GOVERNMENT OF KERALA

Abstract

LSGD - Engineering Wing - Establishment – Regularisation of provisional promotions in the cadre of Assistant Executive Engineers - Orders issued.

LOCAL SELF GOVERNMENT (EW) DEPARTMENT

G.O. (Rt) No.3380/2017/LSGD. Dated, Thiruvananthapuram, 24/10/2017

Read: 1. GO(P)No.271/07/LSGD dated 27.11.2007
2. GO(Rt)No.1178/2010/LSGD dated 30.03.2010
3 GO(Rt) No. 1694/10/LSGD dated 21.05.2010
4 GO(Rt) No. 2628/2010/LSGD dated 07.08.2010
5 Interim order dated 01-05-2017 of Hon'ble Supreme Court of India in Special Leave Petition(c) no.16984/2015.
6 Proceedings No. E3/1290/2010/CE/LSGD, dated 22.06.2017 of the Chief Engineer, LSGD
7 Minutes of the meeting of Departmental Promotion Committee (H) in respect of LSGD Engineering Wing held on 12-10-2017

ORDER

Special Rules prescribing the qualification, method of appointment etc, for appointment to the post of Assistant Executive Engineer in the LSGD Engineering Wing was issued as per G.O read as 1st paper above. In the said Special Rules, separate ratio for the promotion to the category of Assistant Executive Engineer from among direct recruitees and diploma holders in the feeder category (Assistant Engineer) was not specified. Due to this omission, the seniority list of Assistant Engineers could not be prepared for effecting the promotion. Hence, an amendment was made namely Kerala Local Self Government Engineering Service (amendment) Special Rules 2009 and was notified as per GO read as 1st paper above, incorporating the note in Sub rule (1) of rule 3 after category 4 that "promotion to the category of Assistant Executive Engineer shall be made from among direct recruitees and diploma holders in the feeder category in the ratio 3:1".

2. Challenging to the above amendment WP(C) No. 24284/09 was filed by some diploma holding, Assistant Engineer and others in the Hon'ble High Court. The Hon'ble High Court vide Interim Order dated 25.08.2009 stayed the operation of the amendment made in the Special Rules for Kerala Local Self Government Engineering

Service and also ordered not to finalise the provisional seniority lists of Assistant Engineer's until further orders. However, the Hon'ble High Court of Kerala in I A No. 2276/10, dated 24.02.2010 ordered that the orders dated 25.08.2009 contain no rider or prohibition to consider the question of effecting provisional promotion without considering the note introduced in Sub rule 1 of rule 3 after category 4 of the special rules in accordance with law.

3. In compliance with the order of the Hon'ble High Court dated 24.02.2010 and in relaxation, of the existing ban of provisional promotion, Government considering the acute shortage of Assistant Executive Engineers, accorded provisional promotion for 66 Assistant Engineers as Assistant Executive Engineers as per GOs read as 2nd and 3rd above in the vacancies available at that time, by considering a common seniority among direct and diploma holders in the feeder category, ie Assistant Engineer. Later, 40 more Assistant Engineers were provisionally promoted as Assistant Executive Engineers vide read as 4th above. In this stage the provisional promotion of the Assistant Engineers as Assistant Executive Engineers made as per 2nd and 3rd above was reviewed in compliance with the order of the Hon'ble High Court in IA No. 3351/2010 dated 07.04.2010. The review was done in such a way that, stage I promotees ie, 66 and stage II promotees ie, 40, altogether (106 nos) are arrayed in the ratio 6: 3 ratio from among the degree holders and diploma holders as per the above orders of Hon'ble High Court.

4. In the mean time, the WP(C) No. 24284/09 existed at the Hon'ble Kerala High Court in this regard was transferred to the Hon'ble Kerala Administrative Tribunal, Thiruvananthapuram. The Hon'ble Kerala Administrative Tribunal, vide orders dated 28.10.2014 quashed the amendment made to the special rule vide GO read as 1st above and also the provisional seniority list of Assistant Engineer published by the Chief Engineer, LSGD. The above orders was up held by Hon'ble High Court of Kerala in OP No. 111/15 dated 31.03.2015.

