



GOVERNMENT OF KERALA

Abstract

Health & Family Welfare Department - combined order in OA Nos.1668, 1672, 1679, 1680, 1681, 1682, 1683, 1684 and 1917 of 2017 of the Hon'ble Kerala Administrative Tribunal at Thiruvananthapuram - complied with - Orders issued.

**HEALTH & FAMILY WELFARE (C) DEPARTMENT**

G.O.(Rt.)No.389/2018/H&FWD

Dated, Thiruvananthapuram, 02.02.2018.

- Read:-
1. Representations/Appeals submitted by the applicants of the OA Nos. 1668, 1672, 1679, 1680, 1681, 1682, 1683, 1684 and 1917 of 2017.
  2. Order dated 19.10.2017 of the Hon'ble Kerala Administrative Tribunal, in OA Nos.1668, 1672, 1679, 1680, 1681, 1682, 1683, 1684 and 1917 of 2017
  3. Letter No. EG2-53635/17/DHS, dated 20.11.2017 of the Additional Director of Health Services (A&T).

**ORDER**

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 4.7.2017 of Additional Director of Health Services (A&T). Appeals on the draft list received from various employees were examined by the Appeal Committee. Final list was issued as per order dated 24.08.2017 of the Additional Director of Health Services (A&T). while considering the appeals, 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. The tribunal has disposed off some of the OAs in a combined order read as 2<sup>nd</sup> paper above in OA Nos. 1668, 1672, 1679, 1680, 1681, 1682, 1683, 1684 and 1917 of 2017, with a direction to the first respondent, Secretary, Health & Family Welfare Department to dispose of the appeals of the applicants of the OAs, in accordance with law, after giving an opportunity of being heard to the applicants of the OAs, within four weeks from the date of receipt of a certified copy of the order.

4. Accordingly the Additional Secretary, Health & Family Welfare Department heard the applicants on 01.12.2017. The requests of the applicants, the matters presented during hearing and the report of the Additional Director of Health Services (A&T) are briefly shown in the table below.-

Sl. No.	Name of the Applicant and request	Report of Director of Health Services
1	<p>Sri.Bijulal.S.I, JHI Gr.I, PHC, Chenkal, Thiruvananthapuram (OA 1668/2017)</p> <p>(Sri.M.Unnikrishanan, Advocate appeared for the applicant)</p> <p>He has requested to set aside his transfer to Idukki district issued as per the order No. EG2-53635/2017/DHS, dated 24.08.2017 of DHS and to retain him in Thiruvananthapuram district.</p>	<p>He has more than 15 years of continuous service in Thiruvananthapuram district, no preferential claim for protection from transfer as per the norms of General Transfer and in accordance with the principals laid down by the Hon. Kerala Administrative Tribunal in OA 910/2016 and connected cases.</p>
2	<p>Sri. Sabu. K.B, JHI Gr I, CHC, Vellarada Thiruvananthapuram (OA 1668/2017)</p> <p>(Sri.M.Unnikrishanan, Advocate appeared for the applicant)</p> <p>He has requested to set aside his transfer to Idukki district issued as per the order No. EG2-53635/2017/DHS, dated 24.08.2017 of DHS and to retain him in Thiruvananthapuram district.</p>	<p>He has more than 3 years of continuous service in Thiruvananthapuram district, no preferential claim for protection from transfer as per the norms of General Transfer and in accordance with the principals laid down by the Hon. Kerala Administrative Tribunal in OA 910/2016 and connected cases.</p>
3	<p>Sri. Binoy Raju. A, JHI Gr I, PHC, Vamanapuram, Thiruvananthapuram (OA 1668/2017)</p> <p>(Sri.M.Unnikrishanan, Advocate appeared for the applicant)</p> <p>He has requested to set aside his transfer to Idukki district, issued as per the order No. EG2-53635/2017/DHS, dated 24.08.2017 of DHS and to retain him in Thiruvananthapuram district.</p>	<p>He has more than 3 years of continuous service in Thiruvananthapuram district, no preferential claim for protection from transfer as per the norms of General Transfer and in accordance with the principals laid down by the Hon. Kerala Administrative Tribunal in OA 910/2016 and connected cases.</p>
4	<p>Sri. Bijukumar. M.P, JHI Gr I, CHC, Vellanadu, Thiruvananthapuram(OA 1668/2017)</p> <p>He didn't attend hearing. In his representation he has requested to set aside his transfer to Idukki district issued as per the order No. EG2-53635/2017/DHS, dated 24.08.2017 of DHS and to retain him in Thiruvananthapuram district.</p>	<p>He has more than 3 years of continuous service in Thiruvananthapuram district, no preferential claim for protection from transfer as per the norms of General Transfer and in accordance with the principals laid down by the Hon. Kerala Administrative Tribunal in OA 910/2016 and connected cases.</p>

