



IN THE KERALA ADMINISTRATIVE TRIBUNAL AT
THIRUVANANTHAPURAM

Present:

The Hon'ble Mrs. M R Sreeletha, Judicial Member
&
The Hon'ble Mr. N. Vasudevan, Administrative Member

Dated this the 2nd of July 2024

OA-891/2020

Applicant(s):

- 1) Sajesh M., aged 42 years, S/o. Kuttykrishnan. M., Office Attendant, Office of the Additional Inspector of Factories, Malapuram, residing at Mannookara House, Panjiriyl, Manjeri, Malappuram, Kerala. - 676123

By Advs. CHANDRASEKHARAN NAIR S , RAJU GEORGE , GOKUL BABU S , AMALA J RAJ & JEREES J

Respondent(s):

- 1) Additional Chief Secretary, Labour and Rehabilitation Department, Government Secretariat, Statue, Thiruvananthapuram, Kerala - 695001
- 2) The Director, Factories and Boilers Department, Suraksha Bhavan, Kumarapuram,, Thiruvananthapuram, Kerala - 695011
- 3) The Secretary to Government, Personal and Administrative Reforms (Rules) Department, Government Secretariat, Statue,, Thiruvananthapuram, Kerala - 695001

Sri Rahul M, Government Pleader for the Respondents 1 to 3.

This Original Application having been finally heard on 2nd of July 2024, the Tribunal on the same day passed the following:



M. R. SREELETHA, JUDICIAL MEMBER

AND

N. VASUDEVAN, ADMINISTRATIVE MEMBER

O. A. No. 891 of 2020

Dated this, the 2nd Day of July, 2024

ORDER

N. VASUDEVAN, ADMINISTRATIVE MEMBER

The applicant joined service in Factories and Boilers Department in Malappuram District as Class IV employee. He is seeking by-transfer appointment to the post of L.D Clerk / L.D. Typist based on his position in the seniority list. As per Annexure A2 Government Order, dated 3.1.2014, 10% of the total vacancies in the post of L.D. Clerk / L.D. Typist in Government Departments is reserved for Class IV employees for by-transfer appointment. According to the applicant, he is legally entitled to be

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appointed as L.D. Clerk in the 10% by-transfer quota based on the seniority in Annexure A6 Regional Seniority List of Kozhikode, where he is ranked as third.

2. The by-transfer appointment of L.D. Clerk / L.D. Typist from the category of Last Grade Servants is governed by Executive Orders issued from time to time, which are shown below :-

1. G.O. (P) No. 1/2014/P&ARD dated 03.01.2014.
2. G.O. (P) No. 21/2014/P&ARD dated 19.07.2014.
3. G.O. (P) No. 16/2015/P&ARD dated 28.05.2015.
4. G.O. (P) No. 19/2015/P&ARD dated 20.06.2015.
5. G.O. (Rt) No. 280/2017/P&ARD dated 27.05.2017.
6. G.O. (P) No. 4/2020/P&ARD dated 22.01.2020.

The Government Order dated 03.01.2014, cited as (1) above, had provided 10% reservation to the Last Grade Servants for appointment as L.D. Clerk / L.D. Typist on the basis of qualification and seniority, subject to certain conditions. In the Government Order

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dated 19.07.2014, the Government provided that the seniority for by-transfer appointment is to be decided district wise based on common seniority list of entry cadre. In Clause 2 (ii) of the above order, it was specifically provided that all the by-transfer appointments are to be made district level on the basis of common seniority list prepared district wise. The Government later realised that there were many departments, where sufficient posts were not available for ensuring 10% reservation as provided in the earlier orders dated 03.01.2014 and 19.07.2014. As cadre strength at district level is not sufficient enough to satisfy 10% quota, many low paid employees lost their promotion chances. The Government then took a decision, vide order dated 28.05.2015 to earmark 10% of posts of L.D. Clerk / L.D. Typist as State level in departments, where the cadre strength of any particular district did not satisfy the minimum required

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