5. However, the Hon'ble Supreme Court of India, vide Interim order read as 5th above has ordered that "operation of the impugned orders shall remained stayed. Promotion if any may be made as per the rules existing prior to the impugned judgment, but the same will be subject to further order from this Court".

6. Based on the interim order of the Hon'ble Supreme Court, the Chief

Engineer, LSGD has prepared and published the seniority list of Assistant Engineers. including that of the provisional promotees as per order read as 6th above. The above seniority list was published subject to the condition that the final seniority list is liable to the modified in accordance with the final verdict of the Hon'ble Supreme Court of India.

7. However, the Departmental Promotion Committee held on 12-10-2017 for preparing select list for regularising the provisional promotions ordered in the year 2010 has observed that the above interim orders will have to be scrupulously followed in the case of future promotions in the cadre of Assistant Executive Engineer only and the preparation of Select list for the year 2010 for the purpose of regularizing the provisional promotions already given can be done as per the ratio prevailed at the time granting of those provisional promotions. Accordingly, the Committee has approved the select list of eligible officers, for regularising the provisional promotions ordered in the year 2010 by applying the 6:3 ratio among direct recruitees and diploma holders in the cadre of Assistant Engineers, in pursuance to the order of the Hon'ble High Court in IA No. 3351/2010 dated 07.04.2010.

8. In the above circumstance, 89 provisional promotees who were included in the select list 2010, as detailed in the Annexure to this order is regularised with effect from the date shown against their name in the list. The regularisation of the above provisional promotions will be liable to be modified in accordance with the final verdict of the Hon'ble Supreme Court of India, if found necessary.

(By Order of the Governor)
T.K. JOSE
Principal Secretary to Government

1. The Chief Engineer, LSGD, Thiruvananthapuram.
2. All Officers concerned (Through the CE, LSGD).
3. The Accountant General (A&E/Audit), Kerala, Thrissur.
4. The Executive Director, Information Kerala Mission, Thiruvananthapuram.
5. The Web and New Media I&PRD.
6. Stock File/Office Copy.

Forwarded/By Order

Section Officer.

