



GOVERNMENT OF KERALA

Abstract

LSGD - Engineering Wing - OA No.841/2012 filed by Sri. V.K. Abdul Salam., Assistant Executive Engineer(Rtd) - Order dated 15.11.2016 of the Hon'ble Kerala Administrative Tribunal- Complied with - Orders issued

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**LOCAL SELF GOVERNMENT (EW) DEPARTMENT**

GO (Rt) No.2552/2017/LSGD.

Dated, Thiruvananthapuram, 25.07.2017.

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- 1 Order dated 15.11.2016 of the Hon'ble Kerala Administrative Tribunal in OA No.841/2012.
- 2 Submission dated 03.12.2016 from Sri. V.K. Abdul Salam.
- 3 Letter Nos.E1-13055/2016/CE/LSGD dated 08.02.2017 & 30.06.2017 from the Chief Engineer, LSGD.
- 4 Letter No.E1/5702(B)/2010/CE/LSGD dated 27.05.2017 from the Chief Engineer, LSGD.
- 5 Work & Conduct Certificate from the Chief Engineer, LSGD.

ORDER

As per the order read as 1<sup>st</sup> paper above, the Hon'ble Kerala Administrative Tribunal has disposed of the OA No.841/2012 directing the first and second respondents, the Government and the Chief Engineer, LSGD respectively, to initiate appropriate action to declare the probation of the applicant in the post of Assistant Executive Engineer, if the proceedings as evidenced by Annexures A5 & A9 have been concluded and if not to conclude the disciplinary proceedings at the earliest, and to consider the claim of the applicant for declaration of his probation in the post of Assistant Executive Engineer and for further promotion there from and to issue appropriate orders in this regard within a period of 3 months from date of receipt of a certified copy of the order.

2. Annexure A5 is the Memo No.30502/A1/2000/LAD dated 25.10.2000 and Annexure A9 is the Memo of Charges 9666/EU1/2008/LSGD dated 02.04.2009 issued by Government. Since these disciplinary action cases have been initiated long years back, the connected files and documents relating to these could not be traced out.

3. Regarding the declaration of probation in respect of the applicant, the Chief Engineer, LSGD had earlier furnished the proposal for the same to Government in 2012, but the same was not considered due to the pendency of disciplinary action against the officer and also due to the non-regularization of his provisional promotion in the cadre of Assistant Executive Engineer. But later the provisional promotion was regularised vide G.O(Rt.) 2780/2013/LSGD dated 11.11.2013. The action initiated as per the above Memo of Charges were only for minor penalty and which cannot be considered as a hindrance on the way of the right of the applicant to get his probation declared specially in the wake of the orders of Hon'ble Administrative Tribunal.

4. Now, in pursuance to the Hon' KAT direction, the CE has submitted a fresh proposal for declaration of probation in respect of the applicant. The applicant was promoted as Assistant Executive Engineer as per GO(Rt)no.3652/99/LAD dtd 02.12.1999 and he joined the post on 18.12.1999. The period of Probation in the cadre of Asst. Executive Engineer was one year within a continuous period of two years and as such the normal date of completion of probation was on 17.12.2000. The incumbent has not availed any kind of leave during the probation period. The CE has certified that the Work & Conduct of the incumbent, who retired from service on Superannuation on 30.11.2012 were good.

6. In the above circumstances, the probation of the Sri. V.K. Abdul Salam in the cadre of Assistant Executive Engineer is declared to have been satisfactorily completed on the F.N of 18.12.2000 and orders issued accordingly. With regards to the Hon'ble Tribunal's direction to consider the claim of the applicant for further promotion, the claim has to be placed before the Departmental Promotion Committee to review the concerned Select List where by his juniors were promoted, if found necessary. Hence, the Chief Engineer, LSGD will furnish a detailed proposal for promotion of the applicant to the cadre of Executive Engineer, to Government so as to take a final decision in the matter, in the wake of the Orders of Hon'ble Tribunal.

7. The orders of the Hon'ble KAT in OA No. 841/2012 read as 1<sup>st</sup> paper above, is complied with accordingly.

(By Order of the Governor)

**SREEKALA. C.S**

Deputy Secretary to Govt.

To

- 1 Shri. Abdul Salam. V.K, Sal Sabeel, House no, 13/370(A), K.C.Road Junction, Chullikal, Cochin-5.
- 2 The Advocate General, Thiruvananthapuram Branch (with Covering Letter).
- 3 The Chief Engineer, LSGD, Thiruvananthapuram. (With Service Book)
- 4 The Director of Urban Affairs, Thiruvananthapuram.
- 5 The Accountant General (A&E/Audit) of Kerala, Thrissur.
- 6 The Executive Director, Information Kerala Mission.
- 7 The Web & New Media, I & PRD.
- 8 Stock File/Office Copy.

Forwarded/By Order



Section Officer .