

GOVERNMENT OF KERALA

Abstract.

Public Servants-Disciplinary action on charges of subversive activities, political leanings etc- General Review-Orders issued.

Home (F) Department.

G.O.(MS) No. 381/68/Home.

Dated, Trivandrum, the 30th Nov. 68

ORDER

There have been many cases of disciplinary action against Government servants for violation of the Government Servants' Conduct Rules by participation in political activities. The cases range from subversive activities and expression of disloyal sentiments to suspected political leanings. The punishment imposed vary from dismissal from service to restrictions in transfer and postings. With a view to seeing whether there has been any miscarriage of justice or unequal treatment in identical cases on a large scale. Government conducted a comprehensive study of the cases of the above type from 1.1.1957. This has brought out the fact that action was taken against persons who were alleged to have taken part in activities of certain political parties only. The only inference that can be drawn from this is that there was discrimination in dealing with Government servants in this matter. Being a political discrimination, a general review of the cases decided from 1.1.1957 is the only remedy for the grievances of the affected Government Servants. Government have, accordingly, reviewed the cases of the above type from 1.1.1957.

2. As a result of the review, Government order as follows:- (The designation of the officers noted hereunder are those they had at the time of initiation of the disciplinary proceedings against them)

(a) In the case of Sri K.M.G. Panicker, Draftsman, Public Works Department, the direction was to make necessary entries in his confidential records. The adverse entries thus made in his confidential records will be expunged and the fact intimated to him and his acknowledgement filed in his confidential records.

(b) The following officers, were transferred on account of indulgence in political activities. There are restrictions on transfer on some of them.

1. Sri.O. Gangadharan, Warder, Central Jail, Cannanore.
2. Sri. Panniyar Narayanan Central Jail, Cannanore.
3. Sri. K.P. Janardhanan Central Jail, Cannanore.
4. Sri. K.V. Govindan Central Jail, Cannanore.
5. Sri. M.C.Ramachandran, Clerk, Registration Department.
6. Sri. P.A.Kesavan Clerk, Registration Department.
7. Sri. P.K. Kunhi mohammed, Drill Master, High School, Perongottukara.
8. Sri. K.K.Kesavan, Teacher, Chirakkal.
9. Sri. K.P.Sreedharan Nadar, Clerk, Education Department.
10. Sri. A.T. Abraham, Teacher, Government U.P.School, Edamannil.
11. Sri. Sivasankara pillai, Teacher, Government L.P.School, Krishnapuram
12. Sri. A.M. Joseph, U.P.School, Elankavu
13. Sri. N.Sreedharan, Teacher, Government U.P.School Vaikom.
14. Sri. A.Abdurahiman, Teacher, Government L.P.School, Koyappa.
15. Sri. K.P.Kunhabulla, Headmaster, high School, Madai.
16. Smt. Matilda John, Widwife, Tirur hospital.
17. Sri. Narayanan Adiyodi, Head master, Bava G.L.P.School Wadikkunnam.

18. Sri V.Abdurahiman, Teacher, Government U.P.School, Kasaragode.
19. Sri. B. Abdulla, Teacher, Government U.P.School, Kasaragode.

These officers, will be retransferred, if not already done, after ascertaining their willingness.

(c) In the case of the following officers, though action against them was dropped, full pay and/or allowances for period spent under suspension have not been paid to them.

1. Sri. M.K.Raman, Teacher, Government U.P.School, Perinjanam.
2. Sri. V. Sukumaran, Clerk, P.W.Department.
3. Sri. P. V. Muthu, Teacher, G.S.S. Kizhakkancherry.
4. Sri. R. Lekshmanan, Teacher, Government L.P.School, Pookanthode.
5. Smt. Elizabeth Stephan, Health Assitant.

Of the five persons listed above, Sarvasree Sukumaran, Muthu and Lekshmanan have filed appeal/review petitions against the orders regarding the disposal of their off duty period. Government have considered these appeal/review petitions. In view of the fact that that no punishment was imposed on the above five. Officers and they had already been reinstated in service on finalization of the disciplinary proceedings, Government order that the period spent by them under suspension will be treated as on duty for all purpose. They will also be paid their pay and allowances less the subsistence and other allowance if any, already drawn by them.

(d) In the case of Sri.K.Kesavan, Teacher, Government U.P.School Elankavu, on finalisation of the enquiry he was transferred out of ,, place. The period spent by him under suspension was treated as eligible leave. Sri. Kesavan will be retransferred after ascertaining his willingness. The period spent by him under suspension will be treated as duty for all purposes and arrears paid after deducting the leave and other allowances already drawn by him.

(e) In the case of the following officers, the punishments noted against were imposed.

Name & designation of officers.	Nature of penalty.
1.Sri. M.C.Kuttappan, Teacher Govt.U.P.S. Neendoor.	Withholding of increments for 3 months with cumulative effects
2. Sri.P.Kunju Pillai, . Fieldman, Agriculture Dept	3 increments stopped with cumulative effects
3. Sri. N.Krishnan, Peon, Finance Dept., Secretariat	Reduced to the minimum of the grand and. increments withheld for 2 years
4. Sri..N. Raghavan Nair, Police Constable No. 10325/Q. 1890.	Dismissed From Service.
5. Sri. Aravindakshan menon, Police Constable No.Q.485.	Reduction in pay by two stages for two Years.
6. Sri. V.G.Madhava Kurup, Village Officer, Melukavu.	Increment barred for 2 Years
7. Sri. V.C.Chacko, Clerk, Taluk	Compulsory retirement.

Office, Devikulam.

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| 8. Sri. C.P. Vasudevan, Co-operative Inspector | Censured. |
| 9. Sri. K.K.Vijayan, health Assistant Manantoddy. | One increment barred with cumulative effects. |
| 10. Sri. A.K. Gopinathan Nair, Teacher,U.P.S.A.Kappil. | Removed from Service |
| 11. Sri. Ponkunnam Damodaran, High School Assistant, H.S. Kalvoor. | Increment with held for one Year. |
| 12. Sri. M.K.Narayanan, Teacher, Govt. Kunnamangalam | One increment withheld with cumulative U.P.School, effects |
| 13. Sri.K.Alavi, Headmaster, Govt. L.P.S. Ariyur. | Dismissed from Service. |
| 14. Sri. N. Vasudevan, Sweeper, health Service Department. | Dismissed from Service. |
| 15. Sri. Neelakantan nambeesan, Headmaster, Govt. U.P.School, Thamarasseri | Censured. |
| 16. Sri.P.K.Achuthan, Malayalam S.S.balusseri. | Increment barred for one years with cumulative Pandit , Govt. effect. |
| 17. Sri.A.Gopalan, Clerk, G.G.H.S.Kayamkulam | Compulsory retirement from Service. |

as follows:-

(i) That in the case of all persons who have been awarded punishment other than censure, the punishment will be reduced to that of Censure with retrospective effect, ie, the persons will be deemed to have been censured on the date of the original order imposing the punishment. Those of the officers who were awarded punishment other than dismissal, removal or compulsory retirement, will be given all benefits such as promotion, increment, arrears of pay etc. Which would accrue to them on this account.

(ii) Persons who have been dismissed, removed or compulsorily retired, from service and those whom are still under suspension will be reinstated in service with immediate effects, provided they are within the age of Superannuation. The period spent by them out of employment or under suspension will be treated as duty for all purposes except for full pay and full allowances, less the subsistence and other allowances, if any, already drawn by them. In the case of officers who would thus become eligible for promotion/increment except for the necessary test qualification, they will be deemed to

have been temporarily exempted from having the test qualification on the date on which they would otherwise be eligible for promotion/increment. They will be given exemption from test qualification for a period of two years from the date of this order.

(iii) Appeal or review petitions from some of the officers mentioned above are now pending with the Government. The benefits under this order will be given to them also. Action on the appeal or review petitions pending will also be pursued simultaneously, and the petitions disposed of on merit and whatever further relief the persons are entitled to legally or otherwise will be given to them.

(iv) All benefits mentioned in items (i) and (ii) except that of reinstatement will be granted to the officers, if any, whose date of superannuation is over, Wherever necessary, such officers will be deemed to have been reinstated in service with effect from the date of effect of the order imposing the punishment.

(v) Sri. K.Alavi, Sl.No.13, above is no more. His pay and allowances till the date of his death as calculated in the case of others who were similarly punished will be paid to his legal heirs. If eligible, family pension will also be sanctioned to the family of the deceased on this basis.

3. Cases of the above type, which deserve review but are not covered by this G.O. will be disposed of by the Administrative Departments on the lines of this G.O.

By order of the Governor,
Sd. S. Ananthkrishnan,
Special Secretary to Government.

To
The Accountant General
All heads of Departments etc.
Endt. on R. Dis. (B2) 47090/68 dt. 7.12.68.

Communicated to the Conservator of Forests, Divl. Forest Officer Asst. Conservators, Working Plan Officers, Silvicultural Research Officer, W.L.P.O, Principal, K.F. School, and Forest Veterinary Officer for information.

Copy to all Officers and Section Heads in office for information.
Copy to B1,B2,B3, and B5 sub sections.

Sd. C.K. Bhaskaran,
Administrative Officer,
For Chief Conservator of Forests.
Forwarded/By order,

Office of the Chief Conservator
of Forests, Trivandrum.
D.A.23/12(293)

Superintendent.