

**GOVERNMENT OF KERALA**  
**Abstract**

Local Self Government Department - Establishment - OA 2078/16 filed by Shri. N. Rajan, Health Supervisor, Irinjalakkuda Municipality - Order dated 06.09.2016 of the Hon'ble Kerala Administrative Tribunal - Complied with - Order Issued.

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**LOCAL SELF GOVERNMENT (EU) DEPARTMENT**

GO(Rt)No: 3487/2016/LSGD. Dated, Thiruvananthapuram, 21.12.2016.

- Read :**
- 1) Order No. E5-11961/16 dated 22.07.2016 of the Director of Urban Affairs, Thiruvananthapuram.
  - 2) Appeal Petition dated 27.08.2016 submitted by Shri. N.Rajan, Health Supervisor, Irinjalakkuda Municipality. (Annexure A5).
  - 3) Order dated 06.09.2016 of the Hon'ble Kerala Administrative Tribunal in OA.2078/2016 filed by Shri. N. Rajan, Health Supervisor, Irinjalakkuda Municipality.
  - 4) Letter No.E5 23928/2016 dated 19.11.2016 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/promotion in the cadre of Health Supervisors in Municipal Common Service. In that Order Shri. Rajan. N., Health Supervisor, Malappuram Municipality has been transferred and posted in Irinjalakkuda Municipality on administrative convenience. Against this order, Shri. Rajan. N., Health Supervisor filed appeal petition read as 2<sup>nd</sup> paper above before the Government. In the appeal, the incumbent submitted that he has not applied for any transfer and he has only one and a half years service in the Malappuram Municipality and he will be retired within 2 years. He added that he belong to Scheduled Caste Community. He therefore requested to retransfer him to the Malappuram Municipality and if  
(.....2)

there are any difficulties for that transfer he may be posted in Thrissur Corporation on the retirement vacancy of one Shri. Upendran, Health Supervisor who will retire on November 2016.

2) In connection with the above transfer Shri. Rajan. N., Health Supervisor filed OA 2078/16 before the Kerala Administrative Tribunal. The Hon'ble Tribunal in the Order read as 3<sup>rd</sup> paper above directed the Government to consider and pass orders on Annexure A5 in accordance with law, after giving an opportunity of being heard to the applicant and the 3<sup>rd</sup> Respondent within two months from the date of receipt of a certified copy of the Order.

3) In accordance with the direction of Hon'ble Kerala Administrative Tribunal the Under Secretary, Local Self Government Department heard the applicant and the 3<sup>rd</sup> Respondent (Smt. K. Sumathi, Health Supervisor, Malappuram Municipality). In the hearing, the appellant submitted that he belong to SC (Parava) Community and before completing 3 years in Malappuram Municipality, he has been transferred to Irinjalakkuda Municipality and therefore requested to re-transfer him to there. In the hearing Smt. K. Sumathi, Health Supervisor, Malappuram Municipality submitted that she will retire within 2 years and her husband has undergone a heart valve transplantation and bed ridden. She submitted that in the present situation she may not be transferred from Malappuram Municipality. She produced medical documents of her husband.

4) Government 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 read as 4<sup>th</sup> paper above from the Director of Urban Affairs along with GO(P) No.11/90/P&ARD dated 05.05.1990. In that Order it is insisted that "Employees who are physically handicapped, relatives of Jawans, inter-caste married and Scheduled Castes/ Scheduled Tribes shall not ordinarily be transferred until they complete 5 years of duty/service in a station/district. In this case Shri.Rajan.N., Health Supervisor joined in Malappuram Municipality on 05/2015. Before completing 5 years he was transferred to Irinjalakkuda Municipality. The situation of Smt.K.Sumathi, Health Supervisor, Malappuram Municipality also deserving consideration on humanitarian ground. It is noted that in Annexure A5 the appellant is willing  
(.....3)



to be transferred to Thrissur Corporation on the next retirement vacancy. The Director of Urban Affairs has also submitted that he can be posted in Thrissur Corporation in the retirement vacancy.

5) In the above circumstances, the Director of Urban Affairs is directed to take immediate action to transfer and post Shri. N. Rajan, Health Supervisor to the next retirement vacancy of Health Supervisor in Thrissur Corporation as per eligibility.

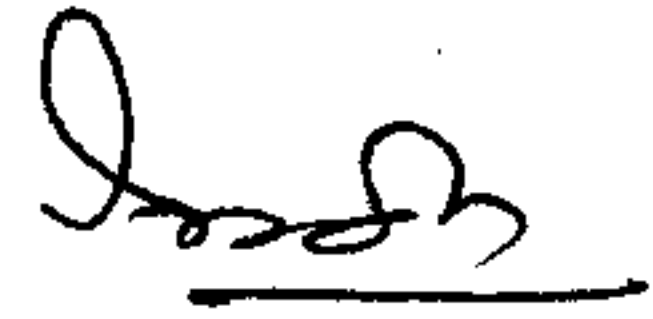
6) The appeal petition read as 2<sup>nd</sup> paper above is disposed as noted above and the direction contained in the Order read as 3<sup>rd</sup> paper above of the Hon'ble Kerala Administrative Tribunal is thus complied with.

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

**To**

The Advocate General, Kerala, Vanchiyoor, Thiruvananthapuram.  
The Director, State Audit Department, Thiruvananthapuram.  
The Director of Urban Affairs, Thiruvananthapuram.  
Shri.N. Rajan, Health Supervisor, Irinjalakkuda Municipality.  
Smt. K. Sumathy, Health Supervisor, Malappuram Municipality.  
✓ The Executive Director, Information Kerala Mission,  
Thiruvananthapuram. (For publishing this Order in the web-site)  
Stock File/Office Copy.

**Forwarded by Order**



**Section Officer**