



94509

GOVERNMENT OF KERALA**Abstract**

Health & Family Welfare Department – Order in OA (EKM) 1056/2015 filed by Smt.Komalavally.K.V, Principal, Government School of Nursing, Panamaram, Wayanad before the Hon'ble Kerala Administrative Tribunal – Complied with - Orders issued.

HEALTH & FAMILY WELFARE (C) DEPARTMENT

G.O.(Rt.)No.3263/2016/H&FWD

Dated, Thiruvananthapuram, 05.12.2016.

- Read:-
1. Representation dated, 10.07.2015 submitted by Smt.Komalavally.K.V (Annexure A4).
 2. OA.No.1056/2015 filed by Smt. Komalavally.K.V, Principal, Government School of Nursing, Panamaram, Wayanad
 3. Representation dated 21.04.2016 from Sri.K.J.Thomas, Principal, Junior Public Health Nurses Training School, Kasaragod
 4. Order dated, 04.10.2016 of the Hon'ble Kerala Administrative Tribunal in OA (EKM)-1056/2015.
 5. Letter No.EE2-17180/2015/DHS dated, 24.11.2016 from the Director of Health Services.

ORDER

Smt.Komalavally.K.V while working as Principal at Junior Public Health Nurse Training School, Kasaragod, was asked to go on compulsory leave consequent on certain complaints raised against her. Pursuant to the direction of the Hon'ble Kerala Administrative Tribunal in the order dated, 19.02.2014 in O.A.3068/2013 she was posted as Principal, Government School of Nursing, Wayanad, by G.O(Rt)No.1188/2014/H&FWD dated, 11.04.2014.

2. Since the applicant was a native of Kanhangad she applied for inter-district transfer in 2015 as the first choice to Government School of Nursing, Kanhangad and Government School of Nursing, Kannur as 2nd choice. But those vacancies were filled up by mutual transfer of the Principal of Government School of Nursing, Kanhangad and the Principal of Government School of Nursing, Kannur, by G.O(Rt)No.1979/2015/H&FWD dated, 27.06.2015.

3. Challenging the above said GO, the applicant approached Government filing a representation dated, 10.07.2015 requesting to cancel the GO and to grant her transfer to Government School of Nursing, Kannur. But the same has also been rejected by Government letter No.303570/C2/15/H&FWD dated, 02.12.2015 on the ground that there is no vacancy of Principal in Nursing School, Kanhangad.

4. Aggrieved by this decision the applicant filed OA(EKM)No.1056 of 2015 with appeal petition dated, 10.07.2015 as Annexure A4, praying to direct the respondent to give the applicant a transfer as Principal to Govt. Nursing School, Kanhangad or Govt. School of Nursing, Kannur and set aside the Government letter dated 2.12.2015.

5. The Hon'ble Kerala Administrative Tribunal, as per order read as 2nd paper above, has ordered that the 1st respondent, Government of Kerala, is directed to consider the

claim of the applicant and the respondents 2 and 3 for convenient postings based on the approved preferences, in accordance with the guidelines for transfer. The incumbent, who is entitled to better preference, shall be given a posting on her choice. The 1st respondent shall pass fresh orders on Annexure A4 representation, after affording an opportunity for hearing to the applicant and respondents 2 and 3, expeditiously, at any rate, within a period of one month from the date of receipt of a certified copy of this order.

6. Owing to the direction of Hon'ble Kerala Administrative Tribunal, Government heard the applicant as well as the representative of Director of Health Services on 29.11.2016. Even though the hearing notice sent to 2nd and 3rd respondents, they were not present in the hearing, but the 3rd respondent P.P.Anitha, Principal, Govt. Nursing School, Kanhangad sent an e-mail saying that the notice is received to her only on 29.11.2016 at 1 P.M and therefore she was not able to attend the hearing. She has also stated that she is due to retire on 31.01.2017 and if she is transferred at this last moment it will be a great harm to her.

