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16/12/17



GOVERNMENT OF KERALA

Abstract

Local Self Government – Panchayat Department – Order dated 20.07.2017 in TA No. 595/2013 (WP(C) No. 21292/11) filed by Sri. Rajesh Das before the Hon'ble Kerala Administrative Tribunal - Complied with - Orders issued.

LOCAL SELF GOVERNMENT (EPA) DEPARTMENT

G.O.(Rt)No. 4015/2017/LSGD

Dated, Thiruvananthapuram, 13.12.2017

- Read :
1. G.O(MS) No. 105/2001/GAD, dated 17.03.2001.
 2. G.O(MS) No. 127/2006/GAD, dated 20.05.2016.
 3. Order dated 20.07.2017 in TA No. 595/2013 (WP(C) No. 21292/11) filed by Sri. Rajesh Das before the Hon'ble Kerala Administrative Tribunal.
 4. E4-50/2008 dated 29.01.2008 of the proceedings of Director of Panchayats, Thiruvananthapuram.
 5. Letter No. B5/TA 595/13/AGO dated 22.08.2017 of the Advocate General, Kerala, Thiruvananthapuram.
 6. Letter No. E4-23515/17 dated 27.11.2017 of the Director of Panchayats, Thiruvananthapuram.

ORDER

Sri. Rajesh Das has filed TA No. 595/2013 (WP(C) No. 21292/11) before the Hon'ble Kerala Administrative Tribunal with a prayer to refix his seniority in the cadre of Accountant.

2. By disposing the TA No. 595/2013 (WP(C) No. 21292/11) filed by Sri. Rajesh Das, the Hon'ble Kerala Administrative Tribunal in their order read as 3rd paper above have directed the 1st Respondent, ie the Government to afford an opportunity of personal hearing to the applicant and pass appropriate orders thereon within a period of three months therefrom. In order to enable the first respondent to take a decision in the matter, the applicant shall prefer a petition before the first respondent seeking for retention as UDC within a period of two weeks from the date of receipt of a copy of this order. The interim order issued on 04.08.2011 will continue till the issuance of final orders by the Government. It is also clarified that on failure to file a petition within the stipulated time, the respondents will be free to initiate appropriate proceedings in accordance with the impugned orders.

3. The applicant in this case Sri. Rajesh Das, presently working as UD Clerk in Kainakary Gramapanchayat, Alappuzha is a sports person who was a beneficiary of the

scheme formulated by the Government for appointment of sports persons in public service. The appointment of the applicant was against the supernumerary post of LDC in panchayat ministerial service, vide GO read as 1st paper above. The supernumerary posts shall be in operation and the applicant will be eligible for regular posting, until the incumbent reaches the age of 35 years or till he retires from active sports, whichever is earlier. Thereafter the applicant was mistakenly granted provisional promotion as UDC in Kumarakom Gramapanchayat vide order 4th paper above without considering that he was only appointed against a supernumerary post. Thus the applicant became a beneficiary of a wrong order issued by the Director of Panchayats. Pursuant to the above, the Director of Panchayats cancelled the promotion orders, after a period of 2 and half years, so as to revert the applicant to the post of LDC and post him against the supernumerary post.

4. Sri. Rajesh Das was given promotion to the cadre of Accountant as on March 2017, ie, on his attaining the age of 35, which seems just and reasonable. Also he became a beneficiary of a wrong order issued by the Director of Panchayats and continued as such on the strength of a stay order from the court, which can also be considered as a relief in this case. In the judgment of the KAT dated 20.07.2017, it is clarified that on failure to file a petition within the stipulated time, the respondents will be free to initiate appropriate proceedings in accordance with the impugned orders. In this case, the applicant failed to prefer any such petition before the Government. Also he is not eligible to be promoted as per para 8 in the Government Order read as paper 2nd.

5. In the light of the facts and circumstances as detailed above, the contention of the applicant for refixation of his seniority in the cadre of Accountant is declined and the order of Hon'ble Administrative Tribunal read as 3rd paper above is hereby complied with accordingly.

(By Order of the Governor)


SREEJITH. V.P

UNDER SECRETARY TO GOVT.

To

1. The Advocate General, Kerala, Thiruvananthapuram Branch (with covering letter).
2. The Director of Panchayats, Thiruvananthapuram.
3. The Deputy Director of Panchayats, Alappuzha. (Through the Director of Panchayats).
4. The Secretary, Kainakari Gramapanchayat, Alappuzha. (Through the Director of Panchayats).
5. Sri. Rajesh Das, Kainakari Gramapanchayat, Alappuzha (Through the Director of Panchayats).
6. Web & New media, I&PRD.
7. The Director. Information Kerala Mission (for publishing on official Website)
8. Stock File/Office Copy(File No. 265/EPA1/17/LSGD)

Forwarded/By Order


Section Officer