



## GOVERNMENT OF KERALA

### Abstract

Local Self Government Department – Establishment – O.A No.1640/16 filed by Shri. Jayaraj O V, Senior Clerk, Cochin Corporation – Order dated. 01.03.2017 of the Hon. Kerala Administrative Tribunal- Complied with - Orders issued.

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### **Local Self Government (E.U) Department**

G.O.(Rt)No. 1667/17/LSGD

Dated, Thiruvananthapuram. 22.05.2017

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#### **Read:**

1. Order No. E6- 16362/16 dated 22.07.2016 of the Director of the Urban Affairs, Thiruvananthapuram.
2. Appeal petition dated. 23.07.2016 submitted by Shri. Jayaraj O V, Senior Clerk, Cochin Corporation before the Government (Annexure A7).
3. Order dated. 01.03.2017 of the Hon. Kerala Administrative Tribunal in O.A No. 1640/16 filed by Shri. Jayaraj O V, Senior Clerk, Cochin Corporation
4. Letter. No. E3-17152/2016 dated 26.04.2017 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 Senior Clerks of Municipal Common Service. In that transfer order Shri. Jayaraj O V, Senior Clerk, Cochin Corporation has been transferred to Kanhangad Municipality on administrative convenience. Against this transfer order Shri. Jayaraj O V filed appeal petition read as 2<sup>nd</sup> paper above before the Government. Wherein he had submitted that he was transferred to Cochin Corporation as per order dated 27.09.2014 and hence his transfer to Kanhangad even before completing the normal tenure of three years is in violation of guidelines for transfer. He therefore requested Government to

set aside his present transfer order and to retain him in Cochin Corporation.

2. Shri. Jayaraj O V filed O.A No. 1640/2016 before the Kerala Administrative Tribunal challenging the order read as 1<sup>st</sup> paper above. The Hon'ble Tribunal as per interim order dated 25.07.2016 stayed the operation and implementation of the applicant's transfer. Later in the final Order read as 3<sup>rd</sup> paper above the Kerala Administrative Tribunal directed the 1<sup>st</sup> Respondent, Secretary to Government, Local Self Government Department to consider Annexure A7 representation in accordance with law, after hearing the applicant within a period of three months from the date of receipt of a copy of the order.

3. In accordance with the direction of the Hon. Kerala Administrative Tribunal, the Under Secretary, Local Self Government (EU) Department heard the applicant on 26.04.2017. In the hearing the incumbent submitted that he joined Municipal Common service on 26.11.2008 as L D Clerk in Kochi Corporation. He was promoted as Senior Clerk on 26.09.2014 and posted at Manjeri Municipality and on 29.09.2014. He was brought back to Cochin Corporation as per the request of Hon'ble Mayor, Cochin Corporation, as he was the Tax Revision Co-ordinator. After one year and ten months he was transferred to Kanhangad Municipality on 22.07.2016 for administrative convenience. Since he had only one year and ten months service in the post of Senior Clerk, while the transfer norms requires a minimum of 3 years service, he requested to retain him in Cochin Corporation.

4. The Director of Urban Affairs as per his letter read as 4<sup>th</sup> paper above has reported that Shri. Jayaraj O V is working in Cochi Corporation since his joining in Municipal Common Service on 26.11.2008 as LD Clerk. Eventhough he was promoted as Senior Clerk and posted in Manjeri Municipality as per the proceedings of the Director of Urban Affairs dated 30.07.2014, he was not relieved from Cochin Corporation. During the tenure Shri. Jayaraj O V was continuing in Cochi Corporation as LD Clerk. It was only because the transfer order dated 25.09.2014, he joined Manjeri Municipality on 27.09.2014 and relieved from there and joined Kochi Corporation on the FN of 29.09.2014. Thus he had outstation service only for a single day in his whole service. Director of Urban Affairs has also

reported that the service of a particular Senior Clerk is not inevitable for the works related to property tax, E-governance and Smart city projects. It is also reported that the transfer of Shri. Jayaraj O V has been made as the deligated power as per Rule 9 of the G.O(Ms) No. 105/2007/LSGD.

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 and the transfer norms of Local Self Government Department issued under G.O(Ms) No. 105/2007/LSGD dated. 4/4/2007.

6 . It is seen that Shri. Jayaraj O V is continuing in Cochin Corporation since his joining in Municipal Common service on 26.11.2008, except his one day outstation service in Manjeri Municipality(27.09.2014). Thus he is working in Cochin Corporation for more than 8 years. In the above circumstances there is no merit in the Annexure A7 representation read as 2<sup>nd</sup> paper above and the request of Sri. Jayaraj O V is summarily rejected.

7. The direction contained in the Order read as 3<sup>rd</sup> paper above of the Hon. Kerala Administrative Tribunal is complied with as noted above.

(By Order of the Governor).

**T K JOSE IAS**

Principal Secretary to Government

To

1. The Director of Urban Affairs, Thiruvananthapuram.
2. The Director, Kerala State Audit Department, Thiruvananthapuram.
3. The Advocate General, Kerala, Thiruvananthapuram( With C/L).
4. Shri. Jayaraj O V, Senior Clerk, Cochin Corporation
5. ✓ The Executive Director, Information Kerala Mission, Thiruvananthapuram.(For publishing this order in the Website).
6. Stock file/Office Copy.

Forwarded/By order

  
Section Officer