ANNEXURE

Sl. No.	Name	Date of Birth	Provisional Promotion Order As AEE	Declaration of probation in the AE cadre w.e.f	Date of Regularisation in the cadre of AEE	Qualification
1	Gopi. K	24.11.1954	GO(Rt)No.1178 / 2010/ LSGD, dtd 30/03/2010	05.10.1986	30.03.2010	B.Tech (C)
2	Priyalal J	03.05.1958	GO(Rt)No.1178 / 2010/ LSGD, dtd 30/03/2010	15.11.1993	30.03.2010	Diploma (C)
3	K. Madhusoodanan	07.12.1962	GO(Rt)No.1178 / 2010/ LSGD, dtd 30/03/2010	14.02.1996	30.03.2010	B.Tech (C)
4	K. Dinesan	21.08.1959	GO(Rt)No.1178 / 2010/ LSGD, dtd 30/03/2010	20.07.2007	30.03.2010	B.Tech (C)
5	P.C. Chacko	26.11.1958	GO(Rt)No.1178 / 2010/ LSGD, dtd 30/03/2010	02.04.1996	30.03.2010	B.Tech (C)
6	E.N. Prabhakaran	06.09.1954	GO(Rt)No.1178 / 2010/ LSGD, dtd 30/03/2010	29.11.1992	30.03.2010	Diploma (C)
7	Sudharma Raj. R.A	30.05.1960	GO(Rt)No.1178 / 2010/ LSGD, dtd 30/03/2010	20.07.1993	30.03.2010	Diploma (C)
8	G. Radhakrishnan Nair	05.03.1955	GO(Rt)No.1178 / 2010/ LSGD, dtd 30/03/2010	03.03.1996	30.03.2010	B.Tech (C)
9	Abdul Vahab.A.K	27.05.1959	GO(Rt)No.1178 / 2010/ LSGD, dtd 30/03/2010	30.07.1995	30.03.2010	Diploma (C)
10	Renji P	25.07.1963	GO(Rt)No.1178 / 2010/ LSGD, dtd 30/03/2010	24.01.1999	30.03.2010	B.Tech (C)
11	Mohammed Bashir.P	11.03.1959	GO(Rt)No.1178 / 2010/ LSGD, dtd 30/03/2010	01.07.2002	30.03.2010	Diploma (C)
12	Johnson.K	20.05.1967	GO(Rt)No.1178 / 2010/ LSGD, dtd 30/03/2010	13.10.1999	30.03.2010	B.Tech ©Diploma ©
13	S. Rajan	01.12.1957	GO(Rt)No.1178 / 2010/ LSGD, dtd 30/03/2010	18.12.1993	30.03.2010	Diploma ©
14	U.K. Assainar	04.01.1955	GO(Rt)No.1178 / 2010/ LSGD, dtd 30/03/2010	25.07.2000	30.03.2010	Diploma (C)
15	Rajendran Nair.G	23.11.1956	GO(Rt)No.1178 / 2010/ LSGD, dtd 30/03/2010	30.06.2000	30.03.2010	Diploma (C)
16	K.G. Sandeep	20.04.1972	GO(Rt)No.1178 / 2010/ LSGD, dtd 30/03/2010	19.07.2000	30.03.2010	B.Tech (C)
17	Shaibi George	22.05.1973	GO(Rt)No.1178 / 2010/ LSGD, dtd 30/03/2010	13.01.2000	30.03.2010	B.Tech (C)
18	K. Dinesan	01.06.1967	GO(Rt)No.1178 / 2010/ LSGD, dtd 30/03/2010	25.07.2000	30.03.2010	B.Tech (C)
19	R. Murali	05.05.1971	GO(Rt)No.1178 / 2010/ LSGD, dtd 30/03/2010	17.11.2000	30.03.2010	B.Tech (C)
20	K.C. Subramanian	05.02.1970	GO(Rt)No.1178 / 2010/ LSGD, dtd 30/03/2010	24.01.2001	30.03.2010	B.Tech (C)
21	Hussain Poolakkunnan	29.11.1954	GO(Rt)No.1178 / 2010/ LSGD, dtd 30/03/2010	31.08.1998	30.03.2010	Diploma (C)
22	P. Krishnankutty	30.05.1969	GO(Rt)No.1178 / 2010/ LSGD, dtd 30/03/2010	23.01.2003	30.03.2010	Diploma (C)
23	Krishnankutty. K.T	30.05.1969	GO(Rt)No.1178 / 2010/ LSGD, dtd 30/03/2010	25.01.2001	30.03.2010	Diploma (C)

