



GOVERNMENT OF KERALA

Abstract

Local Self Government Department - Establishment - OA No. 279/2017 filed by Shri. Jamal Muhammed. M., Health Inspector, Grade-I, Adoor Municipality -Order dated 13.02.2017 of the Hon'ble Kerala Administrative Tribunal - Complied with - Orders Issued.

LOCAL SELF GOVERNMENT (EU) DEPARTMENT

GO(Rt)No: 1076/2017/LSGD.

Dated, Thiruvananthapuram, 04.04.2017

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- Read :**
- 1) Order No.E5-11961/16 dated 22.07.2016 of the Director of Urban Affairs, Thiruvananthapuram.
 - 2) Appeal Petition dated 08.02.2017 submitted by Shri. Jamal Muhammed. M., Health Inspector Grade I, Adoor Municipality (Annexure A7)
 - 3) Order dated 13.02.2017 of the Hon'ble Kerala Administrative Tribunal in OA 279/17 filed by Shri. Jamal Muhammed. M., Higher Grade-I, Adoor Municipality.
 - 4) Letter No.E5-4533/2017 dated 15.03.2017 from the Director of Urban Affairs, Thiruvananthapuram.

ORDER

As per Order read as 1st paper above, the Director of Urban Affairs issued promotion, transfer and postings in the cadre of Health Inspectors in Municipal Common Service. In the above order Shri. Jamal Muhammed. M., Health Inspector, Grade-II has been promoted and posted in Adoor Municipality. Against this Order Shri. Jamal Muhammed. M. submitted appeal petition read as 2nd paper before the Government. In the appeal he submitted that while working as Health Inspector Grade-I at Adoor Municipality he applied to the Director of Urban Affairs for posting in the newly formed Pattambi, Manakkad, Cherpulassery or Mananthavadi Municipalities. But he did not get a transfer to any of these Municipalities as per order of Director of Urban Affairs dated 26.09.2016. Then he submitted another request to Director of Urban Affairs for

posting him in the next arising vacancy at Palakkad Municipality. But as per order dated 04.02.2017 Shri. Saifudeen was posted in Palakkad Municipality. So Shri. Jamal Muhammed requested to post him in Palakkad Municipality considering the fact that he is due to retire on 31.05.2018 and is a native of Palakkad District.

2. Shri. Jamal Muhammed M. Health Inspector Grade I also filed OA 279/17 before the Hon'ble Kerala Administrative Tribunal with the same prayer. The Hon'ble Tribunal as per Order read as 3rd paper above directed the 1st respondent, the Secretary to Government, Local Self Government Department to consider and pass orders on Annexure A7, appeal Petition, in accordance with law after giving an opportunity of being heard to the applicant and 3rd respondent and others if any likely to be affected by the decision within two months from the date of 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 3rd respondent on 29.03.2017. In the hearing Shri. Jamal Muhammed submitted that he has been in service for 25 years and now is on the verge of retirement and requested that he may be posted in Palakkad so that he can serve out his remaining period in service and settle into retired life.

4. Shri. Saji. S.L., Advocate, representing Saifudeen.S (3rd Respondent) submitted that Saifudeen.S has been in service for 26 years and retires from service on 31.07.2019, ie. only 2 years and a few months remain until his retirement. Saifudeen. S is a native of Palakkad and he has been suffering from serious spinal disease disabling him from travelling long routinely. To avoid transfer out of his home town, which might aggravate his illness, he had put in application on 17.10.2016 relinquishing his promotion to Health Inspector Grade I. However, Director of Urban Affairs promoted him as Health Inspector, Grade-I on 04.02.2017 and posted him in Palakkad itself in the existing open vacancy. His representative prayed for him that on compassionate grounds in consideration of his medical condition and submitted medical records in support of his claim for continuation in Palakkad also to the fact that he too has only some more time before retirement, he may be retained in Palakkad Municipality itself. He submitted that in May 2017, a vacancy in the post of Health Inspector, Grade-I would arise in Ottappalam Municipality due to promotion.

5. Director of Urban Affairs in his report read as 4th paper above has reported that since Shri. Jamal Mohammed is due to retire on 31.05.2018, he

may be granted transfer to his place of choice based on the availability of vacancy and eligibility.

6. Government examined the case in detail with the report of the Director of Urban Affairs read as 4th paper above and with the facts and submission of the two parties during the hearing. It is found that Jamal Muhammed, the senior employee has served the length of the state in various offices during his 25 years of Service from 1991. Out of this 23 years service in Palakkad alone. Shri. Saifudeen is 20 years 4 months his Junior in service. Out of this 17 years service in Palakkad alone. Both are natives of Palakkad.

7. In the circumstances considering the facts and circumstances of the case, the Director of Urban Affairs is directed to consider the request of Shri. Jamal Muhammed at the time of General Transfer 2017 in accordance with norms governing transfer, subject to eligibility and vacancy in the Municipality opted by the petitioner.

8. The appeal petition read as 2nd paper above is disposed of accordingly.

9. Hence Order of Hon'ble Kerala Administrative Tribunal read as 3rd paper above is complied with.

(By Order of the Governor)
S. Mohandas
Joint Secretary to Government

To

The Director of Urban Affairs, Thiruvananthapuram.
The Advocate General, Thiruvananthapuram (with covering letter)
The Director, Kerala State Audit Department, Thiruvananthapuram.
Shri. Jamal Muhammed, Health Inspector Grade I, Adoor Municipality.
Shri. Saifudeen, Health Inspector Grade I, Palakkad Municipality.
✓ The Executive Director, Information Kerala Mission,
Thiruvananthapuram. (For publishing this order in website).0
Stock File/Office Copy.

Forwarded by Order,


Section Officer