.07.2016 of the Director of Urban Affairs, Thiruvananthapuram.
2. Appeal petition dated 27.07.2016 submitted by Sri. P Vidyadharan, Health Supervisor, Kodungallur Municipality (Annexure A7).
3. Order dated 03.08.2016 of the Hon. Kerala Administrative Tribunal in O.A No.1801/ 2016 filed by Sri.P.Vidyadharan, Health Supervisor.
4. Letter.No.E5-21678/2016 dated 09/11 /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/promotion in the cadre of Health Supervisors in Municipal Common Service. Against this order, Sri. P Vidyadharan, Health Supervisor, Kodungallur Municipality filed appeal petition read as 2nd paper above before Government. In the appeal, the incumbent has submitted that from 8/2012 onwards he was

working as Health Supervisor in Trippunithura Municipality and applied for transfer to any of the Municipalities in Aluva, Kottayam or Kochi. He belongs to SC(Pulaya) Community and also an inter caste marriagee. But without considering his preferential claim he has been transferred and posted in Kodungallur Municipality. He therefore requested to post him in Aluva Municipality or in the retirement vacancy that arise in Kottayam Municipality on 12/2016.

2. In connection with the above transfer, Sri. P Vidyadharan, Health Supervisor also filed O.A No.1801/16 before the Kerala Administrative Tribunal. The Hon. Tribunal in the Order read as 3rd paper above directed the Government to consider and pass orders on appeal petition in accordance with law, after giving an opportunity of hearing to the applicant and anyone else likely to be affected by the decision on Annexure A7, within two months from the date of receipt of a certified copy of the order.

3. In accordance with the direction of the Hon. Kerala Administrative Tribunal, the applicant was heard by the Under Secretary, Local Self Government (EU) Department on 15/11/2016. At the time of hearing, the applicant stated that his preferential claim has not been considered and if it was properly considered, he could have get posting in Aluva Municipality or Cochin. He submitted that he is the 2nd person in the seniority list of Health Supervisors and continuing in the post for past 13 years. His only senior is settled in

Neyyattinkara. He added that he had worked in 9 Districts and nobody in the Department can over rule his claim. He further submitted that if he is posted in the retirement vacancy of Health Supervisors in Kottayam District, nobody can challenge the same as he is the senior most.

4. Government examined the matter in detail with the transfer norms of Local Self Government Department issued under G.O (Ms) No 105/2007/LSGD dated. 4/4/2007 and the report of the Director of Urban Affairs read as 4th paper above along with GO(P) No. 36/2014/P&ARD dated 30.10.2014. As per GO(P) No. 36/2014/P&ARD dated 30.10.2014, Government of Kerala have issued order of preferential claim of officers in general transfer. In that list 1st preferential Category is the SC/ST. In para 13 of the transfer norms of Local Self Government Department it is proclaimed that the existing orders regarding transfer facilities of SC/ST employees will be followed. In this case the Director of Urban Affairs has no defence on the arguments of the applicant. The Director of Urban Affairs submitted that the petitioner can be posted in Aluva, Kottayam or Cochi as and when vacancies arises.

5. In the above circumstances the Director of Urban Affairs is directed to take appropriate necessary action to transfer Sri. P Vidyadharan, Health Supervisor to the next arising vacancy of Health Supervisor in Kottayam Municipality.

6. The Appeal Petition dated 27.07.2016 filed by Shri. Vidyadharan is disposed of accordingly in compliance with the Court Order read as 3rd paper above.

(By Order of the Governor)

RESMI RAVEENDRAN
Under Secretary

To

1. The Advocate General, Kerala, Vanchiyoor, Thiruvananthapuram
2. The Director of Urban Affairs, Thiruvananthapuram
3. Sri. P Vidyadharan, Health Supervisor, Kodungallur Municipality
4. ~~The~~ Executive Director, Information Kerala Mission,
Thiruvananthapuram (For publishing this Order in the web-site).
5. Stock file/Office Copy.

Forwarded /By Order


Section Officer