



GOVERNMENT OF KERALA

Abstract

Health & Family Welfare Department – combined order in OA Nos.1673, 1689, 1860, 1861, 1863, 1864, 1865, 1866, 1873 and 1876 of 2017 of the Hon'ble Kerala Administrative Tribunal at Thiruvananthapuram – Complied with - Orders issued.

HEALTH & FAMILY WELFARE (C) DEPARTMENT

G.O.(Rt.)No.202/2018/H&FWD

Dated, Thiruvananthapuram, 19.01.2018.

- Read:-
1. Representations/Appeals submitted by the applicants of the OA Nos.1673, 1689, 1860,1861,1863,1864,1865,1866,1873, and 1876 of 2017.
 2. Order dated, 05.10.2017 of the Hon'ble Kerala Administrative Tribunal, in OA Nos.1673, 1689, 1860, 1861, 1863, 1864, 1865, 1866, 1873 and 1876 of 2017.
 3. Letter No.EG2-53635/17/DHS dated, 02.11.2017 of Additional Director of Health Services (A&T).

ORDER

The application for General Transfer for 2017 in respect of the post of Junior Health Inspector Grade I in Health Services Department was invited by the Director of Health Services and draft list was published as per Order No. EG2-53635/2017/DHS, dated 04.7.2017 of Additional Director of Health Services (A&T). Complaints on the draft list received from various employees were examined and final list was issued as per order dated 24.08.2017 of the Additional Director of Health Services (A&T). Eligible applicants who have more than 3 years continuous service outside their native/opted district have to be allotted to their respective districts. There were no sufficient applicants in proportion to be transferred in order to accommodate them. Hence senior persons including those who were abstaining from the submission of application were found out through SPARK and transferred out from each district for considering the right of the seniors to get transfer to their native district as per General Transfer norms.

2. Aggrieved by the transfer order some of the employees filed representations before the Director of Health Services and OAs before the Hon. Kerala Administrative Tribunal. The Hon. Tribunal directed the Director of Health Services to consider the representations of the employees in Appeal committee and pass orders after giving an opportunity of hearing. Accordingly the final list issued as per order dated 24.08.2017 was modified as per order dated 27.09.2017.

3. Aggrieved by the proceedings dated 27.09.2017 issued by the Additional Director of Health Services (A&T), some of the employees filed OAs before the Hon. Kerala Administrative Tribunal. The Tribunal has disposed off some of the OAs in a combined order read as 2nd paper above, with a direction to the first respondent, Government to dispose of the representations/appeals of the applicants of the OAs within a time limit of six weeks from the date of the order after affording an opportunity of being heard.

4. Accordingly the Under Secretary, Health & Family Welfare Department heard the applicants on 20.11.2017. The matters presented during hearing and the report of Additional Director of Health Services (A&T), read as 3rd paper above, are shown in the table below:-

Sl. No	Name of the Applicant and request	Report and Recommendation of ADHS
1	<p>Sri.Ganesh Babu.E.K, Primary Health Centre, Kadakkarappally, Alappuzha.</p> <p>He has requested for transfer from Thrissur district to Alapuzha district. Produced Community certificate for protection of SC.</p>	<p>His appeal has already rejected by the appeal committee and compliance order has been issued. He has more than 15 years of continuous service in Alappuzha district from 15.01.2002 onwards. More juniors to the applicant has to be retained in Alappuzha belongs to SC/ST community. Hence he is not eligible for getting SC protection as per the norms of General Transfer.</p>
2	<p>Sri.Raveendranath.A.V, RHC, Vakkom, Thiruvananthapuram.</p> <p>He has requested for transfer from Idukki district to Thiruvananthapuram district. Informed that he is a heart patient and Doctor has advised for Angioplasty.</p>	<p>His appeal has already rejected by the appeal committee and compliance order has been issued. Annexure A4 Medical Certificate produced in OA No.1689/17 was issued on 17-03-2010 and the Case summary and Discharge record produced as per Annexure A5 was on 09.11.2015. The validity of the Medical Certificate is limited for one year and these are not coming under the category of serious diseases for getting protection from Transfer as per General Transfer norms. He has more than 3 years service in Thiruvananthapuram district. Hence he was transferred out from Thiruvananthapuram district for considering the right of the seniors to get transfer to their native district.</p>
3	<p>Sri.Sagi.O.S, Community Health Centre, Vellarada, Thiruvananthapuram.</p> <p>He has requested for transfer from Idukki district to Thiruvananthapuram district. Claimed for inter caste marriage protection.</p>	<p>May be rejected.</p> <p>In Column No. 19 of his online application^{it} is seen that "transfer is not required" and he opted in Column No. 22 ("if transfer is done on administrative ground") only for three institutions in Kollam District. The first priority goes to the applicants who were applied for transfer as per Column No.19 of the online application. As such more than twenty</p>

