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17/4/17



GOVERNMENT OF KERALA

Abstract

LSGD - Engineering Wing - Order of Hon'ble KAT in OA No.827/2016 filed by Smt. Valsalakumari. T.M, Second Grade Overseer - Complied with - Orders issued.

LOCAL SELF GOVERNMENT (EW) DEPARTMENT

GO (Rt) No. 1067/2017/LSGD

Dated, Thiruvananthapuram, 03-04-2017.

- Read:-
1. Order No. C6/11550/14 dated 29/01/2014 of the Secretary, Corporation, Kozhikode.
 2. Order No. E5/4600/13/CE/LSGD dated 17/11/2014 of the Chief Engineer, LSGD.
 3. Govt. Lr. No. 221/EW2/2015/LSGD dated 03/03/2015.
 4. Order No. E10/1072/14/CE/LSGD dated 22/04/2015 of the Chief Engineer, LSGD.
 5. G.O (Rt) No.1295/2016/LSGD dated 19/03/2016.
 6. Representation dated 12-07-2016 from Smt. Valsalakumari. T.M.
 7. Order dated 15-07-2016 of the Hon'ble KAT in OA (EKM) No.827/16 filed by Smt. Valsalakumari. T.M.
 8. Letter No.E10/1072/2014/CE/LSGD dated 13.03.2017 from CE, LSGD

ORDER

While working as Second Grade Overseer in the Engineering Wing of Corporation of Kozhikode, Smt.Valsalakumari.T.K was arrested by the Vigilance and Anti Corruption Bureau, Kozhikode on 23/01/2014 after a successful trap and Crime No. VC 01/2014/KKD was registered against her under Section 7 of the Prevention of Corruption Act, 1988. The allegation against her was that she had demanded and accepted an amount of Rs.1000/- from Sri.Sunil.K, the de-facto complainant, as illegal gratification for issuing occupancy certificate for his newly constructed house. As she was arrested and remanded to judicial custody in the case, she was suspended from service with effect from 24.1.2014 as per the Order read as 1st paper above and later reinstated in service on 26/11/2014 as per the Order read as 2nd paper above.

The Chief Engineer, LSGD had erroneously issued the orders re-instating the Applicant into service without the concurrence of Vigilance Department and subsequently noticing this, the said order was cancelled. She was again suspended from service as per the order read as 4th paper above. Against the order she had submitted representation requesting to reinstate her in service and to disburse the salary due to her from 26/11/14 to 22/04/15. While so she retired from service on 30/04/2015.

The Government accorded sanction as per the order read as 5th paper above, to disburse the salary dues to Smt. Valsalakumari. T.M, Overseer (Retd), for the period from 26-11-2014 to 21-04-2015, the period for which the Applicant worked after the re-instatement (erroneously made by the Chief Engineer, LSGD) along with the provisional pension admissible as per Rules. The Chief Engineer, LSGD reported as per the letter read as 8th paper above that the salary for the period from 26-11-2014

to 21-04-2015 and the provisional pension with effect from 01/05/2015 has been disbursed to the incumbent.

While disposing OA (EKM) No.827/16 filed by Smt. Valsalakumari. T.M, Second Grade Overseer, the Hon'ble Kerala Administrative Tribunal, as per the Order read as 7th paper above , directed the 1st Respondent i.e. Secretary to Government, LSGD, to consider and pass orders on Annexure A5 representation within a period of three months from the date of receipt of a copy of the order, after affording an opportunity of being heard to the Applicant .

In the representation (Annexure A5) read as 6th paper above, the Applicant has stated that there is no pending departmental proceedings against her and till date no final report has been filed by Vigilance and Anti Corruption Bureau. It is also stated that there is not even a remote chance of conviction in the said case filed by Vigilance and Anti Corruption Bureau. Hence she has requested to regularize her suspension period from 24/01/2014 to 17/11/2014 and 23/04/15 to her date of retirement and to disburse DCRG and all other retirement benefits.

In compliance with the direction of the Hon'ble KAT the Deputy Secretary, LSGD heard the petitioner on 04/10/2016. She has informed that her only son is a cancer patient and hence she is in need of money for his treatment.

Government have examined the matter in detail. Since the Vigilance Case in VC 01/2014/KKD is still pending before the Vigilance Court, the decision on regularisation of suspension period and the disbursement of DCRG can be arrived at only subject to the outcome of the Vigilance Case as mandated in G.O (P) No. 803/2002/Fin, dated 30-12-2002. Provisional pension and other eligible service benefits have already been authorised to her. Hence the Annexure A5 representation submitted by Smt. Valsalakumari. T.M, Overseer (Retd) is hereby rejected and the direction of the Hon'ble KAT as per the order read as 7th paper above is complied with accordingly.

(By Order of the Governor)

MINI. M

Deputy Secretary to Government

To

1. The Advocate General of Kerala, Thiruvananthapuram (With C/L)
2. The Chief Engineer, LSGD, Thiruvananthapuram.
3. Smt. Valsalakumari. T.M, Retd. Overseer, Kattayil Parambu, Elathur PO, Kozhikode 673303.
4. The Accountant General (A&E/Audit) of Kerala, Thrissur.
5. The Secretary, Kozhikode Municipal Corporation
6. The Executive Engineer, Kozhikode District Panchayat.
7. Vigilance (D) Department. (Vide U.O. No. 9579/D1/2015/Vig dated 4/01/2017)
8. The LSG (EW3) Department.
9. The Web & New Media, I & PRD.
10. Stock File/Office Copy.

Forwarded / By Order



Section Officer
SECTION OFFICER