

The Labour Commissioner, Kerala.

No. E(1)- 1701 /2018

Thiruvananthapuram,
Dated. 20/02/2020.

From

The Labour Commissioner,
Kerala.

To

1. All the Regional Joint Labour Commissioners/Chief Inspector of Plantations/ Joint Labour Commissioner.
2. All Deputy Labour Commissioners of Labour Department.
3. All District Labour Officers of Labour Department.
4. All Deputy Labour Officers of Labour Department
5. All Assistant Labour Officer Grade- I/ Inspector of Plantations.
(Through web-site)

Sir,

Sub: O.A No. 2426/2018 filed by Sri. G. Baby, former Deputy Labour Officer (Retd) - Order dated. 28/5/2019 of the Hon'ble. Kerala Administrative Tribunal- Assigning Seniority in the Seniority List of Deputy Labour Officers as on 15/08/2018- Objection called for- Reg.

- Ref:
1. GO (Rt). No. 83/2018/LBR dated. 18/1/2018
 2. GO (Rt) No. 787/2018/LBR dated. 29/06/2018.
 3. Letter No. D3/563/2018-LBRD dated. 19/1/2019.
 4. Order dated. 28/5/2019 of the Hon'ble. Kerala Administrative Tribunal in O.A No. 2426/2018 filed by Sri. G. Baby, former Deputy Labour Officer (Retd)
 5. GO (Rt) 1426/2019/LBR dated. 20/11/2019
 6. Decision of the ad-hoc DPC (Lower) held on 18/2/2020.
 7. Government Letter No. D3- 6/2020/LBR dated. 2/03/2020

Based on the report from the Chief Welfare Fund Inspector, Kerala Abkari Workers' Welfare Fund Board, Government of Kerala have suspended Sri. G. Baby, former Assistant Labour Officer Grade- I who was on deputation in the Kerala Abkari Workers' Welfare Fund Board vide Government Order 1st cited. As per D3-23/2018/LBR dated. 29/3/2018, Government have served memo of charges for major penalty against Sri. G. Baby. The Departmental

Promotion Committee (Lower) for preparation of select list for the year 2018 for promotion to the post of Deputy Labour Officer was held on 3/4/2018. The DPC recommended to exclude Sri. G. Baby from the select list and Government accepted that recommendation of the DPC(Lower) and approved the select list vide Letter No. D3/124/2018/LBRD dated. 4/5/2018. Later Government reinstated Sri. G. Baby in to service vide GO (Rt) No. 457/2018/LBR dated. 17/4/2018, subject to disciplinary action. As per GO (Rt) No. 787/2018/LBR dated. 29/06/2018, Government finalized the disciplinary action against Sri. G. Baby by imposing a penalty of withholding one increment for a period of 3 months. Considering this position, Government vide GO (Rt) No. 1431/2018/LBR dated. 17/12/2018, directed the Labour Commissioner to convene adhoc-DPC (Lower) and review the select list 2018 for promotion to the category of Deputy Labour Officer. Based on this Government Order, the adhoc-DPC (Lower) convened on 11/1/2019 and recommended to restore the seniority of Sri.G. Baby in between Sri. B. Devadas and Sri. M.P Haridasan as Sl No. 1.A in the select list 2018. The DPC made it clear that this recommendation is subject to the finalization of all disciplinary proceedings including finalization of review petition preferred by Sri. G. Baby before the Government and subject to regularization of his suspension period. Government accepted that recommendation of the DPC (Lower) vide Letter No. D3/563/2018-LBRD dated. 19/1/2019 and the Labour Commissioner notified the revised Select List 2018 of Deputy Labour Officers.

