

പതിനാലാം കേരള നിയമസഭ

ഒൻപതാം സമ്മേളനം

നക്ഷത്രചിഹ്നമിടാത്ത ചോദ്യം നമ്പർ : 1253


30/01/2018-ൽ മറുപടിക്ക്

പെൻഷൻ ആനുകൂല്യങ്ങൾ നല്കാൻ നടപടി

ചോദ്യം

ഉത്തരം

| ശ്രീ.വി.ആർ.സുനിൽ കുമാർ | പ്രൊഫ.സി.രവീന്ദ്രനാഥ് (ബഹു. വിദ്യാഭ്യാസ വകുപ്പ് മന്ത്രി) |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>എ) തിരുവനന്തപുരം റവന്യൂ ജില്ല വിദ്യാഭ്യാസ ഓഫീസിലെ എ.ഒ ആയിരുന്ന ശ്രീ. ജയകുമാറിന് 30.09.2016-ലെ കേരള അഡ്മിനിസ്ട്രേറ്റീവ് ട്രൈബ്യൂണലിന്റെ ഒ.എ. 92/2016 നമ്പർ ഉത്തരവ് അനുസരിച്ച് 2 മാസത്തിനുള്ളിൽ പെൻഷൻ ആനുകൂല്യങ്ങൾ നല്കാൻ വിധി ഉണ്ടായിട്ടും ആയത് നടപ്പാക്കാത്തതിന്റെ കാരണം വ്യക്തമാക്കുമോ;</p> | <p>എ) ബഹു.കേരള അഡ്മിനിസ്ട്രേറ്റീവ് ട്രൈബ്യൂണലിന്റെ 30.09.2016 ലെ OA No.92/2016 നേലുള്ള വിധിന്യായം 17.01.2017 ലെ സർക്കാർ ഉത്തരവ് (സാധാ)നം.93/2017/പൊ.വി.വ പ്രകാരം നടപ്പിലാക്കി ഉത്തരവ് പുറപ്പെടുവിച്ചിട്ടുണ്ട്. വിശദാംശങ്ങൾ അനുബന്ധമായി ചേർക്കുന്നു.</p> |
| <p>ബി) പ്രസ്തുത ഉത്തരവ് നടപ്പാക്കാത്തതിനാൽ ശ്രീ. ജയകുമാർ ബഹു. ഹൈക്കോടതിയിൽ ഒ.എ.963/17 പ്രകാരം പെറ്റീഷൻ നല്കി 8 മാസം കഴിഞ്ഞിട്ടും സർക്കാരിന്റെ ഭാഗത്ത് നിന്ന് മറുപടി ഫയൽ ചെയ്യാതിരുന്നിട്ടുണ്ടോ; എങ്കിൽ കാരണം വ്യക്തമാക്കുമോ;</p> | <p>ബി) ശ്രീ. ജയകുമാർ, കേരള അഡ്മിനിസ്ട്രേറ്റീവ് ട്രൈബ്യൂണലിന്റെ എറണാകുളം ബെഞ്ചിൽ OA(EKM) 963/17 നമ്പരായി ടിയാന്റെ പ്രൊബേഷൻ ഡിക്ലെയർ ചെയ്യുന്നത് സംബന്ധിച്ച് ഒരു കേസ് നിലവിലുണ്ട്. പ്രസ്തുത കേസിൽ സർക്കാരിന്റെ വസ്തുതാ വിവരണ പത്രിക എതിർവാദ പത്രിക തയ്യാറാക്കുന്നതിനായി അഡ്വക്കേറ്റ് ജനറലിന് നൽകിയിട്ടുണ്ട്.</p> |
| <p>സി) ശ്രീ. ജയകുമാറിന് പെൻഷൻ ആനുകൂല്യങ്ങൾ നല്കുന്നതിന് അടിയന്തര നടപടി സ്വീകരിക്കുമോ?</p> | <p>സി) ശ്രീ.ജയകുമാറിനെതിരെ വിവിധ കേസുകളിൽ അച്ചടക്കനടപടികൾ സ്വീകരിച്ചു വരുന്നതിനാൽ താല്പാലികമായി പെൻഷൻ അനുവദിച്ചിട്ടുണ്ട്. അച്ചടക്ക നടപടികൾ പൂർത്തിയാക്കി മറ്റ് ആനുകൂല്യങ്ങൾ നൽകുന്നതിന് നടപടികൾ സ്വീകരിച്ചു വരുന്നു.</p> |



സെക്ഷൻ ഓഫീസർ



GOVERNMENT OF KERALA

Abstract

~~General Education Department - Establishment - Sri.A.O.Jayakumar, Administrative Assistant (Retd) - Declaration of probation in the cadre of AA/AO/APFO - Order of Hon'ble Kerala Administrative Tribunal in OA 92/16 - Complied with - Orders Issued.~~

GENERAL EDUCATION (C) DEPARTMENT

G.O.(R)No.93/2017/G.Edn.

