

GOVERNMENT OF KERALA

Abstract

LSGD - Engineering Wing - Provisional Seniority list of Superintending Engineers for the year 2017 - Objection filed by Sri. Suli. K.A, Superintending Engineer – Disposed of - Orders issued

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LOCAL SELF GOVERNMENT (EW) DEPARTMENT

GO(Rt) No.3167/2017/LSGD.

Dated, Thiruvananthapuram. 27.09.2017.  
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1. Notice No. No.E22(Tech)/7738/2013/CE/LSGD dated 16.05.2017 from the Chief Engineer, LSGD.
2. Letter Nos.E22(Tech)/7738/2013/CE/LSGD dated 15.06.2017 & 31.07.2017 from the Chief Engineer, LSGD.
3. Representations dated 11.05.2017, 20.05.2017 & 02.08.2017 from Sri. Suli. K.A

ORDER

Sri. Suli. K.A. Superintending Engineer has filed objections against the draft seniority list of Superintending Engineers in Local Self Government Engineering wing Department published as per paper read as 1<sup>st</sup> above, as per his petitions read as 3<sup>rd</sup> above. Sri. Suli. K.A. who has been included as 6<sup>th</sup> in the draft seniority list has claimed seniority over Sri. C.M Sulaiman, who is ranked as 4<sup>th</sup> in the list.

2. As per the request of the petitioner, personal hearing was afforded to him by the Additional Secretary on 31.07.2017.

3. The contention of Sri.K.A. Suli is that, his claim for promotion to the post of Superintending Engineer was not considered while preparing the Select List for promotion to the post of Superintending Engineer published as per G.O(P) No.18/2014/LSGD dated 27-01-2014, for the reason that he was probationer in the feeder category (Executive Engineer). Against the non inclusion he has filed OA 379 14 and the Hon' KAT as per the order dated. 19.03.2014 had directed the Govt. to place the matter as pointed out by the petitioner in his Annexure A5 representation before the review DPP. In Annexure A5 representation he claimed that he was promoted to the post of Executive

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Engineer on 18-04-2009 and he was senior to Sri. P.G .Rajeev and Sri. C.M Sulaiman as per the seniority list dated 22-03-2013. He also claimed that his probation in the cadre of Executive Engineer could have been declared with effect from 10-07-2011 and he is eligible for placement above Sri. C.M. Sulaiman as 2(a) in the select list.

4. However his claim for placement above Sri. C.M. Sulaiman as 2(a) in the select list 2014 for the post of Superintending Engineer is not worth considering on the following grounds:

i) Sri. Suli. K.A was provisionally promoted as Exe. Engineer as per GO(Rt)No.917/2009/LSGD Dated 18.04.2009 and was later reverted as Asst. Exe. Engineer as per GO(Rt)No.1946/2010/LSGD Dated 11.06.2010 due to non- declaration of probation in the cadre of Asst. Exe. Engineer. His probation in the cadre of Asst.Exe. Engineer was declared w.e.f 20.12.1996 FN as per GO(Rt)No. 2627 2010 LSGD Dated 07.08.2010 and he was regularly promoted as Exe. Engineer as per GO(Rt)No.75 2011/LSGD dtd 07.01.2011. In short, the effective date of promotion of the complainant to the post of Executive Engineer was only on 07-01-2011 whereas Sri. Sulaiman was provisionally promoted as Exe. Engineer as per GO(Rt)No.3197/2008/LSGD dtd 27.08.2008 and this promotion was regularised as per GO(Rt) No. 1948/2010/LSGD dtd 11.06.2010 w.e.f 27.08.2008. The probation of Sri. Suli. K.A in the cadre of Exe. Engineer was declared w.e.f 10-07-2011 as per G.O (Rt) No. 2868 2014/LSGD dated 04-11-2014.

ii) In the draft seniority list of Executive Engineers published by the Chief Engineer, LSGD, his position was ranked as 28, whereas Sri. C.M. Sulaiman was ranked as 31. This was apparently a mistake in view of the facts mentioned above and in the final seniority list of Executive Engineer, published as per GO(Ms)No.360 2013 LSGD Dated 11.11.2013, this mistake was corrected and Sri. C.M. Sulaiman and Sri. K.A. Suli are ranked as 11 & 12 respectively. The dispute regarding the seniority between Sri. K.A. Suli and Sri. C.M. Sulaiman in the cadre of Executive Engineer was finally settled as per GO(Rt)No.2772/2013/LSGD dtd 11.11.2013. Hence, there is no circumstances and grounds to disrupt the settled seniority in the cadre of Executive Engineers in 2013 while preparing the seniority list in the cadre of Superintending Engineer.

iii) The date of promotion of Sri. K.A. Suli to the post of Superintending Engineer was on 30.09.2015 as per GO(Rt)No.2909/2015/LSGD Dated 23.09.2015 and his

probation in the cadre was declared on 30-03-2016 whereas Sri. C.M. Sulaiman was promoted as Superintending Engineer on 21-02-2014 as per G.O (Rt) No.487 2014 LSGD dated 20-02-2014 and his probation in the cadre was declared on 22-08-2014.

5. Even if the claim of Sri. K.A Suli for review of select list published as per G.O(P) No.18 2014 LSGD dated 27-01-2014, is considered favourably, his position in the seniority list of Superintending Engineer will remain below that of Sri. C.M. Sulaiman and the same will have no effect in the present seniority of Superintending Engineer. The Chief Engineer, LSGD, as per the letter read as 2<sup>nd</sup> paper above, has also refuted objections raised by the petitioner.

6. Government have examined the matter in detail and it has been established that the request of Sri. K.A. Suli for reassigning the seniority in the cadre of Superintending Engineer does not merit consideration as his objections are not maintainable. Hence the objection filed by him against the provisional seniority list of Superintending Engineers for the year 2017, as per the representation read as 3<sup>rd</sup> paper, is hereby rejected.

(By Order of the Governor)

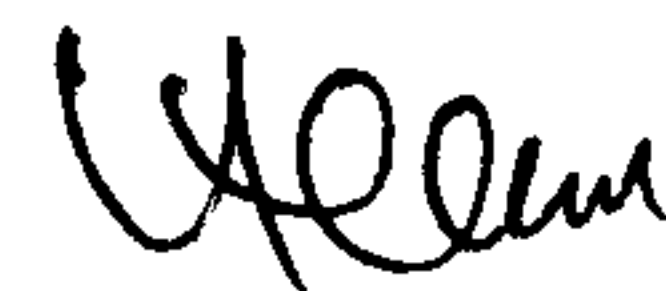
**T.K. JOSE**

Principal Secretary to Govt.

To

- 1 Sri. K.A. Suli, Superintending Engineer (through the Chief Engineer, LSGD)
- 2 The Chief Engineer, LSGD, Thiruvananthapuram.
- 3 The Accountant General (A&F/Audit) of Kerala, Thrissur.
- 4 The Executive Director, Information Kerala Mission.
- 5 The Web & New Media, I & PRD.
- 6 Stock File/Office Copy.

Forwarded By Order



Section Officer.