

19237

18/9/14



GOVERNMENT OF KERALA

Abstract

LSGD - Engineering Wing - OA 309/2014 filed by Sri.T.A.Ansari, Overseer Grade I - Order dated 18.10.2016 of the Hon'ble Kerala Administrative Tribunal- Complied with - Orders issued

**LOCAL SELF GOVERNMENT (EW) DEPARTMENT**

GO (Rt) No.2933/2017/LSGD.

Dated, Thiruvananthapuram, 26.08.2017.

- 1 Representation dated 26.08.2014 from Sri.T.A.Ansari.
- 2 Order dated 18.10.2016 of the Hon'ble Kerala Administrative Tribunal in OA No.309/14.
- 3 DO letter No. E22-101/13/CE/LSGD dated 13.07.2017 from the Chief Engineer, LSGD.

ORDER

As per order read as 1<sup>st</sup> paper above, the Hon'ble Kerala Administrative Tribunal have disposed of OA 309/2014 filed by Sri.T.A.Ansari, Overseer Grade I with a direction to the Government to consider and pass orders on Annexure MA1 representation within a period of two months from the date of receipt of the copy of the order. It is also ordered that in order to enable the first respondent to pass appropriate orders, the applicant shall produce a copy of the OA along with MA No.2122/14 and connected documents before the Government along with a copy of the order.

2. The M.A.2122/14 and Annexure MA1 representation have not been made available by the applicant to Govt. Later, the MA1 representation was obtained from the Office of the Advocate General. The MA1 representation dated 26-08-2014 is an appeal submitted by the applicant to the Secretary, LSGD against the seniority list for the post of Overseer Gr II prepared in the year 2009.

3. The Chief Engineer, LSGD as per the letter read as 3<sup>rd</sup> paper above, has reported that as part of drawing technical staffs from other departments, the Director of Panchayat Department handed over 58 Second Grade Overseers to LSGD. As such Sri. T.A. Ansari is absorbed to LSGD as Second Grade Overseer. Sri. T.A. Ansari has aggrieved that he is senior to Sri. L.A. Antony as per the Kerala Public Service Commission advice and in the seniority in the cadre of Work Superintendent in which he had entered in service in Panchayat Department. While working as Work Superintendent in Pannancherry Panchayat, Thrissur, he was transferred to Pathanamthitta District as per his request. Since he is a direct recruit, the inter district transfer to Pathanamthitta on request made him junior in that district. The incumbent was promoted as 2<sup>nd</sup> Grade Overseer as per Order No. E113325/97 dated 09.11.2001 of the Director of Panchayat. The date of promotion of Sri. L.A. Antony to the cadre of 2<sup>nd</sup> Grade Overseer was on 18.12.1991. The grievance of the incumbent is that he had been superseded and his junior was already promoted on 18.12.1991. It is clear that his rank was lowered to that of his junior Sri. L.A. Antony consequent to his inter department transfer to

Pathanamthitta District as per his request while he was working in Panchayat Department. In the seniority list which was obtained from the Panchayat Department at the time of absorption of 2<sup>nd</sup> Grade Overseers, the rank of Sri. T.A. Ansari is lower than Sri. L.A. Antony.

4. The Chief Engineer has also reported that after the absorption of 2<sup>nd</sup> Grade Overseer from other Departments, a common seniority list of 2<sup>nd</sup> Grade Overseers was published in LSGD, wherein the rank of Sri. T.A. Ansari was 294(a) and the rank of Sri. L.A. Antony was 37. The norms adopted for fixing the seniority while forming the LSGD Engineering Wing was based on the date of promotion in the promotion post and the date of joining in the entry cadre. The date of promotion in the post of 2<sup>nd</sup> Grade Overseer was the basic factor in arranging the rank in the seniority list. The common seniority list was prepared based on the seniority list obtained from various departments at the time of formation of LSGD and the list was finalized after calling objection if any. Sri. T.A. Ansari has stated in his representation that he had complained against the common seniority list. But, the said complaint of Sri. T.A. Ansari stated in his representation was not received as per the records in the Office of the Chief Engineer. Since the complaint of the incumbent is not seen recorded, his seniority is fixed as 294(a), which is in accordance with the seniority list received from Panchayat Department. Therefore, the Chief Engineer is of the view that there is no valid reason to substantiate the claim of Sri. T.A. Ansari as urged by him.

5. Government have examined the matter in detail. In view of the report of the CE, LSGD, it is found that the contentions putforth by the applicant in the MA1 representation deserves no merit and therefore the same is hereby declined.

6. The order of the Hon'ble KAT in OA 309/2014 read as 2<sup>nd</sup> paper above, is complied with accordingly.

(By Order of the Governor)

A. SHAJAHAN

Secretary to Govt.

To

- 1 Sri. T.A. Ansari, Overseer Gr I, Pathanamthitta Municipality, Pathanamthitta- 689645.
- 2 The Advocate General, Thiruvananthapuram Branch (with Covering Letter).
- 3 The Chief Engineer, LSGD, Thiruvananthapuram.
- 4 The Director of Panchayats, Thiruvananthapuram.
- 5 The Executive Director, Information Kerala Mission.
- ✓ 6 The Web & New Media, I & PRD.
- 7 Stock File/Office Copy.

Forwarded/By Order



Section Officer.