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17/7/14



GOVERNMENT OF KERALA

Abstract

Social Justice Department - Establishment - Final order in OA No. 429/14 filed by Shri.T.Fazaludeen - complied with - Orders issued.

**SOCIAL JUSTICE (A) DEPARTMENT**

G.O (Rt) No.427/2014/SJD.

Thiruvananthapuram, Dated: 03.07.2014.

- Read:-
1. G.O.(Ms) No. 54/10/SWD dated 10.08.2010.
  2. G.O (Rt) No.34/2014/SJD dated: 15.01.2014.
  3. Representation dated 20.02.2014 submitted by Shri.T. Fazaludeen, Child Welfare Inspector, ICDS Urban - I, Kollam.
  4. Final Order dated 24.03.2014 of Hon'ble Kerala Administrative Tribunal in OA No. 429/14 filed by Shri.T. Fazaludeen.
  5. Letter No. E7/22042/12 dated 09.05.2014 from the Director of Social Justice.

**ORDER**

Sri.T. Fazaludeen, Child Welfare Inspector has filed OA No. 429/14 before the Hon'ble Kerala Administrative Tribunal praying for a direction to cancel the option filed by him for appointment to the post of Probation Officer Grade II and to retain him in the post of Child Welfare Inspector. The Hon'ble Kerala Administrative Tribunal as per the order read as 4th paper above has directed the first respondent to consider and pass orders on Annexure A8 representation in accordance with law, after affording an opportunity of being heard to the applicant, within three months from the date of receipt of a copy of the order. Complying with the direction contained in the order, the petitioner was heard in person.

.As per Special Rules for the Kerala Social Welfare Subordinate Service, the method of appointment to the post of Probation Officer Grade II is by promotion from category 12, by transfer from the category of Head Clerk/Head Accountant in the Ministerial Subordinate Service in the Social Justice Department and by direct recruitment. It is also specified in the Special Rules that the appointment by promotion/ transfer shall be on the basis of exercising options from the candidates. The Director of Social Justice called for options for the by promotion/by transfer appointment to the post of Probation Officer Grade II on 30.07.2012. The applicant submitted his option on 10.08.2012. On the basis of the option exercised by him, the applicant was promoted as Probation Officer Grade II as per the Government Order read as 2nd paper above. On getting the promotion, the applicant filed representation requesting to cancel the option and to retain him as Child Welfare Inspector

stating that he has been promoted after a period of 2 years after exercising option and that he will get more promotion avenues in his original stream of promotion.

The Director of Social Justice as per the letter read as 5th paper above has reported that the request to cancel the option is not allowable as per the Special Rules and that if the request is allowed, there will be chances for getting similar requests which will affect the promotions already made in the Department in other categories also.

Government have examined the case in detail. As per note 2 (b) in column 2 against category 1 in Table under Rule 3 of the Special Rules for Social Welfare Subordinate Service, the person who exercise option alone will be considered for appointment by transfer to the post of Probation Officer Grade II and once they exercise option, they will relinquish all claims for seniority and promotion in the posts belonging to Kerala Ministerial Subordinate Service and Kerala Social Welfare Subordinate Service. In this case the applicant has been promoted on the basis of option exercised by him. As per Special Rules once the option is exercised, it will be final. Hence the request of the applicant to cancel the option and to retain his as Child Welfare Inspector cannot be considered as per Special Rules and is hereby rejected.

The direction contained the order of the Hon'ble Kerala Administrative Tribunal is complied with accordingly.

(By order of the Governor)

MINLM  
Under Secretary

To

The Director of Social Justice.

Shri.T.Fazaludeen, Probation Officer Grade II, Government Children's Home, Thiruvanchoor,  
Kottayam - 686 019.

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

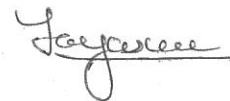
The Principal Accountant General (Audit), Kerala, Thiruvananthapuram.

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

Web & New Media Wing, Information and Public Relations Department, (for publishing in the website).

The Stock file/Office copy.

Forwarded/By order,



Section Officer