Sl. No.	Name	Date of Birth	Provisional Promotion Order As AEE	Declaration of probation in the AE cadre w.e.f	Date of Regularisation in the cadre of AEE	Qualification
24	T.P. Vasu	07.05.1968	GO(Rt)No.1178 / 2010/ LSGD, dtd 30/03/2010	18.01.2001	30.03.2010	B.Tech (C)
25	C. Chandran	02.02.1970	GO(Rt)No.1178 / 2010/ LSGD, dtd 30/03/2010	20.07.2006	30.03.2010	B.E (C)
26	K.Unni	29.05.1965	GO(Rt)No.1178 / 2010/ LSGD, dtd 30/03/2010	10.12.2000	30.03.2010	B.Tech (C)
27	R.S. Anil Kumar	27.05.1971	GO(Rt)No.1178 / 2010/ LSGD, dtd 30/03/2010	23.04.2001	30.03.2010	B.Tech (C)
28	K.M. Ushanandan	13.05.1968	GO(Rt)No.1178 / 2010/ LSGD, dtd 30/03/2010	26.07.2005	30.03.2010	B.Tech (C)
29	P.U. Sivaprasad	09.03.1967	GO(Rt)No.1178 / 2010/ LSGD, dtd 30/03/2010	24.01.2002	30.03.2010	Diploma (C)
30	V.K. Rajasekharan Nai	20.11.1956	GO(Rt)No.1178 / 2010/ LSGD, dtd 30/03/2010	09.10.1999	30.03.2010	Diploma (C)
31	K. Boban	30.05.1969	GO(Rt)No.1178 / 2010/ LSGD, dtd 30/03/2010	07.05.2001	30.03.2010	B.Tech (C)
32	M.S. Dileep	31.05.1969	GO(Rt)No.1178 / 2010/ LSGD, dtd 30/03/2010	04.05.2001	30.03.2010	B.Tech (C)
33	K.N. Bijoy	31.05.1973	GO(Rt)No.1178 / 2010/ LSGD, dtd 30/03/2010	29.05.2001	30.03.2010	B.Tech (C)
34	C.S Meenakshy	28.03.1962	GO(Rt)No.1178 / 2010/ LSGD, dtd 30/03/2010	06.05.2001	30.03.2010	B.Tech (C)
35	M.S. Santhosh Kumar	10.05.1966	GO(Rt)No.1178 / 2010/ LSGD, dtd 30/03/2010	06.05.1999	30.03.2010	B.Tech (C)
36	M.S. Latha	25.05.1971	GO(Rt)No.1178 / 2010/ LSGD, dtd 30/03/2010	28.04.2001	30.03.2010	B.Tech (C)
37	P. Thilakakumari	23.07.1956	GO(Rt)No.1178 / 2010/ LSGD, dtd 30/03/2010	15.10.1999	30.03.2010	Diploma (C)
38	G. Uthaman	20.05.1966	GO(Rt)No.1178 / 2010/ LSGD, dtd 30/03/2010	27.04.2001	30.03.2010	B.Tech (C)
39	B.Sobhanakumari	25.01.1967	GO(Rt)No.1178 / 2010/ LSGD, dtd 30/03/2010	25.07.2001	30.03.2010	B.Tech (C)
40	R. Sajish	30.05.1971	GO(Rt)No.1178 / 2010/ LSGD, dtd 30/03/2010	29.04.2001	30.03.2010	B.Tech (C)
41	T.V. Asok Kumar	27.05.1966	GO(Rt)No.1178 / 2010/ LSGD, dtd 30/03/2010	03.08.2001	30.03.2010	B.Tech (C)
42	A.A. Shamsuddin	04.01.1959	GO(Rt)No.1178 / 2010/ LSGD, dtd 30/03/2010	04.01.2009	30.03.2010	Diploma (C)
43	M.A. Sheeja	25.06.1962	GO(Rt)No.1178 / 2010/ LSGD, dtd 30/03/2010	24.12.2001	30.03.2010	B.Tech (C)
44	V. Ramakrishnan	30.11.1956	GO(Rt)No.1178 / 2010/ LSGD, dtd 30/03/2010	30.11.2006	30.03.2010	Diploma (C)
45	T.T. Ramesh	18.04.1957	GO(Rt)No.1178 / 2010/ LSGD, dtd 30/03/2010	18.04.2007	30.03.2010	Diploma (C)
46	G.S. Ajith Kumar	30.05.1967	GO(Rt)No.1178 / 2010/ LSGD, dtd 30/03/2010	22.12.2001	30.03.2010	B.E (C)
47	A. Beena	28.05.1969	GO(Rt)No.1178 / 2010/ LSGD, dtd 30/03/2010	21.12.2001	30.03.2010	B.Tech (C)

