

GOVERNMENT OF KERALA

Abstract

Local Self Government Department - Establishment - OA No. 2342/2016 filed by Shri. Ajaya Kumar. B, Health Supervisor, Kanhangadu Municipality, Kasaragod - Order dated 18.10.2016 of the Hon'ble Kerala Administrative Tribunal - Complied - Orders Issued.

LOCAL SELF GOVERNMENT (EU) DEPARTMENT

GO(Rt)No: 494/2017/LSGD.

Dated, Thiruvananthapuram, 21.02.2017.

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- Read :** 1) Order No. E5-11961/16 dated 22.07.2016 of the Director of Urban Affairs, Thiruvananthapuram.
- 2) Representation dated 12.08.2016 submitted by Shri. Ajaya Kumar. B, Health Supervisor, Kanhangadu Municipality before Government (Annexure A5)
- 3) Order dated 18.10.2016 of the Hon'ble Kerala Administrative Tribunal in O.A. 2342/16 filed by Shri. Ajaya Kumar. B, Health Supervisor.
- 4) Letter No. E5 24767/16 dated 27.12.2016 from the Director of Urban Affairs, Thiruvananthapuram.

ORDER

As per the order read as 1st paper above, the Director of Urban Affairs, issued Transfer and Posting/Promotion in the cadre of Health Supervisor in Municipal Common Service, transferring Shri. Ajaya Kumar. B, Health Supervisor to Kanhangad Municipality for administrative convenience. Against the said order, Shri. Ajaya Kumar filed appeal petition read as 2nd paper above before the Government. In the appeal, the incumbent requested that he may be given posting in Thiruvananthapuram Corporation on the ground that he belongs to Scheduled Tribes Community and that he had an Inter Caste Marriage and that he was appointed on Special Recruitment basis and further that he is entitled

to preference and priority for posting in his native place or the district of his choice (as per G.O.(MS) 459/80/GAD dated 03.10.1980.

2. Aggrieved by the transfer, Shri. Ajaya Kumar filed O.A No. 2342/16 before the Kerala Administrative Tribunal. The Hon'ble Tribunal in the Order read as 3rd paper above directed the Government to consider the appeal petition and pass orders there upon after hearing the applicant.

3. In accordance with the directions in the said order of the Hon'ble Kerala Administrative Tribunal, the Under Secretary, Local Self Government Department heard the applicant under proper authorization on 26.12.2016. The hearing Officer reported that during the hearing, the appellant reiterated that he belongs to ST community, had an intercaste marriage suffers from Chronic Liver Cirrhosis and that his transfer order is only based on political animosity and prayed that he may be given posting in Thiruvananthapuram Corporation. He also stated that in the general transfer of the previous year his name was included in Queue list for general transfer 2015 proposing his name for transfer to Thiruvananthapuram Corporation. However he was retained in his former station in Attingal. He submitted that since his name was included in the queue list for the general transfer for the previous year, he is entitled to get a posting in that place as per the transfer norms in force.

4. Government examined the matter in detail with the report of Director of Urban Affairs read as 4th paper above and with the transfer norms issued as per G.O. (MS) No. 105/2007/LSGD dated 04.04.2007 and G.O.(P) No.11/90/P&ARD dated 05.05.1990. In the said Government Order, it is insisted that 'Employees who are physically handicapped, relatives of Jawans in intercaste marriage and those belonging to SC/ST shall not ordinarily be transferred until they complete 5 years of duty/service in a station/district. In the instant case, it is seen that Shri. Ajayakumar has been transferred to Kanhangad after he had completed 5 years from 04.04.2010 to 25.07.2016. His year of retirement is 2026. Moreover, as per the report of Director of Urban Affairs two Health Supervisors viz. Smt. Saleelamma and Shri. R. Jayakumar who are due to retire from service on 31.05.2017 had applied for posting in the existing vacancy in Thiruvananthapuram Corporation. As per G.O.(MS) No.105/2007/LSGD dated 04.04.2007, as far as possible, those who are due to retire within two years shall be given priority for posting in their station of choice.

5. Government have examined the matter in detail and based on the above facts and rules position, order that the request of Shri. B.Ajayakumar for posting in Thiruvananthapuram Corporation cannot be considered at present and therefore is rejected. It is also ordered that he shall be posted in the vacancy that would arise automatically as and when either Smt. Saleelamma, Pala Municipality or Shri. Jaya Kumar, Neyyattinkara Municipality is posted in the existing vacancy in Thiruvananthapuram Corporation.

6. The direction contained in the Order read as 3rd paper above of Hon'ble Kerala Administrative Tribunal thus stands complied with.

(By Order of the Governor)
S. MOHANDAS,
JOINT SECRETARY.

To

The Director of Urban Affairs, Thiruvananthapuram.

The Advocate General, Thiruvananthapuram.

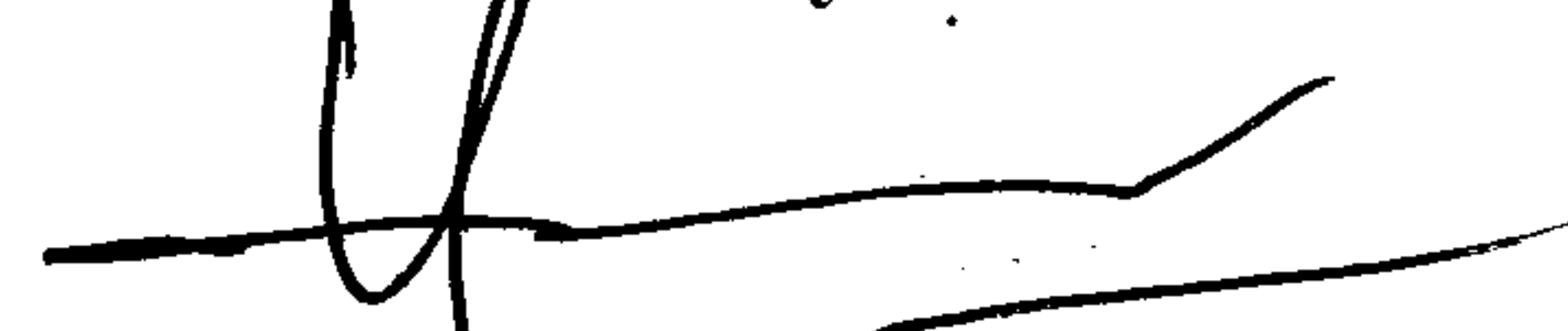
Director, Kerala State Audit Department, Thiruvananthapuram.

Shri. Ajaya Kumar. B, Health Supervisor, Kanhangadu Municipality,
Kasaragod.

✓ The Executive Director, Information Kerala Mission,
Thiruvananthapuram.

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Forwarded by Order


Section Officer

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