2. Sri. G. Baby again challenged the imposition of minor penalty against him vide GO (Rt) No. 787/2018/LBR dated. 29/06/2018 by filing O.A No. 2426/2018 before the Kerala Administrative Tribunal. In the meantime he retired from service on 31/5/2019. The Hon'ble. Kerala Administrative Tribunal found that the accused was given memo of charges for major penalty. However without conducting formal enquiry as envisaged in Rule 15 of Kerala Civil Services (Classification, Control & Appeal) Rules, 1960 the penalty of withholding of increment is imposed. As it is a procedure lapse the Hon. Kerala Administrative Tribunal set aside the Government Order imposing penalty on the applicant and directed the 3rd respondent (Labour Commissioner, who is the Convenor of the DPC (Lower)) to take a decision on the restoration of seniority of the applicant in the cadre of the Deputy Labour Officer within a period of 2 months from the date of receipt of a certified copy of the order.

3. Government have now regularized the period of suspension of Sri. G. Baby as duty for all purposes except for pay and allowance of that time vide GO (Rt) 1426/2019/LBR dated. 20/11/2019. The Government have also directed the Labour Commissioner to restore his seniority.

4. The ad-hoc DPC (Lower) held on 18/2/2020 analysed the entire issue. The DPC has noted that at present there is no disciplinary action imposed on the applicant and his period of suspension has already been regularized as duty for all purposes except for pay and allowances. More over on the recommendation of this DPC, revised select list 2018 of Deputy Labour Officers have been notified and issued by the Labour Commissioner in which seniority

of Sri.G. Baby is fixed in between Sri. B. Devadas and Sri. M.P Haridasan as '1.A'. The DPC has also noted that Sri. M.P Haridasan was promoted to the post of Deputy Labour Officer as per Proceedings No. E(1)- 3256/2018 dated. 10/05/2018 of the Labour Commissioner and he took charge on 16/05/2018. This DPC has pertinently noted that even though Sri. Baby is now placed in the select list above Sri. Haridasan, he is promoted as Deputy Labour Officer only as per proceedings No. E (1)- 3932/2018 dated. 18/2/2019 of the Labour Commissioner.

5. In the above circumstances, DPC recommended Government to ;

(i). direct the Labour Commissioner to revise the final seniority list as on 15/08/2018 published in the cadre of Deputy Labour Officers vide Proceedings No. E1- 2795/2017 dated. 22/09/2018 of the Labour Commissioner after due procedure and to place Sri. G. Baby in between Sl. No. 15 and Sl. No.16 (in between Sri. B. Devadas and Sri. M.P Haridasan) as 15.A in that Seniority list.

(ii). After revising this seniority list, Labour Commissioner may be directed to grant notional promotion to Sri. G. Baby as Deputy Labour Officer with effect from the date of assumption of charge as Deputy Labour Officer by his immediate junior Sri. M.P Haridasan (i.e with effect from 16/05/2018), on specific condition that Sri. G. Baby will not be granted back arrears of pay and allowances as instructed in GO (P) No. 629/2010/Fin dated. 25/11/2010.

(iii) After granting of notional promotion, the Labour Commissioner may be directed to revise the pensionary benefits of Sri. G. Baby in consultation with the Accountant General (A&E), Kerala.

6. The Government have approved the recommendation of the Adhoc- DPC (Lower) held on 18/2/2020 and intimated this fact as per Letter 7th cited.

7. In the above circumstances, it is provisionally decided to include Sri. G. Baby in between Sl. No. 15 and Sl. No.16 (in between Sri. B. Devadas and Sri. M.P Haridasan) as 15.A in the final Seniority list of Deputy Labour Officers as on 15/08/2018.

A copy each of the Order dated. 28/5/2019 of the Hon'ble. Kerala Administrative Tribunal in O.A No. 2426/2018 filed by Sri. G. Baby, former Deputy Labour Officer (Retd), the final seniority list as on 15/08/2018 published in the cadre of Deputy Labour Officers vide Proceedings No. E1- 2795/2017 dated. 22/09/2018 of the Labour Commissioner, a copy of the GO (Rt) 1426/2019/LBR dated. 20/11/2019, revised Select List 2018 of Deputy Labour Officers and revised draft seniority list of seniority list as on 15/08/2018 of Deputy Labour Officers are enclosed. If any person has valid objection on restoring the seniority of Sri. G. Baby as noted in the draft seniority list of Deputy Labour Officers may file a written objection through proper channel to the under signed within 15 days from the date of this notice.

