



**GOVERNMENT OF KERALA**

**Abstract**

Local Self Government Department - Order dated 04.04.2022 of the Hon'ble Kerala Administrative Tribunal (TVM) in OA No.554/2022 filed by Sri.N.Hari, Deputy Development Commissioner , Rural Development Department - Complied with - Orders issued.

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**LOCAL SELF GOVERNMENT (ERA) DEPARTMENT**

G.O.(Rt)No.2819/2022/LSGD

Dated,Thiruvananthapuram, 15-11-2022

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- Read 1 Order dtd: 04.04.2022 of the Hon'ble Kerala Administrative Tribunal (TVM) in OA No.554/2022 filed by Sri.N.Hari
- 2 Representations dated 16.03.2021 & 24.02.2022 submitted by Sri.N.Hari, before the Commissioner for Rural Development
- 3 Minutes of the Adhoc DPC(Higher) held on 18.10.2022

**ORDER**

Sri.N.Hari, Deputy Development Commissioner , Rural Development Department filed an OA No.554/2022 before the Hon'ble Kerala Administrative Tribunal(TVM) with a request to retain his original seniority as in the seniority list for Block Development Officer for the period from 01.01.2007 to 31.12.2010 (Annexure A2),with due promotions retrospectively.

As per the order dated 04.04.2022 in OA No.554/2022, the Hon'ble Kerala Administrative Tribunal has directed the respondents to consider and pass appropriate orders on the Annexure A11( representation dated 16.03.2021 )and Annexure A13 (representation dated 24.02.2022) representations submitted by the petitioner before the 2<sup>nd</sup> respondent, in accordance with law and after affording an opportunity of hearing to the applicant, as early as possible and at any rate within a period of three months from the date of receipt of a copy of the order.

Sri.N.Hari, who joined as Block Panchayath Secretary, in the Rural Development Department in 2007.He is presently working as Deputy Development Commissioner & Project Director, Pathanamthitta. As per order No.55/Estt A1/2021/CRD(ii), his seniority in the cadre of Deputy Development Commissioner is 14. In the seniority list of Block Panchayat Secretaries as per order No.19427/Estt B1/16/CRD dated:09.02.2017, Sri.N.Hari was included as 1271.

In the meanwhile a disciplinary action initiated against him, which was disposed of vide order No-3699/Estt-A2/2009/CRD Dated:18.08.2014 by withholding his one annual increment without cumulative effect and a recovery of Rs.8,40,000/ (Eight Lakhs Forty

Thousand Only) as his liability to the Government. Later on, considering his review petition, the Government issued GO(Rt)No.99/2020/LSGD dtd:13.01.2020, waiving of the liability of Rs.8,40,000/ imposed on him. Disciplinary action is thus disposed of without exonerating him completely.

Since the disciplinary action under Kerala Civil Service Rule 15 was pending, Sri. N.Hari was not considered by the Departmental Promotion Committee (Higher) for inclusion in the select list for promotion to the post of Assistant Development Commissioner, in 2012. Sri.V.K.Vijayan, Sri. K.P Velayudhan and Sri.K.G Anil who are juniors in the seniority list were considered by DPC and promoted accordingly. Consequently they were also considered for promotion to the post of Deputy Development Commissioner, prior to Sri.N.Hari.

Later as the disciplinary action was disposed of by awarding a minor penalty under Rule 16 of Kerala Civil Service Rule, he was considered for promotion to the post of Assistant Development Commissioner in the DPC (Higher) held in 2015 and promoted vide GO(Rt) 2908 /2015/LSGD dtd: 23.09.2015. He was reported to have joined duty in the cadre on 01.10.2015 and his probation was declared on 01.04.2016 AN. None of his juniors superseded him after the finalization of disciplinary action against him.

Though Sri.N. Hari was exempted from financial liability, he was given a minor penalty under Rule 16 of Kerala Civil Service Rule, he has now filed this Original Application for inclusion of his name in the seniority lists of Assistant Development Commissioner, Deputy Development Commissioner and Joint Development Commissioner with retrospective effect.

As per the direction of the Hon'ble Kerala Administrative Tribunal, Under Secretary to Government, Local Self Government Department heard the petitioner in person on 26.07.2022.

During the hearing, the applicant stated that as he was imposed with only a minor penalty, he may be considered by the DPC(Higher), as per the provisions in Circular No.1479/ Adv-C2/2014/P&ARD Dtd: 25.09.2014.

As per note (ii) under Rule 28(b) (i) 7 of Kerala State & Subordinate Service Rules, Part II, the Adhoc DPC(H) held on 18/10/2022, examined his plea for his inclusion in the respective Select Lists for promotion to the posts of Assistant Development Commissioner and Deputy Development Commissioner, on the basis of the merit of the case.

In this case the petitioner was not fully exonerated and none of his juniors were superseded him after the finalization of Disciplinary action against him. Hence the Adhoc

DPC(H) convened on 18.10.2022 decided not to review the previous select lists to reconsider the case of Sri.N.Hari, Deputy Development Commissioner.

In this circumstance the representations submitted by the applicant as per Annexure A11&A13 is rejected and the order of the Hon'ble Kerala Administrative Tribunal read as 1st paper above is complied with accordingly.

(By order of the Governor)  
PREETHA K S  
ADDITIONAL SECRETARY

To:

Sri.N.Hari, Deputy Director,Local Self Government Department ( Project Director,Poverty Alleviation Unit, Pathanamthitta -689645 (Residing at "Sreenandini", Punnamoodu, Pallichal P.O Thiruvananthapuram 695020)

The Principal Director,LSGD,Swaraj Bhavan,Thiruvananthapuram

The Director,LSGD(Rural), Swaraj Bhavan,Thiruvananthapuram

The Advocate General, O/o the Advocate General, Thiruvananthapuram Branch, Vanchiyoor,Thiruvananthapuram. (with covering letter)

The Accountant General (A&E), Kerala, Thiruvananthapuram /Thrissur

✓Director,Information Kerala Mission,Thiruvannathapuram

Director,Kerala State Audit Department, Thiruvananthapuram

The Information and Public Relations (Web & New Media) Department (For uploading in the Government Website).

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Forwarded /By order,  
Signed by Suja M  
Date: 16-11-2022 12:35:29  
Section Officer

