



GOVERNMENT OF KERALA

Abstract

Local Self Government Department – Establishment – O.A(EKM)- 56/2017 filed by Shri. K Madhu, Junior Health Inspector, Cochin Corporation– Order dated 13.01.2017 of the Hon. Kerala Administrative Tribunal- Complied with - Orders issued.

LOCAL SELF GOVERNMENT (EU) DEPARTMENT

GO(Rt)No.1660/2017/LSGD.

Dated, Thiruvananthapuram.20.05.2017

Read:-

1. Order No. G5-6903/12 dated 28.06.2012 of the Secretary, Changanassery Municipality.
2. Order No. G5-6903/12 dated 25.04.2013 of the Secretary, Changanassery Municipality.
3. Order No.V1-12489/13 dated 15.10.2016 of the Director of Urban Affairs, Thiruvananthapuram.
4. Revision petition dated 20.12.2016 submitted by Shri. K Madhu, Junior Health Inspector, Cochin Corporation before Government (Annexure A7).
5. Order dated 13.01.2017 of the Hon. Kerala Administrative Tribunal in O.A(EKM)- 56/2017 filed by Shri. K Madhu, Junior Health Inspector, Cochin Corporation
6. Letter.No.V1-12489/13 dated 18.02.2017 from the Director of Urban Affairs, Thiruvananthapuram.

ORDER

As per Order read as 1st paper above, Shri. K Madhu, Junior Health Inspector Grade II, in Changanassery Municipality was suspended from service on the allegation that he absented unauthorisedly from duty and has not prepared D&O Licence Fee Register. The disciplinary action initiated against Shri. K Madhu was finalised as per the order read as 2nd paper above withholding his two annual increment without cumulative effect and reinstated him into service.

2. Aggrieved by the above order Shri. K Madhu filed appeal petition

before the Director of Urban Affairs, Thiruvananthapuram. The Director of Urban Affairs considered the appeal petition and disposed the same by modifying the punishment imposed on him as one increment bar without cumulative effect and the period of suspension was treated as Leave Without Allowance as per the order read as 3rd paper above.

3. Against this order of Director of Urban Affairs, Shri. K Madhu filed revision petition read as 4th paper above before Government with a prayer to set aside the order of the Director of Urban Affairs and to direct the Director of Urban Affairs to regularise his suspension period as Leave Without Allowance on medical grounds and to grant all consequential monetary benefits.

4. Shri. K Madhu, Junior Health Inspector has also filed O.A(EKM)-56/2017 before the Kerala Administrative Tribunal with a prayer to direct the 1st respondent, Government to dispose his review petition within a time frame. The Hon. Tribunal in its Order read as 5th paper above directed Government to take a decision on Annexure A7 Review Petition, after hearing the applicant within a period of three months from the date of receipt of a copy of the order.

5. In accordance with the direction of the Hon. Kerala Administrative Tribunal the Under Secretary, Local Self Government Department heard the applicant on 19.04.2017. In the hearing Shri. K Madhu submitted that while working as Junior Health Inspector Grade II, in Changanassery Municipality in the year 2012, he contracted a rare skin disease causing uncontrolled itching disabling him from doing work. Hence he was on leave for one month in April, 2012 and he rejoined duty on May 2012. By the end of May his disease recurred with even more force. He immediately reported the matter before the Health Inspector and sent a leave application through his colleague. While undergoing medical treatment he had to face unjustifiable suspension from service. The Secretary Changanassery Municipality initiated disciplinary action against him by serving Memo of Charges. He had submitted medical certificates showing the details of the treatment. But the Secretary was not satisfied with the explanation and documents produced by him and ordered to withhold his two annual increment without cumulative effect and to reinstate him into service as per order dated 25.04.2013. He submitted that none in that office showed any humanitarian consideration to him and there was a lobby trying to move him out of Changanassery

Municipality. He requested Government to cancel his suspension order and to consider his suspension period as Leave Without Allowance on medical grounds.

6. Government have examined the case in detail with the report of the Director of Urban Affairs read as 6th paper above. The oral submission and physical appearance of the petitioner establishes the fact that Shri. K Madhu suffers from the skin disease. It is also obvious that his colleagues in office who knew about his earlier bouts of the same illness did not extend a humanitarian approach while processing his absence from the office.

7. Considering the above circumstances the suspension order in respect of Shri. K Madhu read as 1st paper above is cancelled with a direction to the Director of Urban Affairs to treat the period of suspension as Leave Without Allowance on medical grounds. The petitioner shall submit proper leave application with all mandatory records and details for regularising the period of suspension as Leave Without Allowance on medical grounds through proper channel.

8. The revision petition dated 20.12.2016 filed by Shri. K Madhu read as 4th paper above is disposed of accordingly in compliance with the Court Order read as 5th paper above.

(By Order of the Governor)

SHIBU A T

Under Secretary to Government

To

1. The Advocate General, Kerala, Thiruvananthapuram(With C/L)
2. The Director of Urban Affairs, Thiruvananthapuram
3. Shri. K Madhu Junior Health Inspector, Cochin Corporation
4. The Secretary, Changanassery Municipality
5. The Executive Director, Information Kerala Mission,
Thiruvananthapuram (For publishing this order in the web-site).
6. Stock file/Office Copy.

Forwarded/By Order



Section Officer