Your faithfully


Labour Commissioner

DRAFT REVISED SENIORITY LIST OF DEPUTY LABOUR OFFICERS IN LABOUR DEPARTMENT AS ON 15.08.2018

SL. NO	NAME	QUALIFICATION		DATE OF BIRTH	DATE OF COMMENCEMENT OF CONTINUOUS SERVICE	DATE FROM WHICH WORKING IN PRESENT POST	REMARKS (promotion Order)
		GENERAL	SPECIAL				
1	2	3	4	5	6	7	8
1	B.S. RAJEEV	SSLC	Labour Dept: Test	22.05.1967	08.12.1986	21.06.2017	Promoted
2	T.V.RAGHAVAN	SSLC	Labour Dept: Test	05.05.1964	13.09.1990	28.06.2017	"
3	M.MANOJ	PDC	Labour Dept: Test	15.05.1968	30.04.1990	21.10.2017 A.N	E1-7712/2017 dated: 05.10.2017
4	C.S.VENUGOPAL	B.Sc	Labour Dept: Test	10.05.1962	27.08.1990	11.10.2017	RETIRED
5	P.G.VINODKUMAR	SSLC	Labour Dept: Test	20.05.1971	29.08.1990	06.10.2017	"
6	M.S.VENUGOPAL	B.A	Labour Dept: Test	31.05.1969	19.09.1990	01.02.2018	E1-7712/2017 dated: 25.01.2018
7	P.K.DIVAKARAN	SSLC	Labour Dept: Test	20.09.1964	15.09.1990	31.01.2018	"
8	G.VIJAYAKUMAR	B.Sc	Labour Dept: Test	10.05.1966	12.10.1990	01.02.2018	"
9	T.BABURAJ	SSLC	Labour Dept: Test	08.04.1963	30.07.1987	25.01.2018	"
10	K.KRISHNANKUTTY	B.Sc	Labour Dept: Test	23.07.1962	12.08.1987	01.02.2018	RETIRED
11	S.LALJI	B.A	Labour Dept: Test	04.04.1962	20.10.1990	31.01.2018	RETIRED
12	M.KESAVAN	SSLC	Labour Dept: Test	02.05.1965	14.12.1990	07.02.2018	"
13	K.S.SYAM	B.Sc	Labour Dept: Test	28.06.1964	29.12.1988	07.02.2018	"
14	R.SHYLAJA	B.Sc	Labour Dept: Test	12.03.1968	05.01.1991	01.02.2018	"
15	B.DEVADAS	PDC,T/W Eng	Labour Dept: Test	29.5.1964	04.01.1991	21.05.2018	E1-3256/2017 dated: 10.05.2018
15A	G.BABY	BA Dip. N Journalism, Hindi Sahithyacharya	Labour Dept: Test	16.05.1963	11.02.1991	20.02.2019	SENIORITY REVISED AS PER LTR NO.D3-06/2020/LBR DATED.02.03.2020
16	M.P.HARIDASAN	B.Sc,B.Ed	Labour Dept: Test	01.06.1964	09.12.1987	21.05.2018	
17	T.K.JAYACHANDRAN	SSLC	Labour Dept: Test	31.05.1966	21-3-1991	30.05.2018	
18	V.M.VIJAYAN	SSLC	Labour Dept: Test	01.03.1968	04.11.1991	30.06.2018 AN	E1-3256/2018 dated: 11.06.2018
19	T.R.MANOJKUMAR	B.Sc	Labour Dept: Test	04.02.1965	04.03.1991	13.06.2018	"
20	K.KARUNAKARAN	B.A	Labour Dept: Test	01.06.1963	30.10.1991	27.06.2018	"
21	S.JAYASCHANDRAN	M.A	Labour Dept: Test	31.5.1963	31.10.1991	13.06.2018	"
22	I.MARTIN JEEVARAJ	M. A., B.Ed.,T/W Eng.Minority Test in Tamil	Labour Dept: Test	01.08.1962	15.06.1988	13.06.2018	RETIRED