Dated, Thiruvananthapuram, 17/01/2017

- Read:-
1. Government letter No.10215/C3/15/GEdn dated 18/03/2015
 2. Order dated 25/05/2015 of Hon'ble Kerala Administrative Tribunal in OA 776/2015 filed by Sri.A.O.Jayakumar
 3. GO(R)No.5319/15/GEdn dated 12/11/2015
 4. Representation dated 25/11/2015 submitted by Sri.A.O.Jayakumar
 5. Order dated 30/09/2016 of Hon'ble Kerala Administrative Tribunal in OA 92/2016 filed by Sri.A.O.Jayakumar

ORDER

The proposal for declaration of probation of Sri.A.O.Jayakumar, Administrative Assistant, Office of the Deputy Director of Education, Thiruvananthapuram had been rejected by government as per letter read as 1st paper above as disciplinary action was pending against him and the Director of Public Instructions certified his work and conduct as average. Aggrieved by this Sri.A.O.Jayakumar filed OA No.776/15 before the Hon'ble Kerala Administrative Tribunal which in its order read as 2nd paper above directed Government to consider and pass orders on Annexure A10 representation of Sri.A.O.Jayakumar in accordance with law after affording an opportunity of being heard to him. Government after hearing him and considering his representation rejected his appeal petition vide Government Order read as 3rd paper above. Sri.A.O.Jayakumar again filed OA No.92/16 before the Hon'ble Kerala Administrative Tribunal which in its order read as 5th paper above directed Government to consider the question of declaration of his probation in the cadre of Administrative Assistant within a period of 2 months and also to consider and pass appropriate orders on the claims of the applicant for other consequential benefits. He had also submitted a review petition read as 4th paper above. Sri.A.O.Jayakumar retired from service on 30/09/2015 and his pensionary benefits have not yet been released to him for the reason that his probation has not been declared and departmental level disciplinary actions pending against him are not finalized.

The declaration of probation Sri.A.O.Jayakumar has been rejected by Government and the appeal filed against the rejection has also been rejected. There is already a disciplinary case pending against him and upon which a Show Cause Notice is under issue tentatively deciding to impose the penalty of reduction of pension. Another disciplinary case is in progress against him for his alleged involvement in the appointment of Part Time Contingent Menials.

Government have examined the matter in detail. As per Explanation 1 under Sub-rule (c) of Rule 20 of Part II KS&SSRs authority on the suitability of the probationer for full membership may be based on his work and conduct till the date of the decision inclusive of the period subsequent to the prescribed or extended period of probation. The work and conduct of Sri.A.O.Jayakumar as per the certificate dated 16/02/2015 issued by the Director of Public Instruction is average. Also disciplinary cases are pending against him apart from the criminal case registered by the police under the Abkari Act.

The appeal petition filed by him earlier against the rejection of his probation by Government had been rejected. The reasons for rejection of his appeal decided by Government vide 3rd paper above still hold good and also Sri.A.O.Jayakumar could not produce any new evidence in support of his request for declaration of his probation in his review petition which was examined as per the direction of the Hon'ble Kerala Administrative Tribunal read as 5th paper above. Therefore the request of Sri.A.O.Jayakumar to declare his probation in the cadre of Administrative Assistant is rejected.

The pensionary benefits except Provisional pension of Sri.A.O.Jayakumar in the cadre of Administrative Assistant have not been released for the reason that his probation has not been declared and also as disciplinary cases and Police case are pending against him. However the admissibility of any further consequential benefits admissible to him as per the extant rules are under examination.

Thus the order dated 30/09/2016 of Hon'ble Kerala Administrative Tribunal in OA 92/2016 is thus complied with.

(By Order of the Governor)
Seethalekshmi Amma A.,

Deputy Secretary to Government

To

The Director of Public Instruction, Thiruvananthapuram

Smt.A.O.Jayakumar, "Govindam", AMRA-61, Kodunganoor P.O., Vattiyoorkavu, Thiruvananthapuram - 695 013 (through DPI)

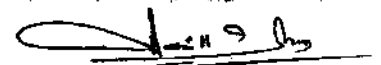
The Principal Accountant General (Audit), Kerala, Typm.

The Principal Accountant General (A&E) Kerala, Thiruvananthapuram

P&ARD (Vide UO No.8120/A2/16/P&ARD dated 08/12/2016

Stock File (File No.66748/C3/16/G.Edn.)/Office Copy.

Forwarded/ By Order



Section Officer