



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

Local Self Government Department - Establishment - OA 1866/2016 filed by Shri. Manu.M.G and Shri. R. Anil Kumar, Lower Division Clerk/Bill Collector, Thiruvananthapuram Corporation - Order dated 08.08.2016 of the Hon'ble Kerala Administrative Tribunal - Complied with - Order Issued.

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**LOCAL SELF GOVERNMENT (EU) DEPARTMENT**

GO(Rt)No: 3486/2016/LSGD. Dated, Thiruvananthapuram, 21.12.2016.

- Read :**
- 1) Order No. E7-13521/16 dated 04.08.2016 of the Director of Urban Affairs, Thiruvananthapuram.
  - 2) Appeal Petition dated 05.08.2016 submitted by Shri. Manu. M.G and Shri. Anil Kumar. R, Lower Division Clerk/Bill Collector before Government (Annexure A5 & A8).
  - 3) Order dated 08.08.2016 of the Hon'ble Kerala Administrative Tribunal in OA.1866/2016 filed by Shri. Manu.M.G. and R. Anil Kumar.
  - 4) Letter No.E7 18397/2016 dated 03.10.2016, 15.11.2016 and 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 in the cadre of Lower Division Clerk/Bill Collector of Municipal Common Service. In that Order, Shri. Manu. M.G., LDC/BC, Thiruvananthapuram Corporation has been transferred to Neyyattinkara Municipality and Shri.R. Anil Kumar, Lower Division Clerk/Bill Collector, Thiruvananthapuram Corporation has been transferred to Nedumangad Municipality.

2. Against the above transfer Order, Shri. Manu M.G.and Shri. R. Anil Kumar filed appeal petitions read as 2<sup>nd</sup> paper above before the Government.  
(.....2)

3. In the appeal petition, Shri. Manu M.G and Shri. R. Anil Kumar stated that there are vacancies of Lower Division Clerk/Bill Collector in Thiruvananthapuram Corporation and many of their seniors who have more service than them in Thiruvananthapuram Corporation are retained in Thiruvananthapuram Corporation. They, therefore, requested to allow them to continue in Thiruvananthapuram Corporation. Shri.R. Anil Kumar also submitted that he belongs to Scheduled Caste Community and hence requested to retain him in Thiruvananthapuram Corporation.

4. In connection with the above transfer, Shri. Manu.M.G. and Shri.R. Anil Kumar filed O.A No. 1866/2016 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, Local Self Government Department to consider and pass orders on Annexure A5 and A8 representations; in accordance with law, after giving an opportunity of being heard to the applicant and others, if any, likely to be affected by the decision within four weeks from the date of receipt of a copy of the order. The Hon'ble Kerala Administrative Tribunal made it clear that until the 1st Respondent takes a decision on Annexure A5 and A8 representations, the implementation of Annexure A1 transfer order as far as applicants are concerned shall be kept in abeyance.

5. In accordance with the direction of the Hon'ble Kerala Administrative Tribunal, the Under Secretary, Local Self Government Department heard the applicants on 26.09.2016. During the hearing Shri. Manu. M.G., Lower Division Clerk/Bill Collector submitted that at the time of transfer there was no vacancy of Lower Division Clerk/Bill Collector available in Neyyattinkara Municipality to accommodate him and still there are 12 vacancies of Lower Division Clerk/Bill Collector in Thiruvananthapuram Corporation. If he is retained in Thiruvananthapuram Corporation, it will affect nobody. In the hearing, Shri. R. Anil Kumar, Lower Division Clerk/Bill Collector submitted that he belongs to Scheduled Case Community and just completed 3 years service in Thiruvananthapuram Corporation as Lower Division Clerk/Bill Collector. He added that there are still 12 vacancies of Lower Division Clerk/Bill Collector in Thiruvananthapuram Corporation and therefore requested to retain him in Thiruvananthapuram Corporation.

(.....3)

6. 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 of the Director of Urban Affairs read as 4<sup>th</sup> paper above. In the transfer order dated 04.08.2016, two transfers were made to Neyyattinkara Municipality (Sl.No.16 and Sl.No.45). The Director of Urban Affairs admitted that at the time of transfer there was only one vacancy in Neyyattinkara Municipality. Hence the argument of Shri. Manu. M.G. that there was no vacancy to accommodate him in Neyyattinkara Municipality is correct. In G.O.(P) No.11/90/P&ARD dated 05.05.1990 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.Anil Kumar belong to SC (Parava) Community. Before completing 5 years service in the cadre of Lower Division Clerk/Bill Collector he was transferred to Nedumangad Municipality. In strict sense he can be transferred out from Thiruvananthapuram Corporation because he had previous service in lower category of Lower Division Clerk/Bill Collector (Chainman) for more than 6 years in Thiruvananthapuram Corporation. But the Director of Urban Affairs had admitted that there are still 11 vacancies of Lower Division Clerk/Bill Collector in Thiruvananthapuram Corporation and if the incumbents are allowed to continue in Thiruvananthapuram Corporation, it will not cause any administrative inconvenience. The Director of Urban Affairs has reported that the incumbents are already been retained in Thiruvananthapuram Corporation based on the direction of the Hon'ble Administrative Tribunal.

7. In the above circumstances, considering the fact that there are still 11 vacancies of Lower Division Clerk/Bill Collector available in Thiruvananthapuram Corporation and there is no administrative inconvenience in allowing the incumbents in Thiruvananthapuram Corporation, Government allowed the request in the appeal petitions of Shri. Manu. M.G. and Shri. R. Anil Kumar, Lower Division Clerk/Bill Collector and the Director of Urban Affairs is directed to retain them in Thiruvananthapuram Corporation. This order will not be a bar for the transfer of the incumbents in future.

(.....4)

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

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

**To**

The Director of Urban Affairs, Thiruvananthapuram.  
The Advocate General, Kerala, Thiruvananthapuram. (With C/L)  
Shri. Manu. M.G., Lower Division Clerk/Bill Collector,  
Thiruvananthapuram Corporation.  
Shri. Anil Kumar. R., Lower Division Clerk/Bill Collector,  
Thiruvananthapuram Corporation.  
Principal Accountant General (Audit), Thiruvananthapuram.  
~~The~~ Executive Director, Information Kerala Mission,  
Thiruvananthapuram.  
Stock File/Office Copy.

**Forwarded/By order**



**Section Officer.**