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48	C.S. Lekha	30.05.1972	GO(Rt)No.1178 / 2010/ LSGD, dtd 30/03/2010	21.12.2001	30.03.2010	B.Tech (C)
49	E.R. Prasannabhas	29.07.1962	GO(Rt)No.2628 / 2010/ LSGD, dtd 07/08/2010	09.06.2002	07.08.2010	B.Tech (C)
50	G. Syam	31.07.1963	GO(Rt)No.2628 / 2010/ LSGD, dtd 07/08/2010	24.07.2002	07.08.2010	B.Tech (C)
51	David John D'Moris	24.05.1972	GO(Rt)No.2628 / 2010/ LSGD, dtd 07/08/2010	27.07.2004	07.08.2010	B.E (C)
52	K. Sudhakaran	31.05.1958	GO(Rt)No.1178 / 2010/ LSGD, dtd 30/03/2010	16.07.2001	30.03.2010	Diploma (C)
53	A.K. Velayudhan	10.03.1960	GO(Rt)No.1178 / 2010/ LSGD, dtd 30/03/2010	26.01.2005	30.03.2010	Diploma (C)
54	B. Asok Kumar	29.05.1963	GO(Rt)No.2628 / 2010/ LSGD, dtd 07/08/2010	18.07.2003	07.08.2010	B.Tech (C)
55	P.R. Sreelatha	07.09.1970	GO(Rt)No.2628 / 2010 LSGD, dtd 07/08/2010	24.08.2003	07.08.2010	B.Tech (C)
56	E.R. Bijimole	25.05.1972	GO(Rt)No.2628 / 2010 LSGD, dtd 07/08/2010	23.11.2003	07.08.2010	B.Tech (C)
57	T.N. Mini	22.05.1968	GO(Rt)No.2628 / 2010 LSGD, dtd 07/08/2010	25.03.2004	07.08.2010	B.Tech (C)
58	D. Rajesh	15.05.1970	GO(Rt)No.2628 / 2010/ LSGD, dtd 07/08/2010	15.09.2003	07.08.2010	B.Tech (C)
59	K.K. Chandran	25.01.1958	GO(Rt)No.1178 / 2010/ LSGD, dtd 30/03/2010	20.07.2006	30.03.2010	Diploma (C)
60	A.M. Madhavan	08.01.1961	GO(Rt)No.1178 / 2010/ LSGD, dtd 30/03/2010	22.10.2001	30.03.2010	Diploma (C)
61	Joy John	30.05.1959	GO(Rt)No.1178 / 2010/ LSGD, dtd 30/03/2010	25.10.2001	30.03.2010	Diploma (C)
62	G. Rany	18.05.1966	GO(Rt)No.2628 / 2010/ LSGD, dtd 07/08/2010	17.08.2003	07.08.2010	B.Tech (C)
63	M.G. Harikumar	01.06.1968	GO(Rt)No.2628 / 2010 LSGD, dtd 07/08/2010	15.04.2004	07.08.2010	AMIE (C)
64	H. Titus	31.05.1964	GO(Rt)No.2628 / 2010/ LSGD, dtd 07/08/2010	21.01.2006	07.08.2010	B.Tech (C)
65	Abdul Rahim. A	14.05.1964	GO(Rt)No.2628 / 2010/ LSGD, dtd 07/08/2010	26.01.2005	07.08.2010	B.Tech (C)
66	Biju Viswam	31.05.1971	GO(Rt)No.2628 / 2010 LSGD, dtd 07/08/2010	14.01.2004	07.08.2010	B.Tech (C)
67	T.A. Ambili	29.05.1973	GO(Rt)No.2628 / 2010 LSGD, dtd 07/08/2010	17.12.2003	07.08.2010	B.Tech (C)
68	Mathew. M. John	01.01.1959	GO(Rt)No.1178 / 2010/ LSGD, dtd 30/03/2010	16.11.2001	30.03.2010	Diploma (C)
69	M.C. Jaswanth	01.11.1971	GO(Rt)No.2628 / 2010/ LSGD, dtd 07/08/2010	20.12.2003	07.08.2010	B.Tech (C)
70	K. Biju	30.05.1969	GO(Rt)No.2628 / 2010/ LSGD, dtd 07/08/2010	06.07.2004	07.08.2010	B.Tech (C)
71	Varkey.M.M	15.11.1958	GO(Rt)No.2628 / 2010/ LSGD, dtd 07/08/2010	10.12.2003	07.08.2010	Diploma (C)

