



**GOVERNMENT OF KERALA**

**Abstract**

LSGD - Engineering Wing – Order of Hon'ble Kerala Administrative Tribunal in OA(E) no.1462/2020 filed by Sri. C. Anilakumaran, Asst. Exe.Engineer - Complied with - Orders issued.

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**LOCAL SELF GOVERNMENT (EWA) DEPARTMENT**

**G.O.(Rt)No.1969/2020/LSGD**

Dated, Thiruvananthapuram, 20/10/2020

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Read 1 Order of the Hon'ble Kerala Administrative Tribunal dated 01.10.2020 in OA(E) no.1462/2020.

2 Representation dated 29.09.2020 from Sri. C. Anilakumaran, AEE.

**ORDER**

The Hon'ble Kerala Administrative Tribunal, as per its order read as 1<sup>st</sup> paper above, has disposed of OA(E) no.1462/2020 directing the 1<sup>st</sup> respondent, Government to consider Annexure A13 representation, read as 2<sup>nd</sup> paper above, submitted by the applicant and pass appropriate orders thereon before finalising the select list.

2. In the Annexure A13 representation, the applicant contended that he is ranked no. 241 as per the combined seniority list of Asst.Engineer published by the Chief Engineer, vide proceedings dated 18.05.2020, whereas juniors to him in the said seniority list namely Sri. R. D. Girish (Rank no.244), Sri. P. Prasad (Rank no.246), Sri. P. P. Ramesan (Rank no.247), Sri. T. M. Asokan (Rank no.249), Sri. G. S. Anish (Rank no.255) have been included in the select list 2020 and promoted as Exe.Engineer vide GO dated 05.05.2020 & 29.06.2020. Also, certain Asst.Exe.Engineers under diploma quota were provisionally promoted as Exe.Engineers after DPC(H) convened on 17.03.2020.

3. The applicant has also contended that no disciplinary action is pending against him and that his probation in the cadre of Asst.Exe.Engineer has already been declared satisfactorily. Hence it is argued that the action of the DPC(H) in not considering him for inclusion in the select list even after promoting his juniors in the cadre of Asst.Engineer, to the post of Exe.Engineer is absolutely illegal and arbitrary. Therefore, he has requested to consider his claim for inclusion in the select list for promotion to the post of Exe.Engineer in accordance with the seniority in the Asst.Engineer cadre, before approving the select list for publication.

4. In compliance with the order of Hon'ble Supreme Court dated 05.02.2020 in Civil Appeal (S) no.6165/2017, the combined Seniority list of Assistant Engineers has been published by the Chief Engineer vide proceedings dated 18.05.2020. Then the process of re-arranging the seniority list of Assistant Executive Engineers has been initiated by convening the review DPC(H) on 25.09.2020, for re-arranging the select list for the promotions of the Assistant Executive Engineer from 2010 to 2019. In order to publish

the final seniority list of Assistant Executive Engineer, the revised draft seniority list of Assistant Executive Engineer from 2010 to 2019 will be published as and when the select list of Assistant Executive Engineer for the period from 2010 to 2019 prepared by Govt. After finalizing the seniority list of Assistant Executive Engineers, another review DPC will be convened to review the promotion of Executive Engineer in accordance with the seniority list of Assistant Executive Engineers. At that time the request of the applicant can be considered.

5. The contention of the applicant that certain officials who were juniors to the applicant in the combined seniority list of Asst.Engineer were already promoted to the cadre of Exe.Engineer is not tenable, as they were included in the select list 2020 for promotion to the cadre of Exe.Engineer by the DPC(H) held on 17.03.2020 in accordance with the seniority position in the cadre of Asst.Exe.Engineer, prior to the issuance of combined seniority list of Asst.Engineer cadre. Also, certain Asst.Engineers under diploma quota have been provisionally promoted as Exe.Engineer as per the direction of the Hon' KAT dated 26.05.2020 in OA (E) 597/2020 vide GO (Rt) no.1006/2020/LSGD dated 29.05.2020. The promotion to the Exe.Engineer cadre including that of the above officials are to be reviewed in accordance with the seniority list of Asst.Exe.Engineer, which is to be finalised pursuant to the publication of the select list for promotion to Asst.Exe.Engineer cadre for the years from 2010 to 2019.

6. In the above circumstances, as the request of the applicant for reassigning his seniority in Exe.Engineer w.e.f date of promotion of his junior can be considered only at the time of reviewing the select list of Asst.Exe.Engineer for promotion to the post of Exe.Engineer by the review DPC(H) to be convened after the publication of revised seniority list of Asst.Exe.Engineer, the Annexure A13 representation is hereby disposed of by informing that the request of the applicant will be considered in the review DPC(H) to be held after finalising the seniority list of Asst.Exe.Engineer.

7. The order of the Hon'ble KAT in OA(E) no.1462/2020 read as 1<sup>st</sup> paper above, is hereby complied with.

(By order of the Governor)  
**BIJUKUTTAN.M.S**  
**ADDITIONAL SECRETARY**

To:

1. Sri. C. Anilakumaran, 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  
Signature valid

Digitally signed by SREEKANTH.G  
Date: 2020.05.27 15:27 IST  
Reason: Approved

Section Officer