5	<p>Sri.John Viyani, JHI Gr I, CHC, Vellanadu, Thiruvananthapuram(OA 1668/2017)</p> <p>He didn't attend hearing. In his representation he has requested to set aside his transfer to Idukki district issued as per the order No. EG2-53635/2017/DHS, dated 24.08.2017 of DHS and to retain him in Thiruvananthapuram district.</p>	<p>He has more than 3 years of continuous service in Thiruvananthapuram district, no preferential claim for protection from transfer as per the norms of General Transfer and in accordance with the principals laid down by the Hon. Kerala Administrative Tribunal in OA 910/2016 and connected cases.</p>
6	<p>Sri. G. Salim Kumar, K, JHI Gr-I, PHC, Amboori, Thiruvananthapuram (OA 1668/2017)</p> <p>(Sri.M.Unnikrishanan, Advocate appeared for the applicant)</p> <p>He has requested to set aside his transfer to Idukki district issued as per the order No. EG2-53635/2017/DHS, dated 24.08.2017 of DHS and to retain him in Thiruvananthapuram district.</p>	<p>He has more than 3 years of continuous service in Thiruvananthapuram district, no preferential claim for protection from transfer as per the norms of General Transfer and in accordance with the principals laid down by the Hon. Kerala Administrative Tribunal in OA 910/2016 and connected cases.</p>
7	<p>Sri. K. Pradeep, JHI Gr I, PHC, Kallikadu, Thiruvananthapuram (OA 1668/2017)</p> <p>(Sri.M.Unnikrishanan, Advocate appeared for the applicant)</p> <p>He has requested to set aside his transfer to Idukki district issued as per the order No. EG2-53635/2017/DHS, dated 24.08.2017 of DHS and to retain him in Thiruvananthapuram district.</p>	<p>He has more than 3 years of continuous service in Thiruvananthapuram district, no preferential claim for protection from transfer as per the norms of General Transfer and in accordance with the principals laid down by the Hon. Kerala Administrative Tribunal in OA 910/2016 and connected cases.</p>
8	<p>Sri.E.P.Binu, JHI Gr I, PHC, Pothanikkadu, Ernakulam (OA 1672/2017)</p> <p>He didn't attend hearing. In his representation he has requested to set aside his transfer to Palakkad district issued as per the order No. EG2-53635/2017/DHS, dated 24.08.2017 of DHS and to retain him in Ernakulam/Thrissur district. He had applied for General Transfer 2017 for retention in Ernakulam district. But as per draft list published by the order dated 4.7.2017, his name was included to transfer to Thrissur district. His seniors are still working in Ernakulam</p>	<p>He has more than 3 years of continuous service in Ernakulam district, no preferential claim for protection from transfer as per the norms of General Transfer and in accordance with the principals laid down by the Hon. Kerala Administrative Tribunal in OA 910/2016 and connected cases.</p>

