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11/12/17



GOVERNMENT OF KERALA

Abstract

LSGD - Engineering Wing - OA 1894/2017 filed by Sri. Muhammed Shafeeq. E, Assistant Engineer, Thiruvananthapuram Corporation - Order dated 11.10.2017 of the Hon'ble Kerala Administrative Tribunal- Complied with - Orders issued

LOCAL SELF GOVERNMENT (EW) DEPARTMENT

GO(Rt) No.3912/2017/LSGD.

Dated, Thiruvananthapuram, 05.12.2017.

- Read: 1 Proceedings no. E3/2100/08/CE/LSGD dated 27/09/2017 of the Chief Engineer, LSGD.
2 Order dated 11.10.2017 of the Hon'ble Kerala Administrative Tribunal in OA 1894/2017.
3 Representation dated 08.10.2017 from Sri. Muhammed Shafeeq. E, Asst.Engineer
4 Letter no.E3/12888/2017/CE/LSGD dated 18.11.2017 from the Chief Engineer, LSGD.

ORDER

Sri. Muhammed Shafeeq. E, Assistant Engineer, Thiruvananthapuram Corporation was transferred to Alappad/Clappana Grama Panchayath vide proceedings of the Chief Engineer, LSGD read as 1st paper above. Against the above transfer, Sri. Muhammed Shafeeq. E has filed OA 1894/2017 before Hon'ble Kerala Administrative Tribunal .

2. As per the Order read as 2nd paper above, the Hon'ble Kerala Administrative Tribunal has disposed of OA 1894/2017 directing the 1st respondent, the Govt to consider the Annexure MA2 representation, read as 3rd paper above and pass orders thereon in accordance with the transfer norms within 2 months from the date of receipt of a copy of the order. It has also been ordered to take notice of Annexure A6 order while issuing orders on MA2 representation. Annexure A6 order is G.O (Rt) No. 3130/2017/LSGD Dated 23.09.2017, wherein a team of Offices have been designated for submitting proposal for development of software for Intelligent Building Plan Management System (IBPMS), in which the applicant has been included as a member.

3. In the Annexure MA2 representation, the applicant has contended that he has been transferred to the Alappad/Clappana Grama Panchayath in Oachira, Kollam overlooking the fact that he has not completed one year of appointment as Asst.Engineer in Thiruvananthapuram Corporation and that he has been working in the team for developing Intelligent Building Plan Management System (IBPMS) to be implemented in Thiruvananthapuram Corporation vide GO(Rt) No. 3130/2017/LSGD dated 23.09.2017. Also, this is his 7th transfer in a period of 5 years of his service, which is in violation of the existing transfer norms. Therefore, he has requested to issue modified orders retaining him in Thiruvananthapuram

Corporation.

4. The Chief Engineer, LSGD, vide letter read as 4th paper above, has reported that the applicant has been working for a period of more than four & half years from 16.01.2013 in Thiruvananthapuram District, whereas lot of Assistant Engineers of Thiruvananthapuram and Kollam natives are working in distant districts. These Asst. Engineers, where majority are women, have requested for posting in their native district and considering these facts the department followed the criteria of transferring Assistant Engineers who have completed more than three years in the same district. Accordingly the applicant has been transferred from Thiruvananthapuram corporation to Alappad/Clappana Grama Panchayath, Kollam District. Though he was transferred for administrative convenience more than three times, he had served in other districts only for 5 months from ie .from 31.07.2012 to 16.01.2013.

5. The Chief Engineer has also reported that the Asst. Engineers who have now been transferred to Thiruvananthapuram have completed more than 4 years in distant districts. But the applicant did not served at least one year service in any other districts. Sri. Akhil Hari, Assistant Engineer, Velom Grama Panchayath who has been working more than 4 years in Kozhikode district had posted at Thiruvananthapuram Corporation in the maternity leave vacancy of Smt. Geethu Prasanth. Since the transfer of the applicant had been stayed, the transfer of Sri. Akhil Hari, Assistant Engineer could not be effected in the regular vacancy and so the transfer of the applicant is very essential. Regarding the applicant's inclusion in the Special Team to submit practical instructions for developing IBPMS (Intelligent Building Plan Management System), the Secretary, Thiruvananthapuram Corporation informed the Chief Engineer that he is not included in the IBPMS Team at present. He can engage the IBPMS programme from anywhere through online and also the applicant will get official leave to attend the meeting of IBPMS, if any. It is not necessary to retain him in the Thiruvananthapuram Corporation itself for the IBPMS Programme. The retaining of the applicant will subvert the right of the other Assistant Engineers who had worked for prolonged period on distant districts of their native districts.

6. Government have examined the matter in detail and it is found that though the applicant was transferred 7 times within 5 years he did not serve for more than one year outside Thiruvananthapuram District and he has completed more than four and half years in Thiruvananthapuram District. Therefore now his transfer to Alappad/Clappana Grama Panchayath, Kollam was on administrative convenience for accommodating other Asst. Engineers who have completed more than 4 years in other districts and so he is not entitled for protection under the existing transfer norms. Also, his inclusion in a team for development of software for Intelligent Building Plan Management System (IBPMS) is not intended for Thiruvananthapuram Corporation only and this can be done through online as reported by the Chief Engineer. Therefore, the contentions of the applicant in Annexure MA2 representation deserves no merit and is hereby declined. Accordingly, the transfer ordered as per the proceedings read as 1st paper above is hereby upheld.

7. The order of the Hon'ble KAT in OA 1894/2017 read as 2nd paper above, is complied with accordingly.

(By Order of the Governor)
SREEJITH.V.P
Under Secretary to Govt.

To

- 1 Sri. Muhammed Shafeeq. E, Asst.Engineer, Thiruvananthapuram Corporation.
- 2 The Advocate General, Thiruvananthapuram Branch (with Covering Letter).
- 3 The Chief Engineer, LSGD, Thiruvananthapuram.
- 4 The Executive Director, Information Kerala Mission.
- ✓ 5 The Web & New Media, I & PRD.
- 6 Stock File/Office Copy.

Forwarded / By Order



Section Officer

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