



GOVERNMENT OF KERALA

Abstract

LSGD - Engineering Wing – Appeal Petition submitted by Sri. Ansar. J, Asst.Exe.Engineer challenging the decision of DPC(H) held on 06.12.2018 – declined – Orders issued.

LOCAL SELF GOVERNMENT (EW) DEPARTMENT

GO(Rt)No.986/2019/LSGD

Dated, Thiruvananthapuram 15.05.2019

- Read :
1. Decision of the DPC(H) held on 06.12.2018.
 2. GO(P)No.94/2018/LSGD dated 19.12.2018.
 3. Review Petition dated 18.01.2019 submitted by Sri. Ansar. J, Asst.Exe.Engineer.

ORDER

The DPC(H) held on 06.12.2018 superseded Sri. Ansar. J, Assistant Executive Engineer for inclusion in the select list for promotion to the post of Executive Engineer for the year 2019 due to pendency of disciplinary action for major penalty in two cases under Rule 15 KCS(CCA&A) 1960 against him in Govt file no. 84/EW1/2017/LSGD in connection with the irregularities in the re-tarring of Tvm corporation-Gowreeshapattom temple road, and in file no.57324/EW1/201/LSGD in connection with the irregularities in giving revised building permit with violation of building rule in the construction of high rise flat at Pattoor in Thiruvananthapuram Corporation. 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 select list 2019 for promotion to the cadre of Exe.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 He has contended that the DPC(H) superseded him in the select list for promotion to the post of Exe.Engineer, whereas his juniors were included in the select list. The non finalisation of disciplinary action for major penalty initiated against him which is the reason for his supersession in the select list, is not due to his mistake or fault. Therefore he has requested to include his name in the select list 2019 for promotion to the post of Exe.Engineer.

3. Two more disciplinary action cases for major penalty have been initiated against the incumbent, ever since the last DPC held on 06.12.2018 other than those mentioned

above, vide MOC/SOA dated 08.01.2019 in file NO. EW1/234/2018/LSGD, in connection with the irregularities in the construction of fish market at Palayam. Also, one more disciplinary action for major penalty in connection with the issue of original permit with violation of building rule in the construction of high rise flat at Pattoor in Thiruvananthapuram Corporation was pending at the time of last DPC held on 06.12.2018, in file no. 57324/EW1/2014/LSGD, in which MOC/SOA was issued on 20.02.2018. But the same could not be placed before the DPC(H) due to oversight.

4. Government have examined the matter in detail and in view of the pendency of disciplinary action for major penalty in four cases against Sri. Ansar. J, Asst. Exe.Engineer, he cannot be considered for promotion as per provision under note(i) below Rule 28(b)(i)(7) of KS&SSRs 1958. 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. Ansar. J, Assistant Executive 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


Asst. Section Officer.