



GOVERNMENT OF KERALA

Abstract

Commonpool Library Service - Establishment - Order of the Hon'ble Kerala Administrative Tribunal in O.A.(EKM) No.480/2021 filed by Dr.Vahida Beegam T. - Complied with - Orders issued.

HIGHER EDUCATION (A) DEPARTMENT

G.O.(Rt)No.876/2021/HEDN Dated,Thiruvananthapuram, 02/07/2021

- Read:- 1) G.O.(Rt.) No.404/2020/H.Edn dated 11.03.2020.
 2) Request of Dr.Vahida Beegam T. on 22.12.2020.
 3) G.O.(Rt.)No.373/2021/HEdn dated 26.02.2021.
 4) Request of Dr.Vahida Beegum T. on 01.03.2021.

ORDER

The Hon'ble Kerala Administrative Tribunal in its Order dated 03.03.2021 in O.A. (EKM) No.480/2021 filed by Dr.Vahida Beegam T., Librarian Grade-III, Government Polytechnic College, Kunnamkulam, Thrissur, disposed of the O.A. with a direction to the Government to consider and pass appropriate order on Annexure A7 in accordance with the rules and general transfer guidelines. The Government is also instructed to consider the comparative merits of the claim put forth by the applicant and the Fourth Respondent Sri.Anwar Abdulla V.C. for retention/posting at Government Medical College, Kozhikode and pass appropriate orders thereon after affording an opportunity of hearing to the Applicant and the Fourth Respondent, within a period of two months from the date of receipt of a copy of the order.

2) Accordingly, the applicant Dr.Vahida Beegam T., and the Fourth Respondent Sri.Anwar Abdulla V.C. were heard by the Under Secretary, Higher Education Department on 24.05.2021. The applicant Dr.Vahida Beegam T. was promoted as Librarian Grade III and posted at Government Polytechnic College, Kunnamkulam, Thrissur as per the Government Order read as 1st paper above. The home station of the applicant is Kozhikode district. The applicant had submitted a request read as 2nd paper above to give her a posting at Government Medical College, Kozhikode prior to the passing of Government Order read as 3rd paper above. But Sri.Anwar Abdulla, Librarian Grade III, Government Polytechnic College, Palakkad, who was junior to the applicant and fourth Respondent in this O.A. has been transferred and posted in Govt.Medical College, Kozhikode, as per Government Order read as 3rd paper above.

3) During the hearing, the applicant Dr.Vahida Beegam T. has disclosed that, the present posting at Government Polytechnic College, Kunnamkulam, Thrissur is highly inconvenient and her husband suffers from chronic diabetes and the family apart from her husband, consist of her three year old child and

aged and ailing parents. Sri.Anwar Abdulla, the fourth respondent submitted that he has also to look after his 3 year old child and his father is suffering from Prostate disease. His presence is inevitable to continue the treatment of his ailing father.

4) The case has been examined in detail. The Government Order read as 3rd paper above is not meant for general transfer, but for promotion and transfer for administrative convenience. Owing to the present scenario of Covid pandemic, general transfer has not held in this department during the previous year, like many other departments. There are no approved transfer /placement norms for promotion posting. On promotion the promotee is posted in a particular station and it is mandatory that he should work there as ordered by the appointing authority on promotion, which is not at all his choice. No Government servant has legal right for being posted at any particular place. Dr.Vahida Beegam T. is not eligible for transfer as per general transfer guidelines as she promoted to Librarian Grade -3 post only on 12.07.2020 and didn't complete the 3 year service in the current station. Sri.V.C. Abdulla, father of fourth respondent Sri.Anwar Abdulla, has submitted request before Government to transfer his son to Kozhikode Government Medical College as he is suffering from Prostate disease and the presence of his son is inevitable. The application was considered by the Government on humanitarian grounds. In addition, the government has the responsibility to deploy the required staff for administrative convenience.

5) In view of the facts and circumstances stated above the contentions put in Annexure A7 Representation by the applicant read as 4th paper above do not merit consideration and hence rejected. The directions contained in the Order of the Hon'ble Kerala Administrative Tribunal in OA (EKM) No.480/2021 dated 03.03.2021 is complied with accordingly.

(By order of the Governor)
Santhosh Kumar S R
Additional Secretary

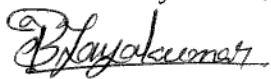
The Advocate General, Kerala Administrative Tribunal, Ernakulam.
(with covering Letter)

Dr.Vahida Beegam T., Librarian Grade-III, Government Polytechnic College,
Kunnamkulam, Thrissur.

Sri.Anwar Abdulla V.C., Librarian Grade - III, Government Medical College,
Kozhikode.

The Principal Accountant General(A&E) / (Audit) Kerala, Thiruvananthapuram.
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