



GOVERNMENT OF KERALA

Abstract

WRD-Exit- Judgment of Honourable High Court in OP(Crl)No.198/2019 and Order of Promotion and posting to the cadre of Assistant Executive Engineer-Judgment Complied -Orders issued

WATER RESOURCES (A) DEPARTMENT

G.O.(Rt)No.466/2019/WRD

Dated, Thiruvananthapuram, 01/07/2019

- Read:-
1. GO(P)No:12/2019/WRD dated 29/05/2019
  2. GO(Rt)No: 384/2019/WRD dated 31/05/2019
  3. Judgment of the Honourable High Court dated 10/06/2019 in OP(Crl)No198/2019 filed by Shri.A.N.Sreedharan, Head Draftsman/Assistant Engineer.
  4. Order of the Honourable Kerala Administrative Tribunal dated 21/06/2019 in OA (EKM) 977/2019.
  5. Minutes of the Meeting of Adhoc Departmental promotion Committee (Higher) held on 27.06.2019.
  6. Letter No:A2-16345/2019 dated 28/06/2019 from the Chief Engineer (I&A) Thiruvananthapuram.

ORDER

As per Government Order read 1<sup>st</sup> paper above, the Select list of 60 Assistant Engineers (Civil) in Irrigation Department, fit for promotion to the post of Assistant Executive Engineers (Degree quota) was published. The decision of the DPC to include Sri.A.N.Sreedharan in the Select List as serial number 4, was returned to the DPC for reconsideration of his eligibility for promotion in view of the information received by Government that he was an accused in CC96/11 to 106/11 registered in the Court of Enquiry Commissioner & Special Judge, Thrissur.

2. Sri.A.N.Sreedharan filed OP(Crl)No198/2019 before the Honourable High Court praying to direct the respondents to promote him to the post of Assistant Executive Engineer as the pendency of the vigilance case against him in the Vigilance Court, Thrissur is indefinitely prolonging. The Honourable Court, in its judgment read above, closed the petition observing that as per the interim order dated, 22/05/2019, the Court clarified, that if the petitioner was similarly placed as the petitioner in OP(Crl)No.427/17, disposed of by the Court, he could also seek such relief in terms of the Ext.P6 order produced by him, and the court also directed the concerned authority to consider his request appropriately and it was also held that the Government or the concerned authority should decide, whether promotions and other benefits could be granted to the petitioner, pending the prosecutions, or whether such benefits should be denied. The Hon. Court also observed that the question of quashing the prosecutions on the ground of delay cannot be thought of then.



3. In the meantime Sri.A.N.Sreedharan filed OA No.977/2019 before the Honourable Kerala Administrative Tribunal for the same relief and the Honourable Tribunal, as per the Order read above, disposed of it, with a direction to consider the claim of the applicant for appointment to the post of Assistant Executive Engineer forthwith, in accordance with Annexures A2 to A6 judgments of the Honourable High Court and in case a regular promotion cannot be granted, to consider provisional promotion of the applicant under Rule 31(a)(i) Part II KS&SSRs, as expeditiously as possible, at any rate, before the retirement of the applicant.

4. In the light of the judgement of Honourable High Court and order of the Honourable Kerala Administrative Tribunal, the Adhoc DPC(Tech-higher) of Irrigation Department, convened on 27.06.2019, decided to modify the Select List of Assistant Engineers (Civil) for the year 2019 for promotion to the post of Assistant Executive Engineers (Civil) in Irrigation Department by including Shri.A.N.Sreedharan as serial number 4 therein.

5. As per his letter read above, the Chief Engineer (I&A) has requested to promote Sri.A.N.Sreedharan, Head Draftsman, Field Circle, Thrissur to the post of Assistant Executive Engineer in the scale of pay of Rs. 42500-87000 notionally with effect from 31.05.2019 ie the date on which his immediate junior Shri.Vijayan.A.R was promoted to the post of Assistant Executive Engineer.

6. Under the circumstances, Sri.A.N.Sreedharan, Head Draftsman, Field Circle, Thrissur is promoted to the post of Assistant Executive Engineer in the scale of pay of Rs. 42500-87000 with effect from 31.05.2019 ie the date on which his immediate junior Shri.Vijayan.A.R was promoted as Assistant Executive Engineer. He will be deemed to have superannuated as Asst Executive Engineer, with effect from 31.05.2019 with consequential admissible benefits.

7. The Judgment of the Honourable High Court read 3<sup>rd</sup> paper above and the Order of Honourable Kerala Administrative Tribunal read 4<sup>th</sup> paper above are complied with accordingly.

(BY ORDER OF THE GOVERNOR)

**DR.B.ASHOK, IAS**

**Secretary to Government**

To

✓ Person concerned (Through Chief Engineer(I&A)  
Chief Engineer(I&A),Thiruvananthapuram  
The Advocate General, High Court, Kerala, Ernakulam (with covering letter)  
The Advocate General, Kerala Administrative Tribunal  
Thiruvananthapuram( with covering letter)  
The Principal Accountant General (Audit), Kerala,Thiruvananthapuram  
The Accountant General (A&E), Kerala,Thiruvananthapuram/Thrissur  
The Information Officer, Web&New Media Division, Information  
&Public Relations, Department  
Stock File/OC

Forwarded/ By Order

Section Officer.

• ഭരണകൂടം നം. 16345/2019 തീയതി 11.7.2019

നവംബർ 2019-ൽ ചാർജ്ജ്  
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നവംബർ 2019-ൽ ചാർജ്ജ് (11.7.2019)  
11.7.2019