



**GOVERNMENT OF KERALA**

**Abstract**

Local Self Government Department- Judgment dated 18.11.2019 in OA No. 2219/2015 filed by Shri. Sivasankara Veerasaivan, Municipal Secretary (Rtd)- Complied with - Orders issued.

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

G.O.(Rt)No.78/2022/LSGD Dated,Thiruvananthapuram, 11/01/2022

- Read 1 Judgment dated 18.11.2019 in OA No. 2219/2015 filed by Shri. Sivasankara Veerasaivan, Municipal Secretary (Rtd).
- 2 Interim Order dated 15.12.20121 in MA No.2011/2021 in OA No. 2219/2015 filed by Shri. Sivasankara Veerasaivan, Municipal Secretary (Rtd).

**ORDER**

Shri.K.V.Sivasankara Veerasaivan , Municipal Secretary , compulsorily retired from service filed O.A. No. 2219/2015 requesting to direct the respondents (Secretary to Government Urban Affairs, Director of Urban Affairs and Accountant General (A&E)) to grant pension and retirement benefits as on the date of compulsory retirement.

The Hon'ble KAT, as per the order dated 18.11.2019 disposed of O.A. No.2219/2015 filed by Shri.K.V.Sivasankara veerasaivan with a direction to the 1<sup>st</sup> respondent (State of Kerala represented by Secretary, Urban Affairs) to consider Annexure A6 representation expeditiously after giving an opportunity of being heard to the applicant and to issue orders on Annexure A6 representation within three months from the date of receipt of a copy of the order.

In Annexure A6 representation Shri.K.V.Sivasankara Veerasaivan has requested to direct the Director of Urban Affairs to sanction his retirement benefits. The petitioner while working as Assistant Secretary in Thrissur Municipality was placed under suspension as per

order dated 15.12.1999 on the basis of allegations regarding bribery against him. He was later reinstated on 27.11.2000 subject to the disciplinary proceedings. The Vigilance Tribunal found him guilty of charges and he was imposed with a penalty of compulsory retirement on 27.10.2007 . The applicant submits that he had been under suspension from 15.12.1999 to 26.11.2000. The proceedings initiated against him has been finalized by compulsorily retiring him from service. But the period of suspension has not been regularised so far and hence his probation has not been declared, increment has not been sanctioned and the pensionary claims was not finalised .

As per the order of Hon'ble KAT in Order dated 18.11.2019 in OA 2219/2015, personal hearing was conducted via online platform at 11.30 am on 28.12.2021 . The petitioner and the Administrative Officer from the Directorate of Urban Affairs has participated in the Hearing.

At the time of Hearing the petitioner submitted that he had been under suspension from 15.12.1999 to 26.11.2000. The proceedings initiated against him has been finalized by compulsorily retiring him from service. But the period of suspension has not been regularised so far and hence his probation has not been declared, increment has not been sanctioned and the pensionary claims was not finalised .

Disciplinary action is pending against the applicant in the following cases.

1.File No. EU1/368/2015/LSGD

A Vigilance case was registered against Shri. Sivasankara Veerasaivan, former Secretary, Adoor Municipality on the allegation of cheating and receiving money from Shri.Sasi Kumar and has recommended action against Shri. Sivasankara Veerasaivan for reduction of pension under Rule 59(b) of Part III KSRs. The Director of Urban Affairs has reported that the Secretary, Adoor Municipality has informed that based on audit reports, an amount of Rs. 11,44,887/- has been fixed as liability of Shri.Sivasankara Veera Sivan, former Secretary, Adoor Municipality and directed him to remit the amount, but he has not remitted the amount or replied.

2.File No. EU1/76/2015/LSGD(67240/EU1/2007/LSGD)

After receiving the Government Order G.O. (Rt) No.251/07/Vig. Dated 27.10.2007 , imposing compulsory retirement on 2.11.2007, Shri.Sivasankara Veera Saivan continued as Municipal Secretary,

Kodungallur Municipality up to 15.11.2007 and misused the official position. As directed by this Department, Finance Inspection Wing conducted an inspection and on the basis of the recommendation of the Finance Inspection Wing the following actions were taken.

(i) a crime case No.711/10 u/s 403,420 IPC has been registered in Kodungallur Police Station on 24.5.2010 for his criminal action of holding the post of Secretary, Kodungallur Municipality for the period from 02.11.2007 to 15.11.2007.

(ii) The Director of Urban Affairs has also been directed to recover the advance received by him which was not adjusted so far, from his pensionary benefits.

(iii) Local Self (AA) Department was requested to conduct a special audit and enquiry in the Kodungallur municipality for the period from 31.07.2006 to 02.11.2007. ie.the period of Sri.Sivasankara Veera Saivan holding the post of Secretary Kodungallur Municipality.

The detailed report containing all the details of this matter has been called for from the Director of Urban Affairs for taking a final decision in this case and the same has not been received yet. Further,the remarks of Finance Department has been sought on regularisation of suspension period in respect of the petitioner . The final decision on regularisation is to be taken on receiving the remarks of Finance Department and Vigilance Department. Further the proposal for declaration of his probation has to be examined in consultation with Finance, Vigilance and P&ARD . On completing the above action and on the finalisation of Disciplinary case and other enquiries pending , the proposal for sanctioning his retirement benefits has to be examined in consultation with Finance Department.

Government have examined the matter in detail. In order to finalise the disciplinary actions pending against the applicant, for finalising the proposal for regularisation of suspension period, Declaration of Probation and for finalising the pension proposal some more time is required. Since procedural formalities have to be observed in the case of disciplinary action and on proposal for regularisation, probation and pension , Government have to consult with the Finance, Vigilance and P&ARD as the petitioner has been imposed with a penalty of compulsory retirement as it is found that he was guilty of charges . Hence the

Annexure A6 representation of the petitioner is rejected at present. Thus the order dated 18.11.2019 in OA No.2219/2015 is complied with accordingly.

(By order of the Governor)  
Biju Prabhakar  
Secretary

To:

The Advocate General , Thiruvananthapuram (With C/L)

The Director of Urban Affairs, Thiruvananthapuram.

The Principal Accountant General (A&E/Audit), Kerala.

Shri. Sivasankara Veerasaivan, Municipal Secretary (Rtd) (Through  
Director of Urban Affairs)

The Executive Director, Information Kerala Mission,  
Thiruvananthapuram.

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Section Officer