	district. He did not avail the benefit of his hilly area service.	
9	<p>Sri. Viplavan.K.V, JHI Gr I, CHC, Badadukka, Kasargode (OA 1679/2017)</p> <p>He had not applied for General Transfer 2017. But he was transferred to Kasargode district from Kozhikode district as per the order No. EG2-53635/2017/DHS, dated 24.08.2017 of DHS . He has requested to post him in the existing vacancy in Kozhikode district. His aged and ailing mother and daughter would be alone at home.</p>	<p>He has more than 3 years of continuous service in Kozhikode district, no preferential claim for protection from transfer as per the norms of General Transfer and in accordance with the principals laid down by the Hon. Kerala Administrative Tribunal in OA 910/2016 and connected cases.</p>
10	<p>Sri. N.F.Joseph, JHI Gr I, PHC, Palakkad(OA 1680/2017)</p> <p>He didn't attend hearing. In General Transfer 2017 application he had sought to continue in the same station. But he was transferred to Palakkad district from Thrissur district as per the order No. EG2-53635/2017/DHS, dated 24.08.2017 of DHS. He has informed that the transfer would affect his family. His seniors are still working in Thrissur district. He has requested to retain him in Thrissur district.</p>	<p>He has more than 14 years of continuous service in Thrissur district, no preferential claim for protection from transfer as per the norms of General Transfer and in accordance with the principals laid down by the Hon. Kerala Administrative Tribunal in OA 910/2016 and connected cases.</p>
11	<p>Sri.Ajeesh.T.K, JHI Gr I, PHC, Thrikkaderi, Palakkad (OA 1680/2017)</p> <p>In General Transfer 2017 application he had sought to continue in the same station. But he was transferred to Palakkad district from Thrissur district as per the order No. EG2-53635/2017/DHS, dated 24.08.2017 of DHS . He has informed that the transfer would affect his family. His mother is a cancer patient. His seniors are still working in Thrissur district. He has requested to retain him in Thrissur district.</p>	<p>He has more than 14 years of continuous service in Thiruvananthapuram district, no preferential claim for protection from transfer as per the norms of General Transfer and in accordance with the principals laid down by the Hon. Kerala Administrative Tribunal in OA 910/2016 and connected cases.</p>
12	<p>Sri.Vincent.A.J, JHI Gr I, PHC, Thenjipalamm Malappuram (OA 1681/2017)</p> <p>In General Transfer 2017 application he had sought to continue in the same</p>	<p>He has more than 14 years of continuous service in Thrissur district, no preferential claim for protection from transfer as per the norms of General Transfer and in accordance with the principals laid down by the Hon. Kerala Administrative</p>

	<p>station. But he was transferred to Malappuram district from Thrissur district as per the order No. EG2-53635/2017/DHS, dated 24.08.2017 of DHS. He has informed that the transfer would affect his family. His seniors are still working in Thrissur district. JHI Gr I posts are excess in Malapuram district. He has requested to retain him in Thrissur district.</p>	<p>Tribunal in OA 910/2016 and connected cases.</p>
13	<p>Sri. Santhosh.K.C, JHI Gr I, PHC, Thalakkad, Malappuram (OA 1681/2017)</p> <p>In General Transfer 2017 application he had sought to continue in the same station. But he was transferred to Malappuram district from Thrissur district as per the order No. EG2-53635/2017/DHS, dated 24.08.2017 of DHS . He has informed that the transfer would affect his family. His seniors are still working in Thrissur district. JHI Gr I posts are excess in Malapuram district. He has requested to retain him in Thrissur district. Certificate, showing that his son has learning disability, has been produced.</p>	<p>He has more than 14 years of continuous service in Thrissur district, no preferential claim for protection from transfer as per the norms of General Transfer and in accordance with the principals laid down by the Hon. Kerala Administrative Tribunal in OA 910/2016 and connected cases.</p>
14	<p>Sri.S.Sarath Kumar, JHI Gr I, PHC, Ahavanadu, Malappuram (OA 1682/2017)</p> <p>In General Transfer 2017 application he had sought to continue in the same station. But he was transferred to Malappuram district from Thrissur district as per the order No. EG2-53635/2017/DHS, dated 24.08.2017 of DHS . He has informed that the transfer would affect his family. His seniors are still working in Thrissur district. JHI Gr I posts are excess in Malapuram district. He has requested to retain him in Thrissur district.</p>	<p>He has more than 14 years of continuous service in Thrissur district, no preferential claim for protection from transfer as per the norms of General Transfer and in accordance with the principals laid down by the Hon. Kerala Administrative Tribunal in OA 910/2016 and connected cases.</p>
15	<p>Sri.T.K.Muraleedharan, JHI Gr I, PHC, Ennappara, Kasargode (OA 1683/2017) (Not participated in hearing but a representation submitted )</p> <p>In General Transfer 2017 application he</p>	<p>He has more than 3 years of continuous service in Kozhikode district, no preferential claim for protection from transfer as per the norms of General Transfer and in accordance with the</p>

