



**GOVERNMENT OF KERALA**

**Abstract**

Local Self Government Department - Panchayat Establishment – Complying of Order of Hon'ble KAT in OA No. 2629/2016 filed by Sri. O.V. Sivankutty - Finalized - Orders issued.

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**LOCAL SELF GOVERNMENT (EPB) DEPARTMENT**

G.O.(Rt) No.1349/2017/LSGD

Dated, Thiruvananthapuram, 26.04.2017

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- Read: 1. G.O.(Rt) No.2466/2015/LSGD dated 10/08/2015  
2. Final Order of Hon'ble KAT in OA No.2629/2016 filed by Sri. O.V. Sivankutty  
3. Representation of Sri. O.V. Sivankutty dated 16/12/2015

**ORDER**

The Hon'ble Enquiry Commissioner & Special Judge Kottayam in CC No. 82/2008 and 83/2008 sentenced Sri O.V. Sivankutty to undergo rigorous imprisonment and fine for abusing his official capacity to entered into criminal conspiracy with others and forged documents and misappropriated an amount of Rs. 13750/- and Rs. 92,300/- from JYR fund of Panchayat for the construction of 2 houses to SC/ST families during the year 1992, and 7 houses to SC/ST during 1993 without paying the amount to the beneficiaries while working as UD clerk in Vellathooval Grama Panchayat. While considering the matter, the Government had withhold 3/4<sup>th</sup> of the monthly pension of Sri O.V. Sivankutty and issued order vide paper read as 1<sup>st</sup> above.

Sri. O.V. Sivankutty had filed an application before Hon'ble Kerala Administrative Tribunal and the Tribunal had ordered vide paper read as 2<sup>nd</sup> above that the 1<sup>st</sup> respondent, the Government, to consider and pass orders on Annexure A6, the representation filed by Sri. O.V. Sivankutty before the Government, in accordance with law, after affording an opportunity of being heard to the applicant, within a period of two months from the date of receipt of a certified copy of this order.

Sri. Sivankutty submitted Annexure A6 representation, read as paper 3<sup>rd</sup>, only to set aside the order issued by the Government to withhold 3/4<sup>th</sup> of his monthly pension. In his appeal petition he has stated that he was convicted for misappropriation of fund meant for the construction of houses. But basically it was the Panchayat President and the Members who have committed the misappropriation. He is not in any way responsible for it. He also stated that the pension that he is now getting is very meagre for meeting the expenses of his family.

Government have examined the matter in detail. Government have previously finalized the disciplinary action initiated against Sri. O.V. Sivankutty after detailed examination. He was convicted because he made criminal conspiracy, forged documents and misappropriated public fund. Government introduces various schemes for the upliftment of downtrodden SC/ST communities from time to time. But seldom these schemes are reaching to them and most of these people are still living in under-privileged and mediocre conditions because of these kinds of malpractices by the implementing officers. Such government servants should be punished. Hence Government view that not to reconsider the decision taken in GO(Rt)No. 2466/2015/LSGD dated 10.8.2015 and Annexure A6 representation submitted by Sri. Sivankutty is rejected and orders accordingly. The order of the Hon'ble Administrative Tribunal in OA 2829/16 is thus complied with.

(By Order of the Governor)  
**S. MOHANDAS**  
Joint Secretary to Government

To

1. Sri. O.V. Sivankutty, former U.D. Clerk, Vellathooval, Grama Panchayat  
(Through the Director of Panchayats, Thiruvananthapuram)
2. The Director of Panchayats, Thiruvananthapuram.
3. Advocate General, O/o the Advocate General, Thiruvananthapuram, Kerala, (with C/L)
4. The Accountant General (A&E/Audit), Kerala, Thiruvananthapuram/Thrissur.
5. The Deputy Director of Panchayats, Idukki
6. The Director, IKM, Thiruvananthapuram
7. Web & New Media, South Block, Govt. Secretariat, Tvpm.
8. The Stock File/ Office Copy. (File No.316/EPB2/2016/LSGD)

Forwarded/By Order

  
Section Officer