



GOVERNMENT OF KERALA

Abstract

Local Self Government Department - Establishment - OA 1671/16 filed by Shri. N.S. Asok Kumar, Superintendent, Vaikom Municipality, Kottayam - Order dated 09.08.2016 of the Hon'ble Kerala Administrative Tribunal - Complied with - Orders Issued.

LOCAL SELF GOVERNMENT (EU) DEPARTMENT

G.O.(Rt.)No:3488/2016/LSGD. Dated, Thiruvananthapuram, 21.12.2016

- Read :**
- 1) Order No. E6-16357/16 dated 22.07.2016 of the Director of Urban Affairs, Thiruvananthapuram.
 - 2) Appeal petition dated 23.07.2016, submitted by Shri. N.S. Asok Kumar, Superintendent, Vaikom Municipality before Government (Annexure A4).
 - 3) Order dated 09.08.2016 of the Hon'ble Kerala Administrative Tribunal in OA.1671/16 filed by Shri.N.S. Asok Kumar, Superintendent.
 - 4) Letter No. E6-17443/16 dated 19.11.2016 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 Superintendents of Municipal Common Service. Against the said Order, Shri.N.S. Asok Kumar, Superintendent filed appeal petition read as 2nd paper above before the Government. In the appeal he complained that he had applied for transfer to Kochi Corporation and the same has not been considered by the Director of Urban Affairs. He is due to retire on

that Existing Revenue Inspectors were promoted and posted as Superintendents in Kochi Corporation. He therefore, requested to grant transfer to Kochi Corporation.

In connection with the above transfer Shri.N.S. Asok Kumar, filed OA No. 1671/2016 before the Kerala Administrative Tribunal. The Hon'ble Tribunal in the Order read as 3rd paper above directed the Government to consider and pass orders on Annexure A4 in accordance with law, after giving an opportunity of being heard to the applicant and other, if any, likely to be affected by the decision, within three months from the date of receipt of a certified copy of the order.

In accordance with the direction of Hon'ble Kerala Administrative Tribunal the Under Secretary, Local Self Government (EU) Department heard the applicant on 06.10.2016. In the hearing, the appellant submitted that he will retire on 31.05.2017 and there is a vacancy of Superintendent in Kochi Corporation and he is the senior most and if he is posted in that place, it will not affect nobody.

Government have examined the case in detail with the transfer norms issued as per G.O.(MS) No.105/2007/LSGD dated 04.04.2007 and the report dated 19.11.2016 of the Director of Urban Affairs. In the Para 14 of that order it is insisted that "as far as possible those who are due to retire within two years shall be posted to their station of choice." In this case, in the total service of 25 years, Shri. N.S. Asok Kumar worked 21 years in Kochi Corporation alone. He was posted to Vaikom Municipality on getting promotion as Superintendent vide Order No. E6-10503/2014 dated 15.02.2016. However he will retire on 31.05.2017 and the Director of Urban Affairs has opined that he can be posted in the existing vacancy in the Kochi Corporation as he has only 6 month of remaining service. In this case, the Director of Urban Affairs has not reported that said transfer will affect the right of anybody.

It is not advisable to allow an officer in a particular station for decades. But the transfer norms insist that as far as possible those who

are due to retire within two years shall be posted to their station of choice. In this case, there is an existing vacancy to post the incumbent and he will retire on 31.05.2017.

In the above circumstances, Director of Urban Affairs is directed to take immediate action to transfer and post Shri. N.S. Asok Kumar in the existing vacancy of Superintendent in Kochi Corporation.

The appeal Petition read as 2nd paper above is disposed as noted above and the direction contained in the Order read as 3rd paper above of the Hon'ble Kerala Administrative Tribunal is complied with.

(By Order of the Governor)
RESMI RAVEENDRAN,
UNDER SECRETARY.

To

The Director or Urban Affairs, Thiruvananthapuram.

The Director, Kerala State Audit Department.

The Advocate General, Thiruvananthapuram.

Shri. N.S. Asok Kumar, Superintendent,

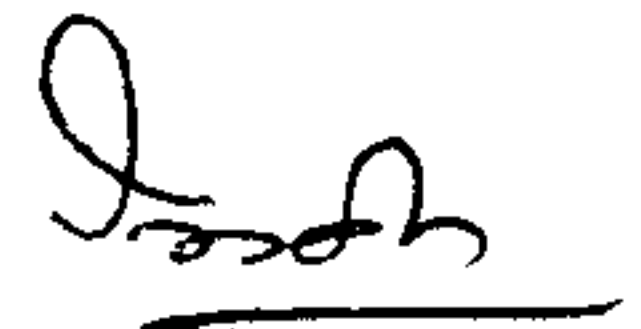
Vaikom Municipality, Kottayam.

~~The~~ Executive Director, Information Kerala Mission,
Thiruvananthapuram.

The Principal Accountant General (Audit/A&E), Kerala,
Thrissur.

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Section Officer.