

OFFICE OF THE CHIEF ENGINEER, LSGD, THIRUVANANTHAPURAM**PROCEEDINGS OF THE CHIEF ENGINEER****(Present : Sri. P.R. Sajikumar)**

Sub:- LSGD – Estt – Compliance of Judgment of Hon’ble KAT in OA No. 406/2018 filed by Smt. Bindurani, First Grade Overseer – orders issued – Reg.

Ref:- Order of the Hon’ble KAT in OA No. 406/2018

Order No. E22- 6640/2018/CE/LSGD Dated 04/06/2018

Smt. Bindurani, First Grade Overseer filed an OA before the Hon’ble Kerala Administrative Tribunal, Thiruvananthapuram with OA No. 406/18 pleading to convene an Ad-Hoc DPC for the promotion to the post of Assistant Engineer by including the applicant. Hence the Review DPC (L) held on 13.04.2018 considered the applicant.

Smt. Bindurani, First Grade Overseer has been superseded in promotion to the post of Assistant Engineer from First Grade Overseer under Diploma Quota form 2013 onwards. Since the incumbent has been given Memo of Charges and Statement of Allegations to major penalty (under Rule 15 KCS (CC & A) Rules) on 28.01.2013. The disciplinary action against her has been finalized as per GO(Rt) No. 1932/2017/LSGD dated 12.06.2017 imposing major penalty by barring two annual increments with cumulative effect from the salary of the incumbent. Reverberating the major penalty imposed by Government, the DPC (L) 2017 had superseded the incumbent as per the conditions of Rule 28 of KS & SSR, since the course of penalty was not over.

Now Smt. Bindurani, First Grade Overseer filed an OA No. 406/2018 before the Hon’ble Kerala Administrative Tribunal, Thiruvananthapuram and the Hon’ble Kerala Administrative Tribunal in the judgment dated 21.03.2018 directed the DPC (L) to consider the application of Smt. Bindurani, First Grade Overseer to review the decision of the DPC (L) 2017.

The review DPC(L) held on 13.04.2018 considered the matter in detail and found that the decision of the DPC (L) 2017 was correct and justified under Rule 28 of KS & SSR. Since the course of action of major penalty is not over at the time of DPC, the decision taken by the DPC (L) 2017 was legitimate.

Hence the judgment of the Hon'ble Kerala Administrative Tribunal is complied herewith.


Chief Engineer

To

Smt. Bindurani S
First Grade Overseer
Thiruvananthapuram Corporation

Copy to : 1) The Advocate General, Thiruvananthapuram (with covering letter)
2) The Principal Secretary to Government, LSGD,
Thiruvananthapuram (with covering letter)