T.A-6587/12

35

Exhibit P1

-35-

SUDHA PILLAI
PRINCIPAL SECRETARY

Office Direct 327586
Tel. 518292
Res. 326725
Fax 0471 326990

FINANCE DEPARTMENT
GOVERNMENT OF KERALA
THIRUVANANTHAPURAM

Email: prlsecy@finance.kerala.gov.in

KERALA ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH THIRUVANANTHAPURAM

Dated 16/03/2004

D.O.No.4971-1/CSFC A1/2004/Fin.

Dear Shri Krishna Prasad,

It is a matter of pride that the official visit of the Twelfth Finance Commission to the State from the 21st to 23rd December 2003 was a success. The Member-Secretary, Twelfth Finance Commission has observed that the discussions with the State Government were professional and of high quality. He has described the protocol arrangements as "impeccable". The presentation of the State's Memorandum to the Commission marked the culmination of a year of hard work by the officers and staff of Finance (Centre-State Finance Cell) Department. Your earnestness and spirit of teamwork is reflected in the success of the whole programme and the unprecedented appreciation from various quarters. I thank you personally and on behalf of the Government of Kerala for having set an example worthy of emulation.

Yours sincerely

(Sudha Pillai)

Shri N.Krishna Prasad
Accounts Officer

This is the true copy of the document marked as Exhibit - P1 referred in the W.P.(C).

36

- 36 -

Exhibit P2

M.S.O (A&E) FROM 62 See Para 13.15 and 13.22 M.S.O (A&E)
SPI.R.

OFFICE OF THE ACCOUNTANT GENERAL (A & E)

K... THIRUVANANTHAPURAM - 695 039

Entt. No. K. 15

PAY / LEAVE SALARY SLIP

No. GE02/D/K.15/1330 Date : 08/08/2008

12/8/08

Sri / Smt / Dr. N KRISHNA PRASAD, JOINT SECRETARY OD AS SR. FINANCE OFFICER, DIRECTORATE OF AGRICULTURE, THIRUVANANTHAPURAM

is informed that he / she is entitled to draw pay / leave salary and allowances at the monthly rates shown below from the dates specified (less amount already drawn)

Particulars	From 20/06/2008 1	04/07/2008 2	3	4	5
Sub. / Cflg. Pay	21200	23200			
Spl. Pay					
P.P					
Others					
Leave Salary					
D.A.	8056	8816			
H.R.A.	1200	1200			
C.C.A.	120	120			
SA/RA/BA	170	170			
Spl. allowance					
HTA/CA/SVDA					
SPA/PGA/KMA					
Others					
Total	30746	33506			

1. Three Zero Seven Four Six
2. Three Three Five Zero Six
3.
4.
5.

R. Sreekala 11/8/08

Senior Accounts Officer

11/8/08

Copy forwarded to : The Sub Treasury Officer, VIKAS BHAVAN

Senior Accounts Officer

NB

It is particularly requested that ... may be attached to the first bill drawn at these rates

This is the true copy of the document marked as Exhibit - P2 referred in the W.P.(C).

37

SP-EL-066397174 - 37 - Exhibit P3
4/8/09

Received on
5-8-09.

भारतीय लेखा तथा लेखापरीक्षा विभाग
महालेखाकार (लेखा एवं हकदारी) का कार्यालय
केरल, एम.जी.रोड, डाक थैला सं 5607,
तिरुवनंतपुरम - 695 039
INDIAN AUDIT ACCOUNTS DEPARTMENT
OFFICE OF THE ACCOUNTANT GENERAL (A&E)
KERALA, M.G. ROAD, P.B. No. 5607
THIRUVANANTHAPURAM - 695 039

सं/No. GE 4D/K15/Fin/935

दिनांक/Date 27-7-09

Shri. N. Krishna Prasad,
Jt. Secretary ODas
Sr. Finance Officer,
Directorate of Agriculture,
Thiruvananthapuram.

Sir,

Sub: Finance Dept - Disciplinary action - finalised - reg.

Ref: GO(ms) No. 612/2007/Fin dated 27/12/07.

As per GO cited the disciplinary action against you has been finalised by giving a minor penalty of barring next increment falling due on 1/5/08 without cumulative effect. But due to the delay in receipt of the GO referred, this office could not act upon the GO. So the unsuffered portion of the increment bar has been

(P.T.O.)

