



GOVERNMENT OF KERALA

ADMINISTRATIVE

Local Self Government – Panchayat Department – Order dated 04.07.2016 in OA 1480/2016 filed by Sri. Sibi, V.V before the Hon'ble Kerala Administrative Tribunal - Complied with - Orders issued

LOCAL SELF GOVERNMENT (EPA) DEPARTMENT

G.O.(Rt)No.117/2017/LSGD Dated, Thiruvananthapuram, 13/01/2017

- Read :
1. Order dated 04.08.2016 in OA 1480/2016 filed by Sri. Sibi, V.V before the Hon'ble Kerala Administrative Tribunal.
 2. Letter No. C5/1480/2016/AGG dated 31.08.2016 of the Advocate General, Thiruvananthapuram.
 3. Letter No.E-13-16075/16 dated 21.11.2016 of the Director of Panchayats, Thiruvananthapuram.

ORDER

Sri. Sibi, V.V, Accountant, Trimbilayam Gramapanchayat, Malappuram filed OA-1480/16 before the Hon'ble Kerala Administrative Tribunal seeking a direction to set aside the order of reversion of the applicant from the cadre of Accountant to Lower Division Clerk without consideration his right for exemption from acquiring test qualification.

2. By disposing OA-1480/16 the Hon'ble Kerala Administrative Tribunal directed the 1st Respondent to pass an order on Annexure A3 within a period of three months from the date of receipt of a certified copy of the Order. Annexure A3 is a representation dated 27.06.2016 seeking exemption from passing the paper - Kerala Treasury Code Vol. 1 and to cancel the order dated 02.06.2016 issued by the 2nd Respondent (ie, the Director of Panchayats) and the order dated 20.06.2016 by the Deputy Director of Panchayats, Malappuram and thereby permit him to continue as Accountant.

3. In pursuance to the direction of the Hon'ble Kerala Administrative Tribunal the Applicant was heard. The applicant deposed that he may be exempted from the reversion ordered by the Director of Panchayats and is entitled for exemption from acquiring the test qualification till January, 2013 as per the provisions under R.13 AA of the KS&SSR.

4. The matter in question was examined with the extant Rules ie KS&SSRs regarding test exemption and with reference to the report of the Director of Panchayats and the contentions putforth by the applicant. The applicant had not acquired test qualification within a period of 3 years from the date of promotion as provided under Rule 13 A (2) of KS&SSR, Part II. Extract of the rule is reproduced below:

"If a member of a service appointed under clause (a) of sub-rule (1) does not pass a test within 3 years from the date of such appointment or when the said test also involves practical training, within three years after the first chance to undergo such training after such appointment, or if a member of service appointed under clause (b) of sub-rule (1) does not pass the test within two years from the date of introduction of the said test or if the said test also involves practical training, within two years after the first chance to undergo such training after the introduction of the said test, he shall be reverted to the class, category, grade or post from which he was appointed and shall not again be eligible for appointment under clause (a) or (b) as the case may be, of sub-rule(1):

Provided that the period of temporary exemption allowed under clause (b) of sub-rule (1) shall be extended by 3 years in the case of a person belonging to any of the Scheduled Castes or Scheduled Tribes."

5. The Applicant was promoted as UDC by granting the benefit of exemption as provided under Rule 13 A (1) (a) of KS&SSRs Part II. Extract of the rule is reproduced below:

"Where a pass in a special or departmental test is prescribed by the Special Rules of a service for any category, grade or post therein or in any class thereof, a member of a service belonging to any of the Scheduled Castes or Scheduled Tribes who has not passed the said test but is otherwise qualified and suitable for appointment to such class, category, grade or post may be appointed thereto temporarily."

6. The Applicant had not acquired test qualification within a period of 3 years as provided under Rule 13 A(2) of KS &SSRs, Part II and had been continuing in the promoted post for more than 4 years. Later on verification, the irregularity had been detected by the Director Of Panchayats and reverted him to the post of clerk and then promoted to the post of Senior Clerk with effect from 10 January 2013, the date by which he acquired the test qualification for promotion.

7. In the light of the facts and circumstances and rules position as detailed above, the request of the Applicant to cancel the order reverting him to the post of Lower Division Clerk does not merit consideration, as it will pave way for undesired precedents and hence the request made by the applicant in Annexure A3 is rejected.

8. The order of Hon'ble Kerala Administrative Tribunal read as 1st paper above is complied with as above.

(By Order of the Governor)

PATSY STEPHEN
DEPUTY SECRETARY TO GOVT.

To

1. The Advocate General, Kerala, Thiruvananthapuram Branch.
(with covering letter)
2. Sri. Sibi. V.V, Accountant, Irimpiliyam Gramapanchayat, Malappuram.
3. The Director of Panchayats, Thiruvananthapuram
4. The Deputy Director of Panchayats, Malappuram.
(through the Director of Panchayats)
5. The Secretary, Irimbilyam Grama Panchayat, Malappuram (through the Director of Panchayats)
6. The Director, Information Kerala Mission (for publishing on official Website)
7. Web & new media I&PRD
8. Stock File/Office Copy(File No.167/EPA1/16/LSGD)

Forwarded/By Order


Section Officer