



GOVERNMENT OF KERALA



Abstract

Health & Family Welfare Department - Medical Education Service - Establishment - Order dated 14.12.2021 of the Kerala Administrative Tribunal in O.A No.2238/2021 filed by Dr. Subu. R - Complied with - Orders issued.

HEALTH & FAMILY WELFARE (B) DEPARTMENT

G.O.(Rt)No.82/2022/H&FWD Dated,Thiruvananthapuram, 11/01/2022

- Read:-
1. Order dated 14.07.2021 of the Kerala Administrative Tribunal in O.A No.1281/2021 filed by Dr.Subu.R
 2. G.O.(Rt)No.2022/2021/H&FWD dated 18.09.2021
 3. Order dated 15.12.2021 of the Kerala Administrative Tribunal in O.A No.2238/2021 filed by Dr.Subu.R

ORDER

The applicant was placed under suspension on 07.10.2020 on the basis of the allegation that a criminal case had been registered against him. The applicant under suspension filed OA1281/2021 seeking reinstatement in service. The Kerala Administrative Tribunal, as per the order read as 1st paper above, has directed the Principal Secretary, Health & Family Welfare Department to consider and pass appropriate orders on Annexure A7 representation in accordance with law and after affording an opportunity of hearing to the applicant. In the Annexure A7 representation submitted to Government, the applicant has requested to revoke the order of suspension and reinstate him in service. The representation was rejected by Government as per the Government Order read as 2nd paper above, on the ground that the applicant is influential in social fabric as a Lecturer in Medical Education Service and his presence in service has the possibility to influence the enquiry procedures.

2. Now, as per the order read as 3rd paper above, the Kerala Administrative Tribunal has set aside the Government Order read as 2nd paper above, and remitted the matter back to Government for fresh consideration. It is also directed Government to consider the review of Annexure A1 order of suspension through the suspension review committee, if necessary, taking into consideration of the fact that more than one year had lapsed since the date of suspension. A decision in this regard has to be taken within a period of two months from the date of receipt of a copy of the order.

3. In the order, the Hon. Tribunal has pointed out that the investigating agency has not so far submitted any final report before the criminal court and if a charge sheet is submitted, it will take considerable time for culmination of

the trial. Hence it is necessary for the competent authority concerned to have a review of the suspension with an objective approach taking into consideration the question as to whether continuation of the suspension is an absolute necessity for finalization of the investigation in the criminal case or for continuance of the departmental disciplinary action. It is also directed that while reviewing the matter, all parameters as enunciated in the decisions of the Apex Court and also the observations contained in the order shall be taken note of.

4. Government have examined the matter in detail. The applicant belongs to the cadre of Lecturer (Supernumerary) and hence he was suspended by the Director of Medical Education. Since the Director of Medical Education is the appointing authority, Government are pleased to issue direction to the Director of Medical Education to review the order of suspension through the suspension review committee with reference to the observations in the order of the Hon. Tribunal and to issue orders within the time limit stipulated by the Hon. Tribunal.

5. The order dated 15.12.2021 of the Kerala Administrative Tribunal in in OA O.A No.2238/2021 is complied with accordingly.

(By order of the Governor)
Dr Asha Thomas I A S
Additional Chief Secretary

The Advocate General, Thiruvananthapuram (with C/L)
The Director of Medical Education, Thiruvananthapuram.
The Principal, Government Dental College, Thiruvananthapuram
Dr.Subu.R, Haridevam, Thoppil Lane, Anayara, Thiruvananthapuram.
The Principal Accountant General (Audit/A&E), Kerala,
Thiruvananthapuram.
The Information & Public Relations Department (Web & New Media)
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Section Officer