



**GOVERNMENT OF KERALA**

**Abstract**

Local Self Government Department - Final order dated 5/11/2020 in O.A. (EKM) No. 409/2020 filed by Smt. Patricia, Head Clerk, Block Development Office, Parappa, Kasaragod before the Hon'ble Kerala Administrative Tribunal, Ernakulam - complied with- orders issued.

**LOCAL SELF GOVERNMENT (ERA) DEPARTMENT**

**G.O.(Rt)No.56/2021/LSGD Dated,Thiruvananthapuram, 08/01/2021**

- Read 1. Order No. 992/Estt.C3/2019/CRD dated 28.01.2020.
2. Representation dated 05.02.2020 to the Commissioner for Rural Development from Smt Patricia.
3. Interim Order dated 28.05.2020 of the Hon'ble KAT.
4. Order No.3759/Estt. C3/2020/CRD dated 04.06.2020.
5. Interim Order dated 20.08.2020 of the Hon'ble KAT.
6. Final order dated 05.11.2020 in O.A.(EKM) No. 409/2020 filed by Smt. Patricia.

**ORDER**

The Applicant,Smt. Patricia while working as Senior Clerk in Poverty Alleviation Unit,Kollam was promoted and appointed to the post of Head Clerk in Block Development Office, Parappa, Kasaragod as per the order read as 1st paper above. As per the representation read as 2nd above, she requested for a transfer to her home station of Kollam, citing that her aged and ailing parents were solely dependant on her and that her absence from home had put her parents in peril.In support of request she also held that there was none senior to her working outstation to be considered for transfer to Kollam.

2. While the said representation was pending with the Commissioner for disposal, Smt. Patricia filed a petition as OA (EKM) 409/2020 before the Hon'ble KAT with the prayer to give her posting in Kollam. The Tribunal passed an Interim Order read as 3rd above, by which the Commissioner of Rural Development, the 2nd respondent in the case, was

directed to consider and take appropriate decision on the request of the applicant for transfer to any of the four vacancies in Kollam that would arise consequent on the retirement on 31.05.2020 of the incumbents in these posts. Appropriate orders were directed to be passed within a period of one week from the date of receipt of a copy of the order or before filling up the above four vacancies whichever was earlier.

3. As per order read as 4 paper above, the interim order of Hon'ble KAT was complied with by the Commissioner of Rural Development ordering to keep the applicant's request for transfer pending, to be considered later at the time of general transfer of Head Clerk/Head Accountant for 2020, based on the eligibility of the applicant and as per the guidelines issued by the government and the norms issued by the Commissioner of Rural Development.

4. The case came up for hearing before the Tribunal on 12-06-2020 and an order was passed directing the Commissioner of Rural Development to keep the vacancy to the post of Head Clerk /Head Accountant in Block Development Office, Oachira, Kollam, unfilled. The above order was extended by the Tribunal from time to time and as per order read as 5th paper above, the Tribunal directed the respondents to produce the transfer order and give the service details of those persons who were given posting in Kollam in the General Transfer along with reporting as to if juniors to the applicant were given posting in Kollam.

5. The Original Application was finally disposed of by the Tribunal, as per order read as 6th paper above directing the Principal Secretary to Government, Local Self Government Department, the first respondent, to consider the request of the applicant for a convenient posting at her home station of Kollam or in nearby districts of Alappuzha or Thiruvananthapuram, in accordance with the guidelines for general transfer, as laid out as per GO(P) No.03/2017/P&ARD, dated 25-02-2017. The comparative merits of the claim of the applicant for transfer and posting vis-a-vis that of others i.e., the 4th and the 5th respondents, ought to be considered on merits and appropriate orders issued after hearing the applicant, as ordered by the Tribunal. The first respondent was further directed to consider the veracity of the claim on compassionate ground put forth by Smt. Remani Bai.K and to issue appropriate orders within a period of two months from the date of receipt of a copy of the order.

6. As authorised, Under Secretary heard the Applicant in person .



7. At the time of hearing the Applicant stated that many persons junior to her were given transfer to stations of their choice on temporary arrangement basis by the Commissioner of Rural Development, in disregard of her request for transfer. It was further stated that there were several cases of her juniors being transferred to stations convenient to them when they could not be accommodated in stations of their choice. But in the case of the applicant, the Commissioner of Rural Development had always been of the stand that seniors to the applicant had claim to stations opted by the applicant, by virtue of which the requests for transfer were not considered, as stated by the Applicant. In these circumstances, Smt Patricia requested for a transfer to either Ithikkara Block Panchayat Office, her third option, replacing Mrs. Remani Bai or Oachira Block office where a vacancy of Head Accountant/Head Clerk has been kept unfilled as instructed by the Hon'ble Kerala Administrative Tribunal.

8. The officer representing the Commissioner of Rural Development reported that unlike what the Applicant said, her eligibility in terms of seniority has never been overlooked in the matter of transfer and that there were claimants to the stations opted by the Applicant who were senior to her and that the existing norms for general transfer issued by the government got in the way of considering her request favourably. However in the light of the final order of the Tribunal, it was reported that the possibility of accommodating the applicant in the existing vacancy in Oachira Block could be considered exploring the options advanced by the Applicant while being heard.

9. Government have examined the case in detail. The Applicant had not preferred any appeal to the Government against the general transfer order of the Commissioner of Rural Development. As per the final order dated 5/11/2020 the 1st respondent, the Principal Secretary to Government was directed to dispose of the request of the applicant read as 2nd above, which was actually preferred by the Applicant to the Commissioner of Rural Development. Since it is the Commissioner for Rural Development who is the authority competent to order transfer of persons like the applicant, the Commissioner of Rural Development is hereby directed to consider the request of the Applicant, Smt. Patricia, Head Clerk, Block Development Office, Parappa, Kasaragod for a convenient posting at her home station of Kollam or nearby districts of Alappuzha or Trivandrum, based on her eligibility and in accordance with the general transfer guidelines issued as per GO(P) No3/2017/P&ARD dated 25-02-2017 as also after enquiring into the veracity of the claim of Smt Remani Bai on

compassionate grounds.

10. The final order dated 05.11.2020 of the Hon'ble Kerala Administrative Tribunal is complied with accordingly.

(By order of the Governor)  
**NAVIN KRISHNAN.G.I**  
**UNDER SECRETARY**

Smt. Patricia, Head Clerk, Block Development Office, Parappa, Kasaragod.

Smt. Sheela V, Senior Clerk, O/o the Commissioner of Rural Development, Thiruvananthapuram.

Smt. Sindhumol. P C, Senior Clerk, Block Development Office, Ranni, Pathanamthitta.

The Commissioner of Rural Development, Thiruvananthapuram.

The Advocate General, Kerala, Ernakulam (with C/L)

The Principal Accountant General (Audit), Kerala, Thiruvananthapuram.

The Accountant General(A&E), Kerala, Thiruvananthapuram.

✓ The Director, Information Kerala Mission, Thiruvananthapuram.

The Information and public Relations (Web & New media) Department(for publishing in the Government website).

The Stock File/Office Copy.

Forwarded /By order

  
Section Officer