7. During the hearing the applicant stated that she is due to retire on 31.12.2016, and requested to consider her request in Annexure A4 appeal petition granting her a transfer to her native place Kanhangad in Kasaragod district.

8. As per the letter read as 3rd paper above, the Director of Health Services has reported that Smt.Komalavally.K.V now working as Principal at Govt. Nursing School, Panamaram, Wayanad District. She is due to retire from service on 31.12.2016. While working as Principal at Junior Public Health Nurses Training School, Kasaragod allegations were raised against her related to mental torturing of students of that institution. On the basis of enquiry report of Director of Health Services, the Government transferred her to Wayanad as per Order No.G.O(Rt)No.1744/12/H&FWD dated, 26.05.2016. Smt.Anitha.P.P (the 3rd respondent) now working as Principal, Govt. School of Nursing, Kanhangad and her superannuation on 31.01.2017 and also reported that Sri.K.J.Thomas, Principal, Junior Public Health Nurses Training School, Kasaragod is requested to transfer at Govt. School of Nursing, Malappuram. The request of Sri.K.J.Thomas was under the consideration of Government.

9. The Director of Health Services has also suggested that, since there is a request from Sri.K.J.Thomas, Principal, Junior Public Health Training School, Kasaragod for transfer to Malappuram, which is pending in Government, he may be transferred to Government School of Nursing, Malappuram in the existing vacancy and the applicant may be given transfer to his place, i.e., Junior Public Health Training School, Kasaragod. But the applicant is not willing to be transferred to Kasaragod, since the school is far away from her native of Kanhangad and again requested to consider her to Nursing School, Kanhangad.

10. The case has been examined in detail with reference to the arguments of the applicant, report of Director of Health Services and the request from 3rd respondent Smt.P.P.Anitha, now working as Principal, Nursing School, Kanhangad and found that there is no vacancy existing in Nursing School, Kanhangad and the Principal working in the School at present is due to retire on 31.01.2017. So she cannot be transferred as per the existing norms.

11. Sri.K.J.Thomas, Principal now working in Junior Public Health Training School, Kasaragod has submitted a request for transfer to Malappuram. The request of the applicant is to grant her transfer to Government Nursing School, Kanhangad, in Kasaragod District.

But there is no vacancy existing in Kanhangad, and the Principal working in the institution is due to retire on 31.01.2017.

12. In the above circumstances, Sri.K.J.Thomas, Principal, Junior Public Health Training School, Kasaragod is transferred to Government School of Nursing, Malappuram in the existing vacancy, on his request and the applicant Smt.Komalavally.K.V, Principal, Govt. Nursing School, Panamaram, Wayanad is transferred to Junior Public Health Training School, Kasaragod against the vacancy arised consequent on the transfer of Sri.K.J.Thomas. with immediate effect.

13. The Annexure A4 representation on OA (E).No.1056/2015 is disposed off as above and the direction of Hon'ble Kerala Administrative Tribunal in the order dated 4.10.2016 is complied with accordingly.

(By Order of the Governor)
N.MANOHARAN NAIR,
Under Secretary to Government.

To

✓ The Director of Health Services, Thiruvananthapuram.
The Advocate General, Ernakulam (With C/L).
Smt.Komalavally.K.V, Principal, Govt. School of Nursing, Panamaram, Wayanad.
Sri.K.J.Thomas, Principal, Junior Public Health Training School, Kasaragod.
The District Medical Officer (H), Wayanad/Kasaragod.
The Principal Accountant General, Kerala, Thiruvananthapuram.
The Accountant General (A&E), Kerala, Thiruvananthapuram.
Stock File/Office Copy.


Forwarded/By Order



Section Officer

End on no. EE 2 | 17180 | 2015 | DHS. Dtd, 8/12/2016

Copy Communicated to the concerned Principal, Govt. School of Nursing / Jr. PHNT School for urgent necessary action [the concerned officers are authorised to use the printout of this order from the DHS website for official purpose]


For Director of Health Services


8/12