	<p>principals laid down by the Hon. Kerala Administrative Tribunal in OA 910/2016 and connected cases.</p>
<p>16 Smt. Shindu.C.K, JHI Gr I, Mini PHC, Kumbadaje, Kasargode. (OA 1684/2017)</p> <p>She had not applied for General Transfer 2017. But she was transferred to Kasargode district from Kozhikode district as per the order No. EG2-53635/2017/DHS, dated 24.08.2017 of DHS. She has requested to post her in Kozhikode/Kannur district. Her aged and ailing mother is in her protection. The transfer will badly affect her family. Her husband is employed as an Engineer attached to KSEB now working in Vatakara. She claimed for the protection in that regard. Her seniors are still working in Kozhikode district.</p>	<p>She has more than 3 years of continuous service in Kozhikode district, no preferential claim for protection from transfer as per the norms of General Transfer and in accordance with the principals laid down by the Hon. Kerala Administrative Tribunal in OA 910/2016 and connected cases.</p>
<p>17 Smt.Deepa.R, JHI Gr I, PHC, Thrikkur (OA 1917/2017)</p> <p>She was transferred to Thrissur district as per the order No. EG2-53635/2017/DHS, dated 27.09.2017 of DHS. She has requested to post her in Kollam district. Her 90 years aged mother is in her protection. She has been under backbone treatment. The transfer will badly affect her family.</p>	<p>She had applied for Inter District Transfer to Kollam district only and she had not other options while applying the online transfer. The applicant was included in the draft list of General Transfer. But after considering the orders from the Hon'ble Tribunal and appeals from incumbents, persons more senior to the applicants had to be allotted or eligible persons has to be retained in Kollam district. Hence the applicant was excluded from Final list of General Transfer in accordance to the right of the seniors to get transfer to Kollam district. Aggrieved by the final order, more OAs were filed by the incumbents before the Hon'ble Tribunal and submitted appeals to DHS. In compliance of the various orders from the Hon. Tribunal and considering genuine appeals more eligible applicants having more than 3 years continuous service outside from Alappuzha district had to be allotted and more eligible applicants</p>

	<p>having protection had to be retained in Alappuzha. There were no other sufficient applicants in proportion to be transferred out in order to accommodate them. In the circumstance the applicant was transferred to Thrissur along with other JHI Gr I who had completed three year continuous service in Alappuzha and preferring no other option submitted through SPARK in online application. The Treatment Certificates produced by the applicant were examined and seen that the certificates were invalid. She has submitted Medical Certificate along with the appeal. Those certificates lack merit for considering as a protection from transfer on compassionate grounds as per General transfer norms. She may be directed to produce a Medical Certificate from the Medical Board for considering her claim for transfer to her opted district on compassionate ground.</p>
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5. The allegations put forth by the applicants against the General Transfer is briefly indicated below:-

1. The General Transfer ought have been completed with in 30th April.
2. Completion of 3 years in a station itself is not a ground for transfer.
3. Transfer/ protection on compassionate ground applied not in tune with the transfer norms.
4. Priorities as per the schedule appended to the transfer norms can get the benefit only to a maximum period of 5 years. It should not extent the 20% of the total transfers done in the category. Total benefits that can be done under the compassionate ground and the priority ground can be up to 30% only.
5. As per transfer norms, before transferring the seniors, the juniors ought to have been transferred first.
6. Details of employees in SPARK is not a final one and transfer on the basis of that is not correct.
7. Seniors are not transferred.

