



GOVERNMENT OF KERALA

Abstract

LSGD - Engineering Wing - OA(EKM)no.2639/2017 filed by Sri. Shereef Umminiyl, Asst. Engineer - Order dated 24.11.2017 of the Hon'ble Kerala Administrative Tribunal- Complied with - Orders issued.

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**LOCAL SELF GOVERNMENT (EW) DEPARTMENT**

GO(Rt) No.1962/2018/LSGD.

Dated, Thiruvananthapuram, 19/07/2018

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- Read: 1 Order of the Hon'ble Kerala Administrative Tribunal dated 24.11.2017 in OA(EKM)no.2639/2017.  
2 Representation dated 10.11.2017 from Sri. Shereef Umminiyl.  
3 GO(P) no.26/2018/LSGD dtd 16.04.2018

ORDER

Sri.Shereef Umminiyl, Assistant Engineer filed OA bearing No.2639/17, aggrieved by the non-inclusion of his name in the Select list 2017 for promotion to the post of Assistant Executive Engineer.

2. By disposing of OA(EKM)No.2639/17, the Hon'ble Tribunal in their Order read as 1<sup>st</sup> paper above, have directed the 1<sup>st</sup> respondent, ie the Convenor, the DPC(H) to consider and pass appropriate orders on Annexure A10 representation in accordance with law after affording an opportunity of personal hearing to the applicant within a period of 3 months from the date of receipt of a copy of the order.

3. Annexure A10 is the representation read as 2<sup>nd</sup> paper above put in by the Applicant requesting to reconsider the decision of the DPC (H) held on 24/10/17 with correct seniority among the Assistant Executive Engineers over and above Smt.Lajitha with all consequential service benefits including seniority, pay and allowances w.e.f 07/11/17.

4. In pursuance to the direction contained in the Court's Order, the Applicant was heard in person on 12/6/2018 by the Deputy Secretary. During the course of hearing he deposed that the DPC may review and reconsider the minutes of the DPC meeting dated 24/10/2017 and his seniority may be refixed in between Smt. Sreekala.G and Smt.Lajitha V.A with all consequential benefits including seniority, pay and allowances w.e.f 07/11/2017.

5. The DPC(H) which held on 24/10/2017 superseded the incumbent officer for promotion to the post of Assistant Executive Engineer due to the prevalence of disciplinary action for minor penalty as per Vigilance recommendation against him in two cases. The review DPC(H) which convened on 27/02/2018 pursuant to the above orders of the Hon'KAT has observed that the disciplinary action for minor penalty in two cases pending against the applicant has been finalised. In the case regarding

irregularities in the construction of K.M.Munner Stadium gallery in Keezhuparamba Grama Panchayath, disciplinary action has been finalised by barring one annual increment without cumulative effect for a period of three years as per G.O(Rt)No.436/2018/LSGD dated 14/02/2018. In another case regarding irregularities in the construction of compound wall for Government Hospital, Areacode, disciplinary action has been finalised by barring one annual increment without cumulative effect for three months, vide G.O(Rt)No.20/2018/LSGD dated 03/01/2018. Since the above disciplinary action cases have been finalised in the year 2018 and considering the quantum of punishment awarded, the Committee has observed that the incumbent is eligible for inclusion in select list- 2018 for promotion to the cadre of Assistant Executive Engineer only. Therefore, the Committee has decided to include him in the select list 2018 as '4a' just below Sri.Baburaj B.R whose Sl.No.is 4 and Rank No.189. Subsequently, modified select list- 2018 has been approved and published vide G.O(P)No.26/2018/LSGD dated 16/04/2018. However his claim for inclusion in the select list- 2017 was not accepted by the DPC.

6. The DPC(H) is the competent authority to take a decision regarding the inclusion of the incumbent officer in a particular select list, after ascertaining his merit, ability and eligibility for the same and the DPC(H) convened on 27/02/2018 after scrutinising all the aspects found that he is eligible for inclusion in the select list 2018 only. His request in Annexure A10 representation was partially redressed by including him in the Modified Select List -2018 for promotion to the post of Assistant Executive Engineer and now he is acting as Asst.Exe.Engineer.

7. In the above circumstances the request for inclusion in the select - list -2017 made by Sri.Shereef Umminiyil, Assistant Engineer (now Asst.Exe.Engineer) , the Applicant in this OA, does not deserve consideration and hence hereby rejected. Accordingly the direction of the Hon'ble Tribunal contained in judgement read as 1<sup>st</sup> paper above is complied with.

(By Order of the Governor)

**SREEKALA. C.S**

Deputy Secretary to Govt.

To

- 1 Sri.Shereef Umminiyil, Asst.Exe.Engineer (through the Chief Engineer, LSGD)
- 2 The Advocate General, Ernakulam (with Covering Letter).
- 3 The Chief Engineer, LSGD, Thiruvananthapuram.
- 4 The Accountant General,(A&E/Audit) of Kerala, Thrissur
- 5 The Executive Director, Information Kerala Mission.
- 6 The Web & New Media, I & PRD.
- 7 Stock File/Office Copy.

Forwarded/By Order



Section Officer.