दूरभाष / Telephone : 0471 - 2330311 फैक्स / Fax : 0471 - 2330242 तार / Grams : ACCOUNTS TRIVANDRUM
ई-मेल / E-mail : agaekerala@dataone.in Website : http://www.agker.cag.gov.in

38

4

KERALA ADMINISTRATIVE TRIBUNAL * PRINCIPAL BENCH THIRUVANANTHAPURAM *

-38- Exhibit P3(2)

:- 2 :-

worked out and it comes to Rs. 5769/-.
The amount may be remitted under the receipt head of Agriculture ~~head~~ department directly in the treasury and the original Chalan may be furnished to this office within one month of the receipt of this letter, failing which necessary instructions will be issued to the treasury to recover the amount from your salary.

Yours faithfully,

Assistant Officer

27/7

This is the true copy of the document marked as Exhibit - P 3 referred in the W.P.(C).

X5
39

-39- Exhibit P4

GOVERNMENT OF KERALA

Abstract

Administration - Disciplinary action against Shri. N. Krishna Prasad, formerly Finance Officer, Land Board - Finalised - Orders issued - reg.

FINANCE (ADMINISTRATION A) DEPARTMENT

G.O (MS) No. 612/2007/Fin

Dated 27th December, 2007

Read:
(1) Memo of Charges No. 72142/Admn A1/06/Fin dated 15.3.2007
(2) Letter dated 7.3.2007 from Shri. Krishna Prasad (requesting to peruse records)
(3) Letter No. 72142/Admn A1/2006/Fin dated 5.5.2007 from GoK to Shri. Krishna Prasad
(4) Letter dated 10.5.2007 from Shri. Krishna Prasad
(5) Interim reply dated 21.8.2007 from Shri Krishna Prasad.
(6) Letter No. 72142/Admn A1/06/Fin dated 7.9.2007 from GoK addressed to Shri. Krishna Prasad.
(7) Letter dated 15.9.2007 from Shri. Krishna Prasad
(8) Letter No. 72142/Admn A1/06/Fin dated 11 October 2007 from Govt of Kerala to Shri. Krishna Prasad rejecting the points raised in the interim reply dated 21.8.2007.
(9) Letter dated "29.10.2007" of Shri. N. Krisnna Prasad addressed to Additional Chief Secretary (Finance)
(10) Letter dated 19.11.2007 of Shri. Krishna Prasad addressed to Additional Chief Secretary (Finance)

1. This is a disciplinary case against Shri. N Krishna Prasad, presently Senior Finance Officer, Directorate of Industries and Commerce, when he was posted as Finance Officer, Land Board.

2. Vide ref (1) cited above, the following are the charges framed against him :

"That you, Shri. N. Krishna Prasad while holding the post of Finance Officer, Land Board, Thiruvananthapuram were found responsible for insulting superior officers leading to severe insubordination. In the attendance of Land Board, you had made some adverse comments against the Secretary, Land Board and pasted a paper on the attendance column of the Secretary in the month of June 2006. In another case, the Secretary, Land Board had insisted to write notes in Malayalam and you made insulting remarks against the Secretary in the note file dated 21.7.2006."

406

KERALA ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH THIRUVANANTHAPURAM-35

40 Exhibit 4(2)

Shri. Krishnan Prasad had been appointed as Finance Officer in Land Board in 2006 in the scale of pay Rs 12930-20250 Shri. V.K. Balakrishnan, Asst Secretary, in a similar scale of pay was working in the same office. Above these persons was the Controlling Officer Shri. P.C. Sanal Kumar IAS, Secretary, Land Board. In the attendance register for June 2006, Shri. Krishna Parasad wrote as follows in the remarks column :

> "As per G.O (P) 388/98 the FO has supervisory control over the AS. Hence his status in the Attendance Register is scaled up above that of FO in accordance with the order of precedence. The Assistant Secretary is requested to ensure that this revised pattern is followed invariably in future".

Sd/- F.O dated 1.6.2006.

4. He also marked / scored off the attendance columns of Asst Secretary Shri. V.K Balakrishnan, thereby recording him as absent. When this was brought to the notice of the Controlling Officer Shri. P.C. Sanal Kumