



GOVERNMENT OF KERALA

Abstract

LSGD - Engineering Wing - Appeal Petition submitted by Sri. Sulaiman. C.M, Superintending Engineer challenging the decision of DPC(H) held on 06.12.2018 - rejected - Orders issued.

LOCAL SELF GOVERNMENT (EW) DEPARTMENT

GO(Rt)No.698/2019/LSGD

Dated, Thiruvananthapuram 23.03.2019

Read : 1. Decision of the DPC(H) held on 06.12.2018.
2. GO(P) No.96/2018/LSGD dated 19.12.2018.
3. Review Petition submitted by Sri. Sulaiman. C.M, Superintending Engineer.

ORDER

The DPC(H) held on 06.12.2018 superseded Sri. Sulaiman. C.M, Superintending Engineer for inclusion in the supplementary select list for promotion to the post of Chief Engineer for the year 2018 due to pendency of disciplinary action for major penalty under Rule 15 KCS(CCA&A) 1960 against him and had included his junior Sri. Sri. Joseph Paul. K in the select list. The disciplinary action for major penalty initiated against Sri. Sulaiman. C.M as per MOC/SOA no.57324/EW1/2014/LSGD was in connection with the irregularities in issuing revised building permit with violation of building rule in the construction of high rise flat at Pattoor in Thiruvananthapuram Corporation. Govt had not finalised the said disciplinary action against him at the time of DPC(H). Accordingly, the DPC(H) has observed that the incumbent cannot be considered for promotion as per provision under note (i) below Rule 28(b)(i)(7) of KS&SSRs 1958 and has decided to supersede him from the supplementary select list 2018 for promotion to the cadre of Chief Engineer.

2. Aggrieved by the above decision of the DPC(H) the incumbent has preferred Review Petition as per paper read as 3rd above. He has contended that the DPC(H) selected Sri. Joseph Paul, who is much junior to him in the seniority list of Superintending Engineer, for inclusion in supplementary select list 2018 for promotion to the post of Chief Engineer. The non finalisation of disciplinary action for major penalty initiated against him is not due to his mistake or fault. Therefore he has requested to include his name in the supplementary select list for promotion to the post of Chief Engineer by convening a review DPC.

3. Government have examined the matter in detail and it is found that there was a clear ground for supersession of the incumbent in the DPC(H), ie due to the prevalence of disciplinary action for major penalty. Since the said disciplinary action against him has not

been concluded, there is no valid ground to revise/re-examine the decision of the Committee. Hence the Appeal Petition preferred by him deserves no merit and is hereby declined.

(By Order of the Governor)
MINIMOL ABRAHAM
Additional Secretary to Government.

To

- 1 Sri. Sulaiman. C.M, Superintending Engineer, Kochi Corporation.
- 2 The Chief Engineer, LSGD, Thiruvananthapuram.
- 3 The Accountant General (A&E/Audit), 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.