GOVERNMENT OF KERALA

Abstract
IAS – All India Services (Discipline and Appeal) Rules 1969 – Disciplinary action against Shri. E Devadasan IAS(Rtd) – Finalised – Orders issued.

GENERAL ADMINISTRATION (AIS A) DEPARTMENT
G.O(Rt)No.3061/2019 /GAD Dated, Thiruvananthapuram, 29/05/2019.

2. Letter No.CA/7/IGR/RD dated nil received from Shri. E Devadasan IAS.
6. Written Statement of Defence dated 10.05.2017 from Shri. E Devadasan IAS.

ORDER

The Election Commission of India as per letter read as 1st paper above, informed that during the time of Legislative Assembly Election in Kerala 2016, there was an instance of gross dereliction of duties on the part of Shri. E Devadasan IAS, the then District Election Officer cum District Collector, Kasargod, in implementing Model Code of Conduct. Explanation was called for from the officer for his acts of omission and commission of dereliction of duties. The Election Commission, not being satisfied with the explanation submitted by the above official, informed that under Section 20-A of Representation of People Act, 1951, it is the responsibility of the District Election Officer to supervise and co-ordinate all works related to conduct of election in the District and recommended to initiate disciplinary action against him under the provisions of relevant Conduct Rules by the Competent Authority in State Government.

2. Subsequent explanation submitted by the officer vide 2nd paper above, was also rejected by the Election Commission which in turn directed the State Government, vide 4th paper above, to take disciplinary action against the officer.
Accordingly, Articles of Charges and Statement of Imputations, containing the following charges, were served on the officer.


ii. Feigning ignorance when the Director General, Election Commission of India, on 07.05.2016, directed him to verify the Model Code of Conduct violation.

iii. Failing to comply with the directions of Election Commission of India satisfactorily even on 09.05.2016.

3. In the written statement of defence Shri. E Devadasan IAS has submitted that no dereliction, willful or otherwise occurred on his part in implementing the Model Code of Conduct of Election and had taken all possible steps for the proper implementation of the same. Special squads were appointed and all adequate facilities like vehicles, tools etc. were provided to the anti defacement squads. He has cited lack of sufficient police force, absence of party symbol or names of candidates or slogan on posters and cutouts placed during the visit of the star campaigner of BJP as the major reasons for delayed response. He had intervened and visited the spot personally to settle the issue. He also submitted that in response to the direction of Director General, Election Commission of India on 07.05.2016 to verify the MCC violations, he had tried to put across the facts on ground and had taken action to remove the banners and cutouts by that night itself. The officer has further informed that the practice of the political parties and candidates to put up banners and posters at night was addressed by routinely removing them in the morning. He thus denied all the charges levelled against him.

4. Continuing with the disciplinary proceedings, Government appointed Shri. P H Kurien IAS, the then Additional Chief Secretary (Revenue) as Inquiring Authority, as per the Government Order read as per 7th above. The Inquiring Authority, after perusal of records and statements of witnesses and the official, concluded his findings, in the report read as 8th paper above, that the charges against Shri. Devadasan IAS are not proved beyond doubt.

5. Government have examined the matter in detail. Based on the findings in the inquiry report and considering the explanation of Shri. E Devadasan IAS, Government have decided to drop the disciplinary action initiated against Shri. E Devadasan IAS(Rtd).

(By Order of the Governor)
Tom Jose,
Chief Secretary to Governm.ent.

To

2. Secretary, Election Commission of India, Nirvachan Sadan, Ashoka Road, New Delhi 110001(with C/L).
3. Secretary, Department of Personnel and Training, Government of India, New Delhi 110001(with C/L).
4. The Chief Electoral Officer, Kerala.
5. The General Administration (SC) Department.
6. The Web and New Media, I&PRD

Forwarded/By order,

Section Officer.

Copy to:
The Private Secretary to the Chief Minister.
The Special Secretary to Chief Secretary
PA to the Additional Secretary, General Administration (AIS A&C) Depts.