		<p>applicants are waiting in various districts for getting transfer to Kollam. Hence Sri.Sagi.O.S, cannot be considered to Kollam district. After the issuance of the final order more employees have to be retained or allotted to Thiruvananthapuram district on considering the orders from the Hon'ble Tribunal and appeals from the eligible incumbents. In that circumstance the incumbents having three years continuous service in Thiruvananthapuram district and had no protection were transferred out along with the applicant. Sri.Sagi.O.S was continuously working in Thiruvananthapuram district from 18.10.2002 onwards he has more than 14 years continuous service in the district hence he is not eligible for claiming inter caste marriage protection as per General Transfer norm.</p>
4	<p>Smt.Sheeba B Nair, Primary Health Centre, Cheruthana, Alappuzha</p> <p>She has requested for transfer from Ernakulam district to Kollam district. Informed that she has Disc related problems and her aged mother is under her protection and alleged that her juniors have been transferred to Kollam district.</p>	<p>May be rejected.</p> <p>In Column No.19 of the online application she has applied only for three institutions in Kollam District. Hence she has been included in the final list of General Transfer. After the issuance of the final order more seniors to the applicant have to be retained or allotted to Kollam district in compliance of the orders from the Hon'ble Tribunal and also considering the appeals from the eligible incumbents. There are no sufficient employees beyond the limit of protection in proportion to be transferred out from Kollam. In that circumstance the applicant was transferred to Ernakulam along with the junior most employees who were allotted to Kollam in the final order as she has no other options. She may be given priority to next General Transfer, if she applied for transfer to Kollam.</p>
5	<p>Sri.Binu.R, Primary Health Centre, Koipuram,</p>	<p>May be rejected.</p> <p>In Column No. 19 of the online</p>

	<p>Pathanamthitta. He has requested for transfer from Ernakulam district to Kollam/Pathanamthitta district. Informed that his mother, suffering from old age problems, is under his protection. Alleged that ineligible persons have been transferred to Kollam district.</p>	<p>application he applied only for three institutions in Kollam District. Hence he has been included in the final list of General Transfer. After the issuance of the final order more seniors to the applicant have to be retained or allotted to Kollam district in compliance of the orders from the Hon'ble Tribunal and also considering the appeals from the eligible incumbents. There are no sufficient employees beyond the limit of protection in proportion to be transferred out from Kollam. In that circumstance the applicant was transferred to Ernakulam along with the junior most employees who were allotted to Kollam in the final order as he has no other options. He may be given priority to next General Transfer, if he applied for transfer to Kollam.</p>
6	<p>Sri.Ajithkumar.R, T.H, Konny, Pathanamthitta. He has requested for transfer from Kottayam district to Kollam/Pathanamthitta district. Alleged that ineligible persons have been transferred to Kollam district. His old aged father is under his protection.</p>	<p>May be rejected. In Column No. 19 of the online application he applied only for three institutions in Kollam District. Hence he has been included in the final list of General Transfer. After the issuance of the final order more seniors to the applicant have to be retained or allotted to Kollam district in compliance of the orders from the Hon'ble Tribunal and also considering the appeals from the eligible incumbents. There are no sufficient employees beyond the limit of protection in proportion to be transferred out from Kollam. In that circumstance the applicant was transferred to Kottayam along with the junior most employees who were allotted to Kollam in the final order as he has no other options. He may be given priority to next General Transfer, if he applied for transfer to Kollam.</p>
7	<p>Sri.Sreekanth.S, Community Health Centre, Chanthenkary, Pathanamthitta</p>	<p>May be rejected. In Column No. 19 of the online application he applied only for three</p>

