



GOVERNMENT OF KERALA

Abstract

LSGD - Engineering Wing - Establishment- Order of the Hon' KAT in OA no. 762/2014 filed by Sri. K.T. Pradipkumar, Exe. Engineer- Complied with- Orders issued.

LOCAL SELF GOVERNMENT (EW) DEPARTMENT

G.O. (Rt) No.2185/2017/LSGD.

Dated, Thiruvananthapuram, 29-06-2017.

- Read :
- 1 Representation dated 12.03.2014 of Sri. K.T. Pradipkumar, Exe. Engineer.
 - 2 Order of the Hon' KAT dated 20.05.2014 in OA no.762/2014.
 - 3 Order of the Hon' KAT dated 27.06.2017 in OA(EKM) no.1182/2017.

ORDER

The Hon' KAT, as per its order read as 2nd paper above, had directed the first respondent, Govt to consider and pass orders on Annexure A17 representation, read as 1st paper above, after affording an opportunity of being heard to the Applicant and respondents 4 to 12 within three months from the date of receipt of a copy of the order.

2. In pursuance to the direction of the Hon'ble KAT, hearing was conducted by the Secretary, LSGD on 23.06.2014, but orders complying with the KAT direction could not be issued as the complicate issue of restoration of seniority of the Applicant was being examined by Govt in another file and a final decision in the matter could not be taken as Govt had to consider different opinions of all stakeholders in the matter and to complete necessary administrative formalities. For restoring the seniority of the incumbent while he is in service, the Select Lists concerned from the cadre of Assistant Executive Engineer has to be revised, for which the matter has to be placed before the Departmental Promotion Committee(Higher).

3. Now, the Hon' KAT as per its interim order read as 3rd paper above, has directed the Govt to place before the Tribunal the order that has been issued pursuant to the directions in OA. 762/2014 on or before 30.06.2017.

4. The request of the Applicant in Annexure A17 representation in OA 762/2014 is to promote him urgently as Superintending Engineer with subsequent promotion as Chief Engineer with all consequential benefits. For granting promotion

(P.T.O)

as Superintending Engineer, which is the second senior most post in the Dept, the merit, ability, integrity etc of the officer has to be assessed by the DPC(H). As per Rule 28(b)(i) of KS&SSR 1958, appointments to posts in a selection category or grade in a service or class, other than Heads of Departments which shall be made under Rule 28A, shall be made from a select list prepared from among the members eligible for appointment to such category or grade in accordance with these rules and the Special Rules, on the basis of merit and ability. The seniority being considered only when merit and ability are approximately equal. DPC(H) is the competent authority to determine this. At present two Vigilance cases and two disciplinary actions for major penalty are pending against him. Moreover, the officer has not made available the CRs as mandated in Rule 28(b)(i) (4 a)(i) of KS&SSR 1958 and with out such details this department cannot assess the suitability of the officer for promotion. Hence, the request of the petitioner to promote him as Superintending Engineer and thereafter as Chief Engineer lacks merit and cannot be considered for the time being and at any rate without placing the matter before the DPC(H), as the same is the competent authority to determine the claim of the incumbent for promotion. However, the matter of restoration of seniority of the incumbent from the cadre of Assistant Executive Engineer is under the active consideration of Govt and final decision in this regard will be taken after completing necessary administrative formalities.

5. In the above circumstances, the request of the Applicant in Annexure A17 representation is hereby declined and the direction of the Hon' KAT ~~direction~~ in OA 762/2014 and interim order read as 3rd above are complied with accordingly.

(By Order of the Governor)
A. SHAJAHAN
Secretary to Government

To

1. Sri. K.T. Pradipkumar, Executive Engineer, PIU, District Panchayath, Idukki.
2. The Chief Engineer, LSGD, Thiruvananthapuram.
3. The Advocate General, Ernakulam (With covering letter)
- ✓ 4. The Director, Information Kerala Mission, Thiruvananthapuram.
5. The Web and New Media, I & PRD.
6. Stock File/Office Copy.

Forwarded/By Order



Section Officer

↑