



GOVERNMENT OF KERALA

Abstract

LSGD - Engineering Wing - Appeal filed against the final seniority list of First Grade Overseers - Order dated 17.12.2021 of the Hon'ble Kerala Administrative Tribunal in OA No.2375/2021 filed by Sri. Pratheesh.M.S, Sri.Dinesh.G and Smt.Mini Thomas, 1st Grade Overseers - Compiled with - Orders issued:-

LOCAL SELF GOVERNMENT (EWA) DEPARTMENT

G.O.(Rt)No.1093/2022/LSGD Dated,Thiruvananthapuram, 04-05-2022

Read 1 Proceedings No.E22-101/2013/CE/LSGD dated 25.05.2019 of the Chief Engineer, LSGD.

2 Representation dated 30.11.2021 from Sri.Pratheesh.M.S, Sri.Dinesh.G and Smt.Mini Thomas, Ist Grade Overseers.

3 Order of the Hon'ble Kerala Administrative Tribunal dated 17.12.2021 in OA No.2375/2021.

4 Letter No.E22-101/2013/CE/LSGD dated 25.01.2022 from the Chief Engineer, LSGD.

ORDER

Sri.Pratheesh.M.S, Sri.Dinesh.G and Smt.Mini Thomas, 1st Grade Overseers, vide the paper read as 2nd above, filed Appeal under Rule 27(B) Part II KS & SSRs against the seniority list of First Grade Overseers published by the Chief Engineer, LSGD vide the Proceedings read as 1st paper above. Thereafter, they had approached the Hon.KAT by filing OA No.2375/21 seeking a direction to the 1st respondent to consider and pass orders on the Appeal (Annexure A3) filed by the petitioners within a time frame.

2. The Hon'ble Kerala Administrative Tribunal, as per its order read as 3rd paper above, disposed of the OA, directing the 1st respondent i.e., State of Kerala represented by the Secretary to Government, LSGD, to consider and pass orders on the Annexure A3 Appeal (referred as 2nd paper above) filed by the petitioners in accordance with law, after affording an opportunity of being heard, within a period of 3 months from the date of receipt of a certified copy of the judgement.

3. The petitioners were originally appointed as Third Grade Overseers through the Kerala Public Service Commission. The petitioners 1 and 2 (Sri.Pratheesh.M.S & Sri.Dinesh.G) are having Diploma qualification in addition to Certificate qualification. The 3rd petitioner Smt.Mini Thomas, who entered in service with Certificate qualification, has acquired Diploma while she was in service. All the petitioners were appointed as Third Grade Overseers under the Certificate Quota, though they possess Diploma qualification. Subsequently, they were promoted as Second Grade Overseers and Third Grade Overseers on the basis of their Certificate qualification.

4. The 2nd respondent Chief Engineer published Annexure A1 final seniority list of First Grade Overseers eligible for promotion to the post of Assistant Engineer vide the paper read as 1st above, in which the petitioners are included under the Diploma quota. Only on exercising an option, one will be able to change from one quota to another. The petitioners have never exercised any option to come under the Diploma quota. Therefore, they have submitted in the Appeal petition submitted as per 2nd paper above that their inclusion under the Diploma quota is illegal and erroneous. They have also stated that though Annexure A1 final seniority list was published in 2019, the same was not circulated

and since on account of the Covid pandemic the Hon'ble Supreme Court as well as the Hon'ble High Court extended the period of limitation upto December, 2021, they can file the appeal till the end of 2021.

5. On the Appeal petition filed by the petitioners, the Chief Engineer has informed vide 4th paper read above that the draft seniority list of First Grade Overseers (both Direct and promotees) who were appointed between 01.09.2017 and 30.11.2018 (Diploma) and between 01.01.2017 and 30.11.2018 (Certificate) was published as per Notice No.E22-101/2013/CE/LSGD dated 12.03.2019 in the official website. 21 days from 12.03.2019 was allowed to file complaints in this regard. Considering all such complaints received in the prescribed time limit, the final seniority list was published vide the 1st paper read above. The Appellants were included in the aforesaid draft seniority list in Diploma quota. They were allowed ample time to give option to change them to Certificate quota. Covid-19 pandemic arose in the state only in March 2020. The draft seniority list was published in March 2019 and the final seniority list was published in May 2019. So the argument that the delay in appealing was due to Covid pandemic is absurd.

6. As per the Court direction, the petitioners were heard by the Under Secretary, Local Self Government Department on 21.04.2022. On going through the matter, it is seen that the petitioners were originally appointed as Third Grade Overseers through the KPSC under the Certificate Quota, though they possess Diploma qualification and subsequently they were promoted as Second Grade Overseers and First Grade Overseers on the basis of their Certificate qualification. But in the the final seniority list of First Grade Overseers eligible for promotion to the post of Assistant Engineer published by the Chief Engineer, the

petitioners are included under the Diploma quota. Only on exercising an option, one will be able to change from one quota to another and the petitioners have never exercised any option to come under the Diploma quota. Therefore, their inclusion under the Diploma quota is illegal and erroneous.

7. In the above circumstances, the Chief Engineer is directed to revise the seniority list published vide the paper read as 1st above, by including the petitioners under Certificate quota by giving appropriate ranks and the Appeal petition filed by the petitioners is disposed of, and thus the Order of the Hon.Kerala Administrative Tribunal read as 3rd paper above is complied with accordingly.

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

SECRETARY

To:

1. The Officers concerned (through the Chief Engineer, LSGD).
2. The Advocate General, Thiruvananthapuram (with Covering Letter).
3. The Chief Engineer, LSGD, Thiruvananthapuram.
4. The Accountant General (A&E/Audit) Kerala, Thrissur.
5. The Executive Director, Information Kerala Mission.
6. The Web & New Media, I & PRD.
7. Stock File/Office Copy.

Forwarded /By order
Signed by Sreekanth G
Date: 04-05-2022 12:45:30
Section Officer