



GOVERNMENT OF KERALA

Abstract

Local Self Government Department - Engineering Wing - Post creation in the Ministerial wing of LSGD Engineering Wing - Order dated 09.02.2022 of the Hon'ble Kerala Administrative Tribunal in OA(EKM) No.1964/2021 - Compiled with - Orders issued.

LOCAL SELF GOVERNMENT (EWA) DEPARTMENT

G.O.(Rt)No.1375/2022/LSGD Dated,Thiruvananthapuram, 03-06-2022

- Read 1 Representation dated 13.01.2022 from the President , Kerala Local Self Government Engineering Wing Ministerial Staff Association
- 2 Order of the Hon'ble Kerala Administrative Tribunal dated 09.02.2022 in OA(EKM) No.1964/2021.
- 3 Letter No.A1/3194/2022/CE/LSGD dated 19.03.2022 from the Chief Engineer, LSGD.

ORDER

Kerala Local Self Government Engineering Wing Ministerial Staff Association represented by its President Sri.Krishna Kumar, and others have filed OA(EKM) No.1964/2021 aggrieved by the non implementation of Annexure A1 order, ie, GO (P) No.515/85/Fin dated 16.09.1985, whereby promotional avenues have been provided to the Ministerial Staff in the Department, seeking for a direction to the Government to sanction posts in the ministerial Wing of the Department in accordance with Annexure A5 proposal (vide letter No.A1-17394/2019/CE/LSGD dated 12.02.2020) sent by the 2nd respondent, the Chief Engineer. The petitioners 2 and 3 (ie, Sri.M.Rajaneekanth and Sri.Glitter Samson) were appointed as Lower Division Clerks in the Public Works Department in 2004 and 2007 respectively. Later, when the Local Self Government Engineering Department was constituted in 2007 by deploying the staff in the PWD, Irrigation Department and Municipal Common Service by inviting options from those persons who were deployed, they have opted to be absorbed to the Local Self Government Engineering Department and are continuing as such. It is stated that the petitioners 2 and 3 were subsequently promoted as Senior Clerks and continuing as such for the past 8 years without any promotion.

2. It is stated that the petitioners 4 and 5 (ie, Sri.Sineesh Kumar and Smt.Smitha.K.M) were appointed as LD Clerk/LD Typist in the Local Self

Government Department on 27.10.2017 and 14.05.2014 respectively. The 4th petitioner has been continuing as Clerk even after completing 4 years of service and he has passed the Departmental Tests. As far as the 5th petitioner is concerned, she has been promoted as UD Typist on 28.02.2022 and is continuing without any promotion after completing 2 years of service in the same category.

3. The Hon.KAT, vide its Order read above, disposed the OA, directing the 1st respondent, ie, the State of Kerala represented by the Secretary, Local Self Government Department to consider and pass appropriate orders on Annexure A6 representation (Representation read as Ist paper above) in accordance with law, as earliest as possible, within three months from the date of receipt of a certified copy of the order, after affording an opportunity of being heard to the applicants.

4. The local self Government Department Engineering wing was constituted on 01.01.2008 by incorporating the technical staffs of PWD, Irrigation, Municipal Common Service and from the Engineering staff in Panchayath Departments. A full fledged Technical cadre has already been formulated in the meantime.

5. Ministerial wing in LSGD was constituted only on 2012 incorporating the ministerial staff in PWD and Irrigation departments by calling options and by compulsory absorption of Juniors. At the initial stage, 546 posts of ministerial staff (clerical) were in total and the available supervisory staff were only one Administrative Assistant and 18 no.s of Juniors Superintendent. Later, Government in 2017, vide GO (MS) No. 89/2017/LSGD dated 28.04.2017, created some supervisory posts comprising of 1 Administrative Officer, 1 Finance Officer, 1 Administrative Assistant, 1 Senior Superintendent, 4 Junior Superintendents and 22 Head Clerks. Consequently the Government had created some clerical posts as well.

6. The nature of work in Local Self Government Department is in par with the one in PWD, but the work load is voluminous. The Local Self Government Divisions attached to District Panchayath is dealing with work bill related to the various development activities carried out by the District Panchayaths. More than 1000 work bills dealing with hundreds of cores of rupees have to be carried out by 4 clerks and the work bills accounting to hundreds of crores is supervised by a Junior Superintendent. There is no senior Superintendent to oversee the works. Moreover the internal Audit wing is skimpy due to the lack of sufficient clerical and supervisory staff.

7. Based on the direction of the Hon'ble Court, the petitioners were heard on 30.05.2022 in the presence of an Officer from the Office of the Chief Engineer. Sri.Binu.K.P, Senior Clerk was present on behalf of the Ist petitioner Sri.Krishna Kumar.B. During the hearing also, they explained the details mentioned on Annexure A6 Representation and requested to create sufficient posts and also to

create Supervisory posts in the Ministerial Wing for the efficient functioning of Local Self Government Engineering Department in accordance with Annexure A5 proposal, sent by the Chief Engineer by strictly following the ratio fixed in Annexure 1 order for creation of posts in the Ministerial Wing.

8. The Annexure A5 proposal submitted before the Govt. to create sufficient posts and also to create Supervisory posts for the efficient functioning of Local Self Government Department is being considered in Government file no. EW3/351/2017. The final decision regarding the proposal will be taken in accordance with the situation after the formation of Local Self Government integrated service.

9. In the above circumstances, since the Special rules regarding the integration of Local Self Government service has not been finalised so far, the proposal of creation of posts can be considered only after the completion of integration of Local Self Government Service and examination of prevailing circumstances thus existing. Hence the request of the petitioners on Annexure A6 representation cannot be considered now and is rejected and the Order of the Hon'ble KAT in OA (EKM) No.1964/21 filed by Kerala Local Self Government Department Engineering Wing Ministerial Staff Association, represented by its President Sri Krishnakumar. B and others, is thus 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).
Ernakulam
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: 04-06-2022 10:11:36
Section Officer