Sl. No.	Name	Date of Birth	Provisional Promotion Order As AEE	Declaration of probation in the AE cadre w.e.f	Date of Regularisation in the cadre of AEE	Qualification
72	Muraleedharan Nair.S	25.11.1956	GO(Rt)No.2628 / 2010/ LSGD, dtd 07/08/2010	19.01.2007	07.08.2010	Diploma (C)
73	E. Seena Alex	21.09.1972	GO(Rt)No.2628 / 2010/ LSGD, dtd 07/08/2010	14.03.2004	07.08.2010	B.Tech (C)
74	N.S. Radhakrishnan	24.05.1959	GO(Rt)No.2628 / 2010/ LSGD, dtd 07/08/2010	21.09.2002	07.08.2010	Diploma (C)
75	J. Shaji	31.05.1970	GO(Rt)No.2628 / 2010/ LSGD, dtd 07/08/2010	14.03.2004	07.08.2010	B.Tech (C)
76	R. Maya	20.05.1967	GO(Rt)No.2628 / 2010/ LSGD, dtd 07/08/2010	14.03.2004	07.08.2010	B.Tech (C)
77	Sree Lekha. P	26.02.1964	GO(Rt)No.2628 / 2010/ LSGD, dtd 07/08/2010	11.03.2004	07.08.2010	B.Tech (C)
78	J. Ansar	30.04.1968	GO(Rt)No.2628 / 2010/ LSGD, dtd 07/08/2010	19.09.2009	07.08.2010	B.Tech (C)
79	Joji Paul	20.04.1970	GO(Rt)No.2628 / 2010/ LSGD, dtd 07/08/2010	12.03.2004	07.08.2010	B.Tech (C)
80	M.B. Surendran Pillai	30.03.1962	GO(Rt)No.2628 / 2010/ LSGD, dtd 07/08/2010	27.06.2002	07.08.2010	Diploma (C)
81	V.V. Prasannakumari	30.03.1962	GO(Rt)No.2628 / 2010/ LSGD, dtd 07/08/2010	17.01.2004	07.08.2010	Diploma (C)
82	T. Manikandakumar	31.05.1968	GO(Rt)No.2628 / 2010/ LSGD, dtd 07/08/2010	01.01.2004	07.08.2010	Diploma © B.Tech ©
83	K.T. Sajan	06.04.1969	GO(Rt)No.2628 / 2010/ LSGD, dtd 07/08/2010	13.06.2005	07.08.2010	AMIE (C)
84	N. Anil Kumar	27.05.1969	GO(Rt)No.2628 / 2010/ LSGD, dtd 07/08/2010	30.06.2005	07.08.2010	B.Tech (C)
85	S.D. Rajesh	15.05.1970	GO(Rt)No.2628 / 2010/ LSGD, dtd 07/08/2010	30.05.2005	07.08.2010	B.Tech (C)
86	W.S. Bindu Jasmin	16.05.1972	GO(Rt)No.2628 / 2010/ LSGD, dtd 07/08/2010	27.05.2005	07.08.2010	B.Tech (C)
87	P.R. Moly	30.03.1963	GO(Rt)No.2628 / 2010/ LSGD, dtd 07/08/2010	02.06.2005	07.08.2010	B.Tech (C)
88	N. Shainy	29.05.1971	GO(Rt)No.2628 / 2010/ LSGD, dtd 07/08/2010	28.08.2005	07.08.2010	B.Tech (C)
89	M.K. Vijayakumar	15.11.1956	GO(Rt)No.2628 / 2010/ LSGD, dtd 07/08/2010	31.01.2003	07.08.2010	Diploma (C)

Section Officer