



**GOVERNMENT OF KERALA**

**Abstract**

Local Self Government Department - Urban Affairs - Establishment - Disciplinary action initiated against Smt.Deepa.L.S., Secretary, Thiruvananthapuram Municipal Corporation - Finalised - Orders issued.

**LOCAL SELF GOVERNMENT (E.U.) DEPARTMENT**

G.O.(Rt.)No: /2020/LSGD Dated, Thiruvananthapuram,

Read:- 1) Memo of Charges No.LSGD-EU1/66/2019-LSGD dated 25.03.2019 served on Smt.Deepa.L.S., Secretary, Thiruvananthapuram Municipal Corporation.

2) Written Statement of Defence dated 25.05.2019 submitted by Smt.Deepa.L.S.

3) Letter No. V1-8862/2019 dated 22.11.2019 from the Director of Urban Affairs, Thiruvananthapuram.

4) G.O.(Rt.) No.522/2020/LSGD dated 02.03.2020.

5) Report of Enquiry dated 28.05.2020. conducted by the Enquiry officer

**ORDER**

The Hon'ble High Court in its judgment dated 13.12.2017 in WP(C) No.32885/17 filed by Nikunjam Constructions Pvt. Ltd. represented by Sri.Krishnakumar had allowed the prayer of the petitioner by setting aside the report dt.26.07.2016 of the Technical Expert Committee constituted as per GO(Rt)No.821/2016/LSGD dt.25.02.2016 under Rule 11A(12)(12) of Kerala Municipality Building Rules 1999. The Hon'ble High Court in the judgment had passed orders directing the said expert committee to assess and quantify the damages with notice to the parties as expeditiously as possible at any rate within six weeks from 13.12.2017. As such the time limit for complying with the order of the Hon'ble High Court was 28.02.2018. Being the convener of the Technical Expert Committee constituted as per GO(Rt)No.821/2016/LSGD dt.25.02.2016, Smt.Deepa.L.S, Secretary, Thiruvananthapuram Municipal Corporation failed to

comply with the directions resulting in giving <sup>way</sup> ~~room~~ for the petitioner in the writ petition to file contempt of court petition before the Hon'ble High Court. Hence disciplinary action was initiated against Smt.Deepa.L.S. for non complying the orders of Hon'ble High Court and Memo of Charges as per the letter read as <sup>1st</sup> ~~first~~ paper above has been served <sup>to</sup> ~~on~~ Smt.Deepa.L.S.

2. Smt.Deepa L.S. has submitted the written statement of defence as per the letter read as <sup>2nd</sup> ~~second~~ paper above. In the written statement of defence, she has stated that the direction contained in the judgment of Hon'ble High Court dated 13.12.2017 was to the Expert Committee and not to the Corporation Secretary to assess the damages alleged to have been caused to the residential building of Smt.Leela Kumari.M and that as per the provisions under Rule 11A(12) of KMBR all the technical committee members have equal responsibility. It is true that the directions of the Hon'ble High Court was to the Technical Expert Committee, but being the Convenor of the Committee, the Corporation Secretary is liable to carry out the directions of the court and she failed to carry out the directions within the time limit. When the case came up for hearing on 11.12.2018, the court directed the petitioner in the Contempt Case ie; Nikunjam Constructions Pvt. Ltd. to implead the State Government in the party array as the State Government is the appointing authority of the Technical Expert Committee under Rule 11A(12) of KMBR. Accordingly Sri.Krishnakumar, representing Nikunjam Constructions, the petitioner in the Contempt of Court Case, filed an affidavit for impleading Sri.T.K.Jose, IAS, Additional Chief Secretary, LSGD as additional 5<sup>th</sup> respondent. Smt Deepa.L.S, in her reply to the memo has stated that she did not take steps for preferring appeal/review against the judgment dt.13.12.2017 on the basis of the legal advice received from the Sr.Advocate N.Nandakumara Menon, who is



appearing for the corporation in various cases before the High Court including the above Contempt of Court Case.

3. As per the Government Order read as 4<sup>th</sup> paper above, Shri.R.S.Kannan, Special Secretary, Local Self Government Department was appointed as the enquiry officer to enquire into the matter as per Rule 15(2)(b) of KCS(CC&A) Rules 1960.

4. The Enquiry Officer has submitted the enquiry report as per the letter read as 5<sup>th</sup> paper above. In the said report, the enquiry officer has pointed out that if Smt.Deepa.L.S, Secretary, Thiruvananthapuram Municipal Corporation would have complied with the directions of the Hon'ble High Court within the time limit allowed, the contempt of court case petition could have been avoided. Also being the Convenor of the Technical Expert Committee, she could have moved the court by filing appeal/review against the judgment dt.13.12.2017 or moved the court for extension of time for complying with the directions. This is a serious lapse on her part. It is also mentioned in the report that she had taken earnest efforts for convening the Technical Expert Committee by issuing notices, but failed to represent before the court by moving appeal/review or for extension of time as stated above. The directions in the said WP(C)32855/17 dt.13.12.2017 have since been complied with by the Technical Expert Committee by submitting a revised report on 23.01.2019 after assessing, valuing and quantifying the damages caused by Smt.Leelakumari.

5. The enquiry officer has reported that Smt.Deepa.L.S, Secretary, Thiruvananthapuram Municipal Corporation has not violated any rules and regulations but failed to comply with the directions of the Hon'ble High Court in

WP(C)32855/17 <sup>dated</sup> dt.13.12.2017 within the time limit (ie; before 28.02.2018) The directions has been complied with and the Contempt of Court Case became infructuous. As such the only lapse on the part of Smt.Deepa.L.S, Secretary, Thiruvananthapuram Municipal Corporation is that being the Convenor of the Technical Expert Committee, she failed to comply with the directions of the Hon'ble High Court and gave way for the petitioner for filing Contempt of Court Petition and has recommended to award minor penalty for the same.

6. Government have examined the matter in detail. Smt.Deepa.L.S., Secretary, Thiruvananthapuram Municipal Corporation has not violated any rules and regulations. The directions has been complied with and the Contempt of Court Case became infructuous.

7. In the circumstances, Government are pleased to finalise the disciplinary action initiated against Smt.Deepa.L.S., Secretary, Thiruvananthapuram Municipal Corporation.

(By Order of the Governor)

To

The Director of Urban Affairs, Thiruvananthapuram.  
 The Principal Accountant General (A&E)/(Audit), Kerala, Thrissur.  
 The Director, Kerala State Audit Department, Thiruvananthapuram.  
 Shri.R.S.Kannan, Special Secretary, Local Self Government Department  
 Smt.Deepa.L.S., Secretary, Thiruvananthapuram Municipal Corporation  
 The Executive Director, Information Kerala Mission, Thiruvananthapuram  
 The Local Self Government (R.A.) Department (vide RA2/29/2019/LSGD  
 dated 21.02.2019)  
 Stock file/Office Copy.

17/6/2020  
 A.S.

11.06.2020  
 11/06/2020  
 11.6.2020