6. Additional Director of Health Services as per letter read as 3<sup>rd</sup> paper above has reported that all the appeals in the aforesaid cases have been already rejected by the Appeal committee after detailed verification of each appeals in accordance with the norms of General Transfer. The reason for rejection of that appeals have been briefly indicated in the order itself. And also the compliance order has been issued as per Order No. EG2/53635(2)/2017/DHS, dated 27.09.2017, except in OA 1917/17.

7. Government have examined the matter in detail on the basis of the matters presented in the hearing and report of the Additional Director of Health Services (A&T). It is seen that all the applicants have more than 3 years service in their respective districts during the time of transfer. They have not submitted certificates in proof of their claim on compassionate ground as stipulated in General Transfer norms. Their allegations against

the transfer order have no merit. Hence the request of the applicants in Sl. No.1 to 16 is rejected. However considering the recommendation of the Director of Health Services in respect of the applicant Smt.Deepa.R (Sl.No.17), direction is given to the applicant to produce a Medical Certificate from a Medical Board for considering her claim for transfer to her opted district on compassionate ground before Director of Health Services. Director of Health Services should consider the same in accordance with General Transfer norms and issue appropriate orders at the earliest. Direction is also given to the Director of Health Services to take urgent action to update the details of employees in SPARK before next general transfer so as to ensure the accuracy of the data to be used in General transfer.

8. The appeals of the applicants are disposed off as above and the direction of Hon'ble Kerala Administrative Tribunal in the order dated 19.10.2017 in OA Nos.1668, 1672, 1679, 1680, 1681, 1682, 1683, 1684 and 1917 of 2017 is complied with accordingly.

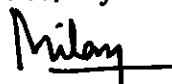
(By Order of the Governor)

**GEETHA.L,**  
Additional Secretary to Government

To

✓ The Director of Health Services, Thiruvananthapuram.  
The Advocate General, Thiruvananthapuram (With C/L).  
The District Medical Officer (Health), Thiruvananthapuram/Idukki/Alappuzha/  
Ernakulam/Thrissur/Palakkad/Kozhikode/Kasaragode/Malappuram.  
Sri.Bijulal.S.I, Mathasree, Venpakal, Venpakal. P.O, Thiruvananthapuram-695123.  
Sri.Sabu. K.B, Narayana Vilasom, Amaravila. P.O, Thiruvananthapuram-695122.  
Sri.Binoy Raju. A, The Claytol, Nanthancode, Kawdiar.P.O,  
Thiruvananthapuram-695003  
Sri.Bijukumar. M.P, Gokulam, Kundamon Bhagam, Peyad. P.O,  
Thiruvananthapuram-695573  
Sri.John Viyani, Vattavila, Kanjiramcode, Vilavancode, Kanyakumari-629155.  
Sri. G. Salim Kumar, Kepha, Cheriyaakolla, Cheriyaakolla. P.O,  
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Ernakulam-686691.  
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Sri.Ajeesh.T.K, Thekkethalakkal House, Edathirinji. P.O, Irinjalakkuda,  
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Sri. Santhosh.K.C, Kolangara House, Karalam P.O. Thrissur - 680711.  
Sri. S.Sarath Kumar, Kannatt House, Irinjalakkuda, Thrissur District - 680121.  
Sri.T.K.Muraleedharan, Thekkekedimeethal, Modalckallur.PO, Atholi,  
Kozhikode-673323.  
Smt.Shindu.C.K, Saphalyam, ChamaVayalil, Puthuppaanam,PO, Vatakara,  
Kozhikode-673105.  
Smt.Deepa.R, Deepakam, Chamakad PO, Perinad, Kollam-691 601.  
The Principal Accountant General (A&E)/(Audit), Kerala, Thiruvananthapuram.  
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Section Officer.

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