



GOVERNMENT OF KERALA

Abstract

Local Self Government Department - Engineering Wing -Establishment- Seniority list of Executive Engineers – objections filed - disposed off- Orders issued.

LOCAL SELF GOVERNMENT (EW) DEPARTMENT

G.O.(Rt) No.3087/2018/LSGD.

Dated, Thiruvananthapuram, 04/12/2018

**Read :-**1. Notice no. E22-555/2013/CE/LSGD dated 24-09-2018

2. Letter No. E22-555/2013/CE/LSGD dated 25-10-2018 from the Chief Engineer, LSGD.

3. G.O(Rt) No.3017/2018/LSGD dtd 28.11.2018.

**ORDER**

The provisional seniority list of Executive Engineers from 31-12-2016 to 31-08-2018 in LSG Engineering Wing was published by the Chief Engineer, LSGD inviting objections, if any, vide notice read as 1<sup>st</sup> paper above and seven incumbents have filed objections to the provisional seniority list on various ground. Now, the Chief Engineer, LSGD, vide letter read as 2<sup>nd</sup> above, has forwarded the provisional seniority list along with details of objections and report thereon for finalisation of the same.

The contentions in the objections received and the facts thereon are summarised as follows;

**I. Smt. Neetha Kambil. P (Sl.No.1)** - The DPC(H) 2017 held on 24.10.2017 superseded the incumbent for promotion to the post of Exe.Engineer due to the pendency of disciplinary action for major penalty. But later as the said disciplinary action was finalised, she was included as sl. no. 1a (rank no.1) in the modified select list 2017. Accordingly she was promoted as Exe.Engineer vide GO(Rt)No.959/2018/LSGD dtd 04.04.2018. She has contended that her immediate juniors in the select list was promoted as Exe.Engineer vide GO(Rt)No. 3584/2017/LSGD dtd 06.11.2017. Therefore she has requested to modify her effective date of promotion as 06.11.2017 in the seniority list.

The above matter has been considered by Government separately and Smt. Neetha Kambil along with Smt. Shaiby George (Sl.No.7) were granted notional promotion as Exe.Engineer w.e.f date of promotion of his immediate junior, ie, 06.11.2017 as per Government Order read above. Accordingly Government have decided to make modify the effective date promotion of both the incumbents as 06.11.2017 in the final seniority list.

**II. Sri. K. C. Subramanian (Sl.No.26)**- The incumbent was superseded for promotion to the post of Exe.Engineer by the DPC(H) 2017 due to the pendency of disciplinary action for minor penalty in two cases as per Vigilance

recommendation. Later the above two disciplinary actions have been finalised by barring one annual increment without cumulative effect for a period of one year and one annual increment without cumulative effect for a period of six months as per GO(Rt)No. 465/2018/LSGD dated 16.02.2018 and GO(Rt)No. 424/2018/LSGD dtd 13.02.2018 respectively. The Adhoc DPC(H) held on 27.02.2018 considered the quantum of punishment awarded to the incumbent and observed that he is eligible for promotion to Exe.Engineer only in the year of finalising the disciplinary action, ie 2018. Accordingly, the DPC has decided to include him as Sl no. '1a' in the modified select list 2018 published vide GO(P) no.25/2018/LSGD dtd 16.04.2018.

Based on the above facts the request of the incumbent for restoration of his seniority in the draft seniority list of Exe.Engineer by including him in the modified select list 2017 deserves no merit and hence his objection is here by declined.

III. Sri. Bijoy. K.N (Sl.No.27) - The incumbent was superseded by the DPC(H) 2017 due to the pendency of disciplinary action for minor penalty as per the Vigilance recommendation. Later, the disciplinary action was finalised vide GO(Rt)No.3913/2017/LSGD dtd 05.12.2017. Accordingly, the DPC(H) 2018 held on 14.12.2018 included him as Sl no.2 in the select list 2018.

Later the review DPC held on 10.07.2018 considered the request of the incumbent for inclusion in the modified select list 2017. After considering the quantum of punishment awarded to the incumbent vide GO dated 05.12.2017, the committee observed that the case is serious one in which incumbent was awarded with the punishment for withholding one increment for 2 years without cumulative effect. The Committee observed that as per the provisions under Rule 28(b)(i) KS&SSR 1958, select lists are to be prepared from among the eligible officers on the basis of merit, and and ability; seniority being a consideration only when all the qualifications are equal. Accordingly, committee was of the opinion that an officer who has committed a serious supervisory lapse for which he has been punished by withholding one increment for 2 years cannot be considered meritorious in order to confer all his rights for restoration of seniority and hence decided not to include him in the select list for promotion to the post of Exe. Engineer in the year 2017 .

Based on the above facts the request of the incumbent for restoration of his seniority in the draft seniority list of Exe.Engineer by including him in the modified select list 2017 deserves no merit and hence his objection is here by declined.

IV. Sri. Sandeep. K.G, (Sl.No.6), Sri. Ajith Kumar.G.S (Sl.No.21).Sri. Rajesh. D(Sl.No.32) &Smt. Sreelatha. P.R(Sl.No.29) - The request of the incumbent is to

rectify the seniority list by excluding Sri. Johnson who was an Assistant Executive Engineer promoted from the diploma quota and later promoted acquiring Degree. It is contended that there is no provision in the special rule for a diploma holder with acquired degree to be included in the direct quota.

The qualification prescribed for appointment of Executive Engineer as per the Special Rules in LSGD Engineering Wing issued vide GO(P)No.271/2007/LSGD dated 27.11.2007, is any degree in Civil Engineering or any other qualifications recognized as equivalent there to and Minimum one year service as Assistant Executive Engineer. From this, it is clear that any Asst.Exe.Engineer having above requisite qualification irrespective of their entry cadre are eligible for promotion to the post of Exe.Engineer. Accordingly the DPC(H) 2017 decided to include Sri. Johnson in the select list 2017 published vide GO(P) no.85/2017/LSGD dtd 01.11.2017. Therefore the above arguments are not maintainable according to the clear provisions of the Special Rule and the objections are here by declined.

All the objections raised against the provisional seniority list published as per Notice read as 1<sup>st</sup> above have been disposed off as above. The final seniority list in the Cadre of Executive Engineer as on 31-08-2018 will be issued separately.

(By Order of the Governor)

**T.K. JOSE**

**Additional Chief Secretary to Government**

To

1. The Chief Engineer, LSGD, Thiruvananthapuram.
2. All the incumbents ( Through Chief Engineer, LSGD)
3. The Accountant General (Audit)/ The Accountant General (A&E) Kerala, Thrissur.
- ✓ 4. The Director, Information Kerala Mission, Thiruvananthapuram.
5. The Web & New Media, I & PRD.
6. Stock File/Office Copy.

Forwarded / By Order



Section Officer.