



GOVERNMENT OF KERALA

Abstract

LSGD - Engineering Wing - OA(EKM) 2154/2017 filed by Sri. N.M. Nahas, Superintending Engineer - Order dated 28.09.2017 of the Hon'ble Kerala Administrative Tribunal- Complied with - Orders issued.

LOCAL SELF GOVERNMENT (EW) DEPARTMENT

GO(Rt) No.4084/2017/LSGD.

Dated, Thiruvananthapuram, 18.12.2017.

-
- Read: 1 Representation dated 22.09.2017 from Sri. N.M. Nahas, Superintending Engineer
2 Order dated 28.09.2017 of the Hon'ble Kerala Administrative Tribunal in OA(EKM) 2154/2017.
3 Minutes of the Departmental Promotion Committee held on 24.10.2017.

ORDER

The Hon'ble Kerala Administrative Tribunal as per its order read as 2nd above has disposed of the OA directing the 2nd respondent, the Chairman, Departmental Promotion Committee(H) to consider and pass appropriate orders on Annexure A9 representation read as 1st paper above as expeditiously as possible. In Annexure A9 representation his request was to consider his eligibility and credentials for getting promoted to the post of Chief Engineer, in the next meeting of the DPC.

2. The DPC(H) which convened on 24.10.2017 considered the merit, seniority and eligibility of the Officers included in the field of choice of Superintending Engineers for preparing the select list to the cadre of Chief Engineer, including that of the applicant, who is arrayed as first in the field of choice. The Committee also considered the Annexure A9 representation in the wake of the Order of Hon'ble KAT. The Committee observed that major punishments were imposed against the applicant in two cases in 2017 as detailed below:

I. Withholding two increments with cumulative effect as per GO(Rt)no.682/2017/LSGD dated 13.03.2017 in connection with the irregularities in regularising a high rise building at Aluva Municipality. In this case Government already rejected his review petition as per G.O (Rt) No.3352/2017/LSGD dated 21.10.2017.

II. Withholding of one increment with cumulative effect as per GO(Rt)no.1523/2017/LSGD dated 10.05.2017 in connection with the irregularities in granting building permit, violating Building Rules for Waqaf Board building at Kochi Corporation.

3. The DPC carefully examined these cases in detail as per the provisions of

Note(ii) &(iii) below Rule 28 (b) (i) (7) of KS&SSR 1958 and found that the offence committed by the incumbent is grave in nature and Government imposed major punishment against him considering the gravity of the offences committed. Accordingly, the Committee observed that major penalty was imposed against him in a case of proven irregularity and the Committee cannot turn a blind eye towards such gross irregularities on the part of a senior official and therefore has decided that it will not be appropriate to select such a person to the top most post in the Department. Accordingly, the committee has decided to supersede him from the select list for the year 2017.

4. In the above circumstances based on the decision of the DPC(H), Annexure A9 representation is declined and the order is hereby issued complying with the Hon'ble KAT direction read as 2nd paper above.

(By Order of the Governor)

A. AJITHKUMAR
Secretary to Government

To

- 1 Sri. N.M. Nahas, Superintending Engineer, South Circle, LSGD Engineering Wing, Thiruvananthapuram.
- 2 The Advocate General, Ernakulam (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.