GOVERNMENT OF KERALA

Abstract

IPS – Shri Tomin J. Thachankary IPS (KL:1987) - Regularization of the period of waiting for posting on reinstatement from suspension - Sanctioned - Modified Orders issued

GENERAL ADMINISTRATION (AIS C) DEPARTMENT

G.O.(Rt) No. 1767/2019/GAD Dated, Thiruvananthapuram, 25.03.2019


ORDER

As per the Government Order read above the period of suspension in respect of Shri Tomin J. Thachankary IPS (KL:1987) from 17.04.2010 to 10.07.2011 and 12.01.2012 to 12.04.2012 was regularized as duty for all purposes limiting the pay and allowances to subsistence allowance already drawn in view of Rules 5B(5), 5B(7), 5B(8) and 5B(9) of All India Services (Discipline & Appeal) Rules, 1969. Also, the intervening periods on reinstatement into service of the above officer from 11.07.2011 to date of rejoining duty i.e. 18.11.2011 and from 13.04.2012 to date of rejoining duty i.e. 03.08.2012 were regularized as joining time and/or leave due, admissible as per Rule 56 B (9), Part I, KSRs.

2. Aggrieved by this Order, Shri Tomin J. Thachankary IPS submitted an appeal read as 2nd paper above. In the appeal petition, he submitted that the disciplinary proceedings initiated against him has ended in exoneration, issuing a "severe warning" and as "severe warning" is not considered to be a punishment as per the All India Services(Discipline & Appeal) Rules, he requested to regularize the suspension periods as duty for all purpose including full pay and allowances. He also requested to regularize the period of waiting for posting on reinstatement as duty.

3. Government have examined the matter in detail. As per Rule 5B(3) of the All India Services(Discipline & Appeal) Rules, 1969, full pay and allowances can be admitted only where the suspension is treated as wholly unjustified on the ground that the the
disciplinary action resulted in full exoneration of charges beyond any reasonable doubt. Since the disciplinary action initiated against the officer was concluded with the award of 'severe warning', his request to regularize the suspension periods as duty for all purposes with full pay and allowances cannot be agreed to. However, Government are pleased to regularize the period of his waiting for posting on reinstatement from suspension from 11.07.2011 to 18.11.2011 and from 13.04.2012 to 03.08.2012, as duty for all purposes including pay and allowances.

4. The Government Order read as 1st paper above stands modified to the above extent.

(By Order of the Governor)

Tom Jose
Chief Secretary

To

Shri. Tomin J. Thachankary IPS, Additional Director General of Police, Coastal Security (Through the Director General of Police & State Police Chief).
The Principal Accountant General (G&SSA), Kerala, Thiruvananthapuram.
The Accountant General (A&E), Kerala, Thiruvananthapuram
The Director General of Police & State Police Chief, Kerala, Police Headquarters,
    Thiruvananthapuram.
The General Administration (SC) Department
The Finance Department (Vide U.O.No.580289/Rules-A2/17/Fin dated
    31.08.2017)

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Section Officer.