



GOVERNMENT OF KERALA

Abstract

Local Self Government Department – Establishment – Regularisation of suspension period in respect of Sri. V. Sailendra Prasad, Health Inspector Grade I (Retd)- Appeal- Allowed- Orders issued.

LOCAL SELF GOVERNMENT (EU) DEPARTMENT

GO(Rt)No.232/2017/LSGD.

Dated, Thiruvananthapuram, 27/1/2017

Read:-

1. GO(Rt) No. 1680/2012/LSGD dated. 20/6/2012.
2. GO(Rt) No. 45/2013/LSGD dated. 5/1/2013.
3. Proceedings No. V1-9874/2012 dated. 15/7/2015 of the Director, Urban Affairs, Thiruvananthapuram.
4. Appeal petition dated 23/6/2016 submitted by Sri. V. Sailendra Prasad, Health Inspector Grade I (Retd).
5. Letters.No.V1-9874/12 dated 16/7/2016 and 21.10.2016 from the Director of Urban Affairs, Thiruvananthapuram.
6. Government Notice No. EU2/186/16/LSGD dated 10.01.2017.
7. Submission dated 12.01.2017 from Sri.V.Sailendra Prasad, Health Inspector Grade I (Retd).

ORDER

In connection with the alleged manhandling of Councillors in Thiruvananthapuram Corporation, and connected untoward incidents, Government as per the order read as 1st paper above, suspended 6 employees including Sri. V. Sailendra Prasad, the then Health Inspector, Nedumangadu Municipality from service. Later as per Order read as 2nd paper above, they were reinstated into service. The connected Crime Case was trailed in the Court of Judicial First Class Magistrate - III, Thiruvananthapuram as C.C No. 1172/2012 and the Court in the judgement dated. 27/2/2015 found that the accused are not guilty and hence acquitted under Section 248 (1) of Cr.PC. Based on this, the Director

of Urban Affairs as per the Proceedings read as 3rd paper above, dropped the disciplinary action against the accused and regularised their period of suspension as eligible leave.

2. Sri. Sailendra Prasad, Health Inspector Grade I (Retd) filed appeal petition read as 4th paper above against the order of the Director of Urban Affairs, under Rule 24 of Kerala Civil Services (Classification, Control & Appeal) Rules, 1960. In the appeal petition, the appellant has submitted that the Director of Urban Affairs unilaterally decided to treat his period of suspension as eligible leave, without his consent and it is against rules. He therefore requested to treat the suspension period as duty as the Court has acquitted him from the charges.

3. The appellant was heard by the Under Secretary, Local Self Government Department on 05.10.2016. During the hearing he reiterated his contentions. For the clarification sought for by the Government, the Director of Urban Affairs in his letter dated 21/10/2016 read as 5th paper above has replied that the suspension period of the incumbent has been regularised as eligible leave, without his consent.

4. Government have examined the appeal petition in detail with the judgement dated. 27/2/2015 of the Hon. First Class Magistrate Court- III, Thiruvananthapuram in C.C No. 1172/2012 and the reports read as 5th paper above of the Director of Urban Affairs. In Para 5 of the Circular No. 65/94/Fin dated. 26/11/1994, it is specifically clarified that suspension period of an officer should not be regularised as eligible leave without the consent of the officer. As Sri.Sailendra Prasad has been acquitted from the charges levelled against him, Government took the view that the period of his suspension from 20.6.2012 to 11.02.2013 has to be regularised by treating the same as duty for all purposes including pay and allowances, less the subsistence allowance already drawn, as per Rule 56B(3)&(4) of Part I, Kerala Service Rules and to regularise the intervening period from 12.2.2013 to date of rejoining duty as Joining time and /or leave due and admissible, as per Note 2 below Rule 56B(9),Part I,Kerala Service Rules. In the circumstances, Government have provisionally decided to set aside the regularisation of period of suspension in respect of Sri.Sailendra Prasad in the Proceedings read as 3rd paper above and issued notice read as 6th paper above to the incumbent for regularisation of period of suspension. In the submission read as 7th paper above Sri.Sailendra Prasad has conveyed his consent for the proposed regularisation.

5. In the above circumstances the regularisation of suspension period done in the case of Sri. V. Sailendra Prasad, Health Inspector alone in the Proceedings read as 3rd paper above of the Director of Urban Affairs is hereby set aside. Government are pleased to regularise the period of suspension in respect of Sri. Sailendra Prasad, Health Inspector Grade-I from 20.6.2012 to 11.02.2013 by treating the same as duty for all purposes including pay and allowances, less subsistence allowance already drawn, as per Rule 56B(3)&(4) of Part I, Kerala Service Rules. The intervening period from 12.2.2013 to date of rejoining duty is also here by regularise as Joining time and /or leave due and admissible, as per Note 2 below Rule 56B(9), Part I, Kerala Service Rules.

(By Order of the Governor)

Abul Kalam. M

Under Secretary.

To

1. The Director of Urban Affairs, Thiruvananthapuram
2. Shri. Sailendra Prasad, Health Inspector Grade I (Retd) (Through the Director of Urban Affairs, Thiruvananthapuram)
3. The Director, Kerala State Audit Department, Thiruvananthapuram
4. The Accountant General (Audit), Thiruvananthapuram
5. The Executive Director, Information Kerala Mission, Thiruvananthapuram (For publishing this order in the web-site).
6. The Finance Department (Vide DEV-2/145/2016-Fin15/12/2016)
7. Stock file/Office Copy.

Forwarded/ By Order



Section Officer.

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