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GAL/3/31392/14

Dated 15 / 07/2022

Notice issued under Clause 40(1)(b) of SRO 293/72

WHEREAS You, Dr. Anil S. S Assistant Professor, COVAS Mannuthy, has committed the offence of unauthorized absence w.e.f 27.07.2010 by not rejoining duty after availing LWA under Appendix XII A Part I & II KSR for 5 years, w.e.f 27.07.2005 to 26.07.2010 , thereby attracting the provisions under Clause 9 of Appendix XII A KSR Part I & II. . You have violated the Government Servants conduct rules and conditions stipulated in the order sanctioning LWA . Hence you have committed the offence of unauthorised absence .

AND WHEREAS you were issued a Memo of Charges and Statement of Allegations and you had submitted your statement of defence. As the explanation was not found satisfactory, a formal enquiry under clause 30 of SRO 293/72 has been conducted. In the inquiry you have been found guilty of all the charges levelled in the Memo of Charges and Statement of Allegations.

AND WHEREAS on a careful consideration of the inquiry report (copy enclosed) it has been concluded that the gravity of the charge is such as to warrant the imposition of a major penalty as per KAU Statute and accordingly it is proposed to impose the penalty of removal from the University service which shall not be a disqualification for future employment under Clause 23 (vii) of SRO 293/72.

NOW THEREFORE, You are hereby given an opportunity of making representation, if any, on the penalty proposed above. Any representation which you wish to make against the penalty proposed will be examined by the undersigned. Such a representation, if any, should be made in writing and submitted so as to reach the undersigned not later than 15 days from the date of receipt of this notice. In case no reply is received within the stipulated time, it will be presumed that you have no explanation to submit and further action will be initiated against you.

The receipt of this notice should be acknowledged.

// By Order of the Vice Chancellor //



Encl: As above

To,

Dr. Anil. S.S
Assistant Professor,
C/o Mrs. Leela Narayanan,
Souparnika, TC-46/32
Puthurkkara, Ayyanthole.P.O, Thrissur-3

Joseph
15th 22
Registrar
Kerala Agricultural University
KAU P.O., Thrissur - 680 656

Report on the enquiry on the charges levelled against Dr. Anil, S.S, Assistant Professor (on LWA), Kerala Agricultural University, Vellanikkara

Ref:

1. GAL3/31392/2014 dated 07/01/2022
2. GA/C3/9284/2002 dated 25/06/2002
3. GA/C3/9284/2002 dated 01/09/2005
4. GAL3/31392/2014 dated 28/02/2015
5. GAL3/31392/2014 dated 22/12/2021
6. G.O. (P) No. 209/84/Fin. dated 12/04/1984
7. G.O.(A)/No. 152/2020/Fin. dated 05.11.2020
8. DEAN/CCCES/2022 dated 22/02/2022, 25/02/2022, 30/03/2022
9. DEAN/CCCES/2022 dated 04/04/2022
10. DEAN/CCCES/2022 dated 05/04/2022
11. DEAN/CCCES/2022 dated 24/06/2022

As per the Ref. (1) cited, Dr. P.O. Nameer, DEAN, College of Climate Change and Environmental Science, Kerala Agricultural University (KAU), Vellanikkara, Thrissur has been appointed as the Enquiry Officer to conduct an enquiry and submit the report on the charges levelled against Dr. Anil, S.S, Assistant Professor (on LWA), Kerala Agricultural University. Accordingly, the Enquiry Officer had conducted a detailed enquiry and am submitting herewith the report.

Background:

- Dr. Anil, S.S, Assistant Professor (on LWA), Kerala Agricultural University, while working at College of Veterinary and Animal Sciences, KAU, Mannuthy, Thrissur, was sanctioned with Leave Without Allowance (LWA) for three years from 27/07/2002 to 26/07/2005 for joining spouse as per the conditions laid down in Appendix XII C, Part I, KSR (Ref. 2).
- The LWA for Dr. Anil, S.S, Assistant Professor (on LWA), was extended from for another five more years from 27/07/2005 to 26/07/2010 for employment aboard under Appendix XII A, Part I, KSR (Ref. 3).
- Vide Ref. 4 & 5, The Registrar, KAU has issued the Memo of charges against Dr. Anil, S.S, Assistant Professor (on LWA) on two occasions in 2015 and 2021.
- Vide Ref. 6, the government order reads that, ***“those employees who go way unauthorizedly, without getting the leave sanctioned will automatically stand discharged from service”***
- Vide Ref. 7, the government order explicitly states that the eligible LWA duration has been reduced from 20 years to 5 years. The GO also adds that if anyone refuses to join after the 5-year LWA period, it has to be considered ***“deemed resignation”***.
- Vide Ref. 8 cited three communications were sent to Dr. Anil, S.S. to appear before the Enquiry Officer. In response to the third communication, he informed that he is in the US and cannot appear physically before the Enquiry Officer.
- Accordingly, vide Ref. 9 cited Dr. Anil, S.S. was requested to appear for an online hearing, and a zoom link was also sent, but which also he did not attend
- Vide Ref. 10 cited, I have requested Dr. Anil, S.S. to submit any statement that he wants to report before the Enquiry Officer, which also he refused to do.
- Vide Ref. 11 cited, Dr. Anil, S.S. was given one more last chance to explain any legitimate points that he wants to make to which also he did not make any satisfactory response

Statement of Facts:

1. One of the conditions of the LWA is that if the incumbent fails to report for duty on expiry of leave granted, his service will be terminated as per procedure laid down in Kerala Civil Service Rules (CC&A) 1960
2. In spite of the two Memo of charges issued by the Registrar, KAU to Dr. Anil, S.S, he did not report back for duty upon the expiry of the LWA, more than a decade back.
3. Not only that Dr. Anil SS, did not join back for duty upon expiry of his LWA on 26/07/2010, in his response to the KAU Registrar on 31 December 2021 (which is after about 11 years of his unauthorized absence from KAU service) he says that, ***“Since I was under the impression that my leave request was approved, I had agreed to continue my job with employer abroad. Breaking this contract would cause great disruption in my personal and professional life”.***
4. This is a clear case of imprudent behavior from the part of a responsible government servant and it thus warrants stringent disciplinary action against such an officer.

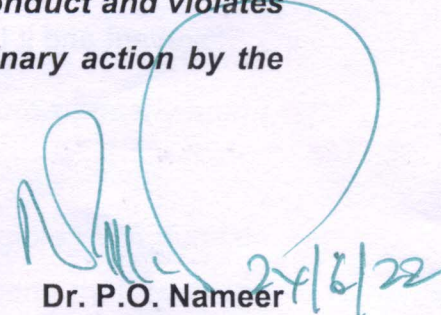
Findings of the Enquiry Officer:

The Enquiry Officer finds that Dr. Anil, S.S has been on unauthorized absence since 26/07/2010 (for close to 12 years)

Conclusion:

The Enquiry Officer conclude that,

- a. *Dr. Anil, S.S, Assistant Professor (on LWA), Kerala Agricultural University has been on unauthorized absence from the KAU service since 26/07/2010.*
- b. *The action of Dr. Anil, S.S, Assistant Professor (on LWA), Kerala Agricultural University, is highly irregular and involves official misconduct and violates the service rules and hence warrants stringent disciplinary action by the competent authority.*



Dr. P.O. Nameer 27/6/22

College of Climate Change and Environmental Science
Kerala Agricultural University (KAU)
Vellanikkara, Thrissur

24 June 2022

Enclosures: as above