

GOVERNMENT OF KERALA

Abstract

PUBLIC SERVICES- STRIKE BY A SECTION OF GOVERNMENT EMPLOYEES IN 1973 AND 1978- PERIOD OF SUSPENSION IN THE CASE OF EMPLOYEES AGAINST WHOM CASES WERE CHARGED IN COURTS OF LAW FOR VIOLENCE ETC. BUT WERE ACQUITTED BY THE COURTS OF LAW FOR VIOLENCE ETC./ BUT WERE ACQUITTED BY THE COURTS- TREATMENT OF- FURTHER ORDERS - ISSUED

GENERAL ADMINISTRATION (SS) DEPARTMENT

G. O Rt.6270/80/GAD

Dated, Trivandrum, 30th September, 1980.

ORDER

In the context of the strike by a section of Government employees in 1973 criminal cases were charged against a number of Government employees. After the withdrawal of the strike on 5-3-1973, the employees were remitted of duty withdrawing the cases charged against them except those charged in cases involving violence. These cases were allowed to be proceeded with keeping the employees under suspension and they were readmitted to duty after disposal of the criminal cases by the Courts of Law. Most of the cases ended in honourable acquittal of the employees and some cases in acquittal on technical grounds. In the case the employees were readmitted to duty with effect from the date on which they had expressed willingness to be so readmitted after the strike, treating the intervening period from the date of commencement of unauthorized absence in connection with the strike till the date of effect of readmission as "dies- non"

- 2 In connection with the strike by government employees in 1978 also the employees who were involved in cases charged in Courts of Law for violence etc. were not readmitted to duty after the withdrawal of the on 21-1-1978 along with other employees and their suspension was continued. Later a decision was taken to readmit those employees also to duty revoking their suspension with effect from the date on which reported for duty but the cases charged against them were ordered to be pursued. Where the cases resulted in honorable acquittal the period of suspension of the employees was treated as duty. Where the acquittal was on technical grounds, the period of suspension was treated as "dies- non".
- 3 The Government have considered the matter the following orders are issued:-
 - (i) In the case of employees who were honorably acquitted by the Courts of Law of the criminal charges against them filed in connection with the above strike, the period of suspension from the date of withdrawal of the strike up-to-date of their re- admission will be treated as a period spent on duty and their full pay and allowances will be paid during the period. The same benefit will be extended also to employees who were acquitted based on benefit of doubt, or want of proper sanction or such other technical grounds as a special case.

Withdrawal of prosecution will be treated as complete exoneration.

- (ii) The period from the date of commencement of unauthorized absence by the employees in connection with the strike up to the date of withdrawal of the strike will be treated as “dies –non”

4. The previous orders issued in this regard which are not in consonance with these orders will stand modified to the extent of these orders. All cases which were settled otherwise than in accordance with these orders will be re- opened and disposed of on the basis of these orders.

By order of the Governor,

M S K RAMASWAMY,
Special Secretary to Government.

To

All Heads of Departments and offices

All District Collectors

The Registrar, High Court, Ernakulam (with C L)

The Secretary, Kerala Public Service Commission (with C L)

The Secretary to Governor, Raj Bhavan, Trivandrum

The Accountant General , Kerala, Trivandrum

The Advocate General, Trivandrum

The Director of Public Relations, Trivandrum

All Special Secretaries/ Secretaries/ Additional Secretaries/ Joint Secretaries/ Deputy Secretaries/Under Secretaries to Government

All Departments (all sections) of the Secretariat including law, finance and Legislature

The Private Secretaries to Chief Minister and other Ministers.

The Private Secretaries to Chief Minister and other ministers.

The Under Secretary to Chief Secretary

The General Administration (SC) Department.