



GOVERNMENT OF KERALA

Abstract

LSGD - Engineering Wing – OA no.162/2018 filed by Sri. Mohammed Basheer. T. Exe.Engineer– Interim Order dated 09.02.2018 of the Hon'ble Kerala Administrative Tribunal- Complied with - Orders issued.

LOCAL SELF GOVERNMENT (EW) DEPARTMENT

GO(Rt) No. 2201/2018/LSGD.

Dated, Thiruvananthapuram, 08.08.2018

- Read: 1 Interim Order of the Hon'ble Kerala Administrative Tribunal dated 09.02.2018 in OA no.162 2018.
2 Representation dated 01.02.2018 from Sri. Mohammed Basheer. T. Executive Engineer.

ORDER

Sri. Mohammed Basheer. T. Exe.Engineer has filed OA no.162 2018 before the Hon'ble Kerala Administrative Tribunal aggrieved by non inclusion of his name in the select list for promotion to the post of Superintending Engineer by the DPC(H) 2018 which held on 14.12.2017, due to the prevalence of minor penalty against him in connection with the irregularities and corruption in the construction work of play ground and compound wall in GHSS, Anamangad as per Vigilance recommendation.

2. The Hon'ble Kerala Administrative Tribunal, vide Interim Order read as 1st paper above, has directed the 3rd Respondent, ie the Convenor, DPC(H) to dispose of Annexure A11 representation, read as 2nd paper above, by convening an Adhoc DPC in the light of the contentions raised by the applicant as expeditiously as possible at any rate within two months from the date of receipt of a copy of the order.

3. The request of the applicant in the Annexure A11 representation is to reconsider the above decision of the DPC and to include him in the modified select list 2018 for promotion to the post of Superintending Engineer claiming that he has not made any supervisory lapse in discharging his duties.

4. The DPC(H) for preparing the select list for promotion to various categories of LSGD Engineering State Service for the year 2018 held on 14.12.2017 noted that large number of disciplinary cases are pending against the LSGD Engineering Wing staff and were of the opinion that disciplinary actions initiated as per the recommendations of the Government's prime investigation agency like vigilance cannot be simply overlooked. Accordingly, it was decided that the gravity of offence has to be meticulously analysed

before recommending temporary inclusion in the select list to those incumbent officers against whom disciplinary proceeding for minor penalty is pending as provided in note(i) below Rule 28(b)(i)(7) of KS&SSR 1958.

5. Even though Sri. Mohammed Basheer. T. Exe.Engineer was issued with MOC/SOA for minor penalty only, the Committee observed that case is so grave that it causes loss to the Govt. to the tune of Rs. 87000/-. It was also noted that disciplinary action for major penalty has been proposed against all the other co- accused. Accordingly, the DPC(H) observed that the officer is not fit to officiate the post of Superintending Engineer and decided to supersede him in the select list for the year 2018.

6. The review DPC(H) 2018 which convened on 10.07.2018 pursuant to the above orders of the Hon' KAT considered the case in detail with reference to Annexure A11 representation of the applicant and observed that the disciplinary action prevailed against him has not yet been finalised and the charges against him are still existing, which are of grave nature. Hence, as the incumbent is not eligible for promotion to the post of Superintending Engineer, the Committee has decided to stick on to its original decision not to include him in the select list, as there is no change in the circumstance leading to the above decision.

7. In the above circumstances, in view of the decision of the review DPC(H) 2018 the demand of the applicant in Annexure A11 representation deserves no merit and is hereby declined.

8. The Interim Order of the Hon'ble KAT in OA no.162/2018 read as I paper above is complied with accordingly.

(By Order of the Governor)
MINIMOL ABRAHAM
Additional Secretary to Government

To

- 1 Sri. Mohammed Basheer. T. Exe.Engineer (*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) 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



Section Officer.