



## GOVERNMENT OF KERALA

### Abstract

Local Self Government Department – Establishment – OA No.2276/2014 filed by Sri.N.Sivakumar, Driver, Muncipal Office, Palakkad – Order dated 24/02/2016 of the Hon'ble Kerala Administrative Tribunal – Complied with – Orders issued.

### LOCAL SELF GOVERNMENT (EU) DEPARTMENT

GO(Rt) No. 1079 /2017/LSGD

Thiruvananthapuram, Dated: 04 /03/2017

Read:- 1) Letter No.E4-17006/12 dated 03/02/2014 from the Director of Urban Affairs.

2) Petitions dated 04/08/2014 & 10/08/2014 from Sri.N.Sivakumar to the State of Kerala (Annexure A8 & Annexure A8 (a))

3) Order dated 24/02/2016 of the Hon'ble Kerala Administrative Tribunal in OA No.2276/2014 filed by Sri.N.Sivakumar.

4) Letter No.E4-498/16 dated 03/02/2016 from the Director of Urban Affairs.

5) G.O (MS) No.68/2016/LSGD dated 27/05/2016.

### ORDER

As per the letter read as 1<sup>st</sup> paper above, the Director of Urban Affairs has not consider the application of Sri.N.Sivakumar, Driver, Muncipal Office, Palakkad, for by transfer appointment to the post of Lower Division Clerk / Bill Collector of Muncipal Common Service by noting that GO (P) No.1/2014/P&ARD dated 03/01/2014 which given by transfer appointment from low paid / Last Grade Employees in Government Service, is not made applicable to the Muncipal Common Service.

2) In the letter dated 10/08/2014 (Annexure A8), Sri.N.Sivakumar requested the Secretary, Palakkad Municipality to forward his appeal petition dated 04/08/2014 (Annexure A8(a) to the Government. In that appeal petition the appellant submitted that it is discriminatory if the benefit of Government Order (GO (P) No.1/2014/P&ARD dated 03/01/2014) is not made applicable to the cadre of

Drivers, who are lower in the grade in the Subordinate Service than Clerks / Typists. He, therefore, requested to apply the above said order in the case of lower grade employees of Municipal Common Service.

3) In connection with the above request, Sri.N.Sivakumar filed OA No.2276/2014 before the Hon'ble Kerala Administrative Tribunal. The Hon'ble Court, vide order read as 3<sup>rd</sup> paper above, directed the 3<sup>rd</sup> respondent (the Secretary, Municipal Office, Palakkad) to forward Annexure A8 & Annexure A8 (a), vide letters read as 2<sup>nd</sup> paper above, to the 2<sup>nd</sup> respondent (the Director of Urban Affairs) within a period of two weeks. The Hon,ble Court also directed the 2<sup>nd</sup> respondent to forward the same to the 1<sup>st</sup> respondent (the Government) along with his remarks within a period of one month. The Hon,ble Court further directed the 1<sup>st</sup> respondent to pass orders on Annexure A8 & Annexure A8 (a) after receipt of the same, within 2 months after affording an opportunity of being heard to the applicant.

4) Accordingly, the Under Secretary, Local Self Government (EU) Department heard the applicant on 19/01/2017. During the hearing the applicant requested to apply GO (P) No.1/2014/P&ARD dated 03/01/2014 in the case of Drivers of Municipal Common Service and promote him to the post of Lower Division Clerk / Bill Collector.

5) Government have examined the case in detail with the report read as 4<sup>th</sup> paper above of the Director of Urban Affairs along with the Government Order read as 5<sup>th</sup> paper above. In the letter dated 03/02/2016, the Director of Urban Affairs reported the following;

a) The incumbent entered Municipal Common Service under dying in harness and joined as driver on 21/03/2003. He passed SSLC on 10/2011. The GO (P) No.1/2014/P&ARD dated 03/01/2014 is not made applicable to the Municipal Common Service.

b) No person in the post of Driver is appointed as LDC / BC through by transfer in Municipal Common Service till date. But as per GO (P) No.183/2012/LSGD dated 30/06/2012, Lift Operators of Municipal Common Service were allowed to convert as LDC / BC.

6) As per the Pay Revision Order No.GO (P) No.85/2011/Fin dated 29/02/2011, Driver Grade II comes under the Common Category and its scale of pay is Rs.9190 – 15780, where as Lower Division Clerk and equated posts have scale of pay as Rs.9940 – 16580. The date of effect of this pay revision is 01/07/2009, ie; the Driver Grade II is low paid employee and included in the Subordinate Service and such a person who is in Driver Grade II is eligible for the benefit of GO (P) No.1/2014/P&ARD dated 03/01/2014. As per the order read as 5<sup>th</sup> paper above, Government have proclaimed that Orders issued in the subject matter of GO (P) No.1/2014/P&ARD dated 03/01/2014 and subsequent rules issued / to be issued in this regard is applicable to the Municipal Common Service also.

7) In the above circumstances, the objection raised in the letter read as 1<sup>st</sup> paper above is not valid at present in the light of the Government Order read as 5<sup>th</sup> paper above, wherein Government have extended the benefits, mentioned in GO (P) No.1/2014/P&ARD dated 03/01/2014, to the lower grade employees of Municipal Common Service. Hence Government hereby directed to include the name of Sri.N.Sivakumar, Driver, Municipal Office, Palakkad in the combined seniority list of low paid employees & Last Grade Servants to be appointed to the post of Lower Division Clerk / Bill Collector in accordance with the guidelines issued in GO(P) 1/14/P&ARD dated 03/01/2014, GO(P) 21/14/P&ARD dated 19/07/2014, GO(P) 16/15/P&ARD dated 28/05/2015 and GO(P) 19/15/P&ARD dated 20/06/2015 and to appoint him in that vacancy as and when his turn arises.

8) The Order read as 3<sup>rd</sup> paper above the Hon'ble Kerala Administrative Tribunal is complied with accordingly.

**(By Order of the Governor)**  
**S.MOHANDAS**  
**Joint Secretary**

To

The Director of Urban Affairs, Thiruvananthapuram  
The Advocate General, Kerala, Thiruvananthapuram (With C/L)  
Principal Accountant General (Audit), Thiruvananthapuram  
The Director, Kerala State Audit Department, Thiruvananthapuram

Sri.N.Sivakumar, Driver, Muncipal Office, Palakkad  
✓ The Executive Director, Information Kerala Mission, Thiruvananthapuram  
Stock File / Office Copy

Forwarded by Order,



Section Officer