	<p>He has requested for transfer from Ernakulam district to Kollam/Pathanamthitta district. Alleged that ineligible persons have been transferred to Kollam district. His old aged father is under his protection.</p>	<p>institutions in Kollam District. Hence he has been included in the final list of General Transfer. After the issuance of the final order, more seniors to the applicant have to be retained or allotted to Kollam district in compliance of the orders from the Hon'ble Tribunal and also considering the appeals from the eligible incumbents. There are no sufficient employees beyond the limit of protection in proportion to be transferred out from Kollam. In that circumstance the applicant was transferred to Ernakulam along with the junior most employees who were allotted to Kollam in the final order as he has no other options. He may be given priority to next General Transfer, if he applied for transfer to Kollam.</p>
8	<p>Sri.Thomas Varghese, Primary Health Centre, Elanthoor, Pathanamthitta.</p> <p>he has requested for transfer from Ernakulam district to Kollam/Pathanamthitta district. Alleged that ineligible persons have been transferred to Kollam district. His old aged father is under his protection.</p>	<p>May be rejected.</p> <p>In Column No. 19 of the online application, he applied only for three institutions in Kollam District. Hence he has been included in the final list of General Transfer. After the issuance of the final order, more seniors to the applicant have to be retained or allotted to Kollam district in compliance of the orders from the Hon'ble Tribunal and also considering the appeals from the eligible incumbents. There are no sufficient employees beyond the limit of protection in proportion to be transferred out from Kollam. In that circumstance the applicant was transferred to Ernakulam along with the junior most employees who were allotted to Kollam in the final order as he has no other options. He may be given priority to next General Transfer, if he applied for transfer to Kollam.</p>
9	<p>Sri.Rajeev.A.V</p> <p>He has requested for transfer from Idukki district to Alapuzha/Kollam/Thiruvananthapuram</p>	<p>May be rejected.</p> <p>He did not apply for General Transfer. After the issuance of the final order more seniors to the applicant have to</p>

	<p>uram district. Informed that his father is under his protection and suffering from Heart diseases and submitted Medical Certificate.</p>	<p>be retained or allotted to Thiruvananthapuram district in compliance of the orders from the Hon'ble Tribunal and also considering the appeals from the eligible incumbents. There were no sufficient applicants in proportion to be transferred in order to accommodate them. In the circumstance senior persons including those who were abstaining from the submission of application were found out through SPARK and transferred out from Thiruvananthapuram district for considering the right of the seniors to get transfer to their native district as per General Transfer norms. He has more than 3 years service in Thiruvananthapuram district and has no preferential claim for protection hence transferred to Idukki as he has no option.</p>
<p>10</p>	<p>Smt.Susha Devi.K She has requested for transfer from Kottayam district to Pathanamthitta district. Informed that her mother is suffering from old age problems. She has three daughters and one of the daughters is under treatment at SCT, Thiruvananthapuram.</p>	<p>May be rejected. She did not apply for General Transfer. After the issuance of the final order more seniors to the applicant have to be retained or allotted to Pathanamthitta District in compliance of the orders from the Hon'ble Tribunal and also considering the appeals from the eligible incumbents. There were no sufficient applicants in proportion to be transferred in order to accommodate them. In the circumstance senior persons including those who were abstaining from the submission of application were found out through SPARK and transferred out from Pathanamthitta district for considering the right of the seniors to get transfer to their native district as per General Transfer norms. She has more than 3 years service in Pathanamthitta district and has no preferential claim for protection hence transferred to Kottayam as she has no option.</p>

5. Government have examined the matter in detail. It is seen that the applicants are transferred in accordance with the norms of General Transfer. Their claims for protection are not seen relevant as per existing transfer norms and they have no preferential claim. They could not produce valid reason for revoking their transfer order. Hence the requests of the applicants are rejected. However direction is given to Director of Health Services to give priority to the applicants in Sl. Nos.4 to 8, in the next General Transfer if they apply for transfer to respective districts, as they were given transfer to Kollam District in the order dated 24.08.2017 considering their option and again transferred out for accommodating/retaining other eligible applicants, by the appeal committee.

6. The representations of the applicants in OA Nos.1673, 1689, 1860, 1861, 1863, 1864, 1865, 1866, 1873 and 1876 of 2017 is disposed off as above and the direction of Hon'ble Kerala Administrative Tribunal in the order dated 05.10.2017 in the above OAs is complied with accordingly.

(By Order of the Governor)

N.MANOCHARAN NAIR,
Under Secretary to Government.

To

The Director of Health Services, Thiruvananthapuram.

The Advocate General, Thiruvananthapuram (With C/L).

The District Medical Officer (Health), Thiruvananthapuram/Kollam/

Pathanamthitta/Idukki/Alappuzha/Kottayam/Ernakulam/Thrissur

All incumbents (Through Director of Health Services, Thiruvananthapuram)

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

*Stock File/Office Copy.

Forwarded/By Order,

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Section Officer.

[Signature]