



GOVERNMENT OF KERALA

Abstract

LSGD - Engineering Wing - OA 86/2017 filed by Sri.K.Harilal, Assistant Engineer, LSGD Section, Aroor Grama Panchayath - Order dated 11.07.2017 of the Hon'ble Kerala Administrative Tribunal- Complied with - Orders issued

LOCAL SELF GOVERNMENT (EW) DEPARTMENT

GO(Rt) No.3834/2017/LSGD.

Dated, Thiruvananthapuram, 28.11.2017.

- Read :
- 1 Proceedings no. E3/2100/08/CE/LSGD dated 13/01/2017 of the Chief Engineer, LSGD.
 - 2 Order dated 11.07.2017 of the Hon'ble Kerala Administrative Tribunal in OA 86/2017.
 - 3 Representation dated 24.07.2017 from Sri. K. Harilal, Asst.Engineer
 - 4 Representation dated 24.07.2017 from Sri. Subash kumar. P, Asst.Engineer

ORDER

As per the Order read as 2nd paper above, the Hon'ble Kerala Administrative Tribunal have disposed of OA 86/2017 filed by Sri.K.Harilal, Assistant Engineer, LSGD Section, Aroor Grama Panchayath directing the applicant and the 4th Respondent, Sri. Subashkumar. P, Panavally/Thykkattussery Grama Panchayath to file representation to the 1st Respondent, the Govt. It was also ordered that the Govt shall consider the same with notice to both the Applicant & the 4th Respondent and pass appropriate orders therein within 2 months from the date of receipt of such representations.

2. The OA has been filed challenging the transfer of the applicant to Thadinad / Thalappalam Grama Panchayath in Kottayam District vide proceedings read as 1st paper above.

3. The Applicant who was an Overseer Grade I in the LSGD was promoted as Assistant Engineer and posted to Aroor Grama Panchayath. He was again transferred from Neelamperoor to Aroor Grama Panchayath. The Appicant has again been transferred to Thadinad /Thalappalam Grama Panchayath in Kottayam District and the 4th Respondent, Sri.Subhashkumar. P who is presently working in Panavally/Thykkattussery Grama Panchayath has been posted to Aroor Grama Panchayath.

4. In pursuance to the Hon'ble KAT direction, both the applicant and the 4th respondent have filed representations to Govt, as per 3rd & 4th papers read above respectively, which was received in Govt on 28.07.2017.

5. The Applicant's contentions are that he has been subjected to frequent transfers and was not allowed to complete the normal tenure in any of the stations, whereas the 4th Respondent has contended that he belongs to Alappuzha District and was posted at Pattambi for long and is due to retire from service on 31/12/2018 and as per transfer norms, he is entitled to priority. They have raised various individual inconveniences for being transferred away from Aroor and they relied upon the provisions contained in the transfer norms.

6. In compliance to the Hon' KAT direction, a hearing was conducted on 30/08/2017 by the Deputy Secretary, LSGD and the 4th Respondent, Sri.Subhash Kumar was present. Since the Applicant didn't turn up, another chance was given to him and another hearing was posted on 25/09/2017. The Applicant was absent at this time also.

7. The contentions of the 4th respondent, Sri. Subhash kumar.P, Assistant Engineer is that his date of retirement is 31/12/2018 and is suffering from cardiac ailment and is continuing the treatment. His wife is a cancer patient who is continuing her treatment at Government Medical College, Alappuzha and for that reason he made representation seeking transfer to Aroor Grama Panchayath. He has produced treatment records substantiating this.

8. As per the request made by Sri.Harilal, the Applicant, for another chance for personal hearing, the same was allowed. Accordingly, a hearing was conducted on 27/10/2017. During the course of hearing, he deposed that he has been subjected to frequent transfers and was not allowed to complete the normal tenure in any of the stations.

9. Government have issued guidelines/norms regarding transfer & posting in respect of Government employees, vide G.O(P)No.3/2017/P&ARD dated 25/02/2017. As per this norms, transfer can be effected on compassionate grounds.

An excerpt of para 4 (iii) of the said G.O is given below:-

“When the Head of the Department certifies that the wife of the employee (Husband in the case of Female employee) or son / daughter who is wholly dependent on the employee becomes affected by some serious disease which makes the employee's presence and care indispensable”.

10. Government have examined the matter in detail and it is felt that the 4th Respondent deserves a posting on Compassionate ground, in view of the pathetic background as narrated by him. Hence, the transfer ordered as per the proceedings of the Chief Engineer, LSGD read as 1st paper above is hereby upheld and the appeal preferred by the applicant under orders of transfer to Thadinad / Thalappalam Grama Panchayath ~~may~~ is rejected subject to the condition that the transfer ordered for Sri.Subhashkumar. P, the 4th Respondent should be re-examined after the completion of one year and the Medical certificates in support of the treatment of his wife should be certified by the Head of the Department, as stipulated in G.O(P)No.3/17/P&ARD dated 25/02/17.

11. The order of the Hon'ble KAT in OA 86/2017 read as 2nd paper above, is complied with accordingly.

(By Order of the Governor)
SREEKALA. C.S
Deputy Secretary to Govt.

To

- 1 Sri. K. Harilal, Asst.Engineer, Aroor Grama Panchayath, Alappuzha - 688534
- 2 Sri. Subash kumar. P, Asst.Engineer, Panavally/Thykkattussery Grama Panchayath, Alappuzha- 688524
- 3 The Advocate General, Thiruvananthapuram Branch (with Covering Letter).
- 4 The Chief Engineer, LSGD, 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.