



GOVERNMENT OF KERALA

Abstract

Local Self Government Department - Urban Affairs - Establishment - Order in OA(EKM)647/2018 dtd 20/03/2018 filed by Sri. Kuriakose A C, Municipal Secretary(Rt) - Complied - Orders issued.

LOCAL SELF GOVERNMENT (E.U.) DEPARTMENT

G.O.(Rt)No.1859/2018/LSGD

Dated,Thiruvananthapuram, 06/07/2018

Read:- Order in OA(EKM)647/2018 dtd 20/03/2018 filed by Sri.KuriakoseA.C, Municipal Secretary(Rtd).

ORDER

Sri. A.C Kuriakose, retired from the post of Municipal Secretary Grade I vide application dated 06/07/2017 requested to the Government to issue orders according his notional promotion to the post of Joint Director of Urban Affairs with effect at least from 01 .07.2015 so that he was able to get a fair Pensionery benefits.

Government examined the matter in detail and rejected his application on the following ground. The post of Joint Director is a selection post. In this category promotion is given on the basis of the select list prepared on the basis of existing rules. Notional promotion are given only at utmost situations like, seniority has to be fixed to an earlier date or in compliance of Court Orders etc. While Sri. A C Kuriakose was in service no junior officers were promoted over riding him. Promotion cannot be considered as a right and it can not be given on the fact that there was existing vacancies or promotion may be arised if other promotions were done.

While the matter is being considered by the Government Shri.Kuriakose A.C, filed OA(EKM)647/2018 dtd 20/03/2018 before the Hon'ble Administrative Tribunal. The Hon'ble Court vide order dated 20/03/2018 directed the Government to take a decision in accordance with the Rules and to take a decision on Annexure A1 0 representation, after hearing the applicant, within a period of three months from the date of receipt of a certified copy of the order.

Even though Government have already taken a final decision in the A10 representation (The representation submitted by Shri. A.C Kuriakose to Government on 06/07/2017) as per the direction of the Hon'ble Court the Petitioner was heard in the presence of officials of Directorate of Urban Affairs on 26.04.2018.

At the time of the personal hearing the applicant repeated the request in A10 representation. Shri. A C Kuriakose appointed as Municipal Secretary Grade III in the year 23.11.2006. He was included in the select list for the year 2009 and promoted as Municipal Secretary Grade II. Up to 2013, promotions were given as the select list prepared by the Departmental

Promotion Committee. A temporary Gradation list of Municipal Secretaries were published on 1.08.2014 and promotions were given from the gradation list. Among others he was promoted to the post of Municipal Secretary Grade I from the gradation list. He retired from service on superannuation on 31.05.2016. His argument is that if D.P.C was convened in 2014, 2015 and 2016 and select list was published, many of the officers may be posted on deputation posts in other departments and he would have been promoted to the post of Joint Director. As per the select list prepared in the year 2017, the officers junior to him were promoted to Corporation/ Additional Corporation Secretary.

Government examined the matter in detail. Even though the select list is not published during the years 2014,2015, and 2016 , the promotions based on the gradation list prepared during 2014 were given and none of the officers were denied promotion in these years. Shri. K. P Vinayan, Sri. Radhakrishnan and Shri. Harikumar who were seniors to Shri. A .C Kuriakose as per the gradation list /approved seniority list were promoted to the post of Corporation/ Additional Corporation Secretary only during 2017 and even now they are holding the same post. Joint Director is the promotion post of Corporation Secretary. The claim of the petitioner is to promote him notionally in the post of Joint Director with effect from 2016. There is no rule mentions that the deputation posts have to filled up only from the Urban Affairs Department.

In this circumstances, the argument of Shri.A.C Kuriakose is not sustainable and his request for notional promotion to the post of Joint Director and Corporation Secretary deserve no merit and hence rejected.

Order dated 24.05.2018 of Hon'ble Kerala Administrative Tribunal is thus complied with.

(By Order of the Governor)
S.MOHANDAS
ADDITIONAL SECRETARY

To

The Advocate General, Kerala, Ernakulam (With CL)

The Director of Urban Affairs, Thiruvananthapuram.

The person concerned (Through the Director of Urban Affairs,
Thiruvananthapuram.

The Principal Accountant General (A&E)/(Audit), Kerala,
Thiruvananthapuram.

The Executive Director, Information Kerala Mission, Thiruvananthapuram
Stock file/Office Copy.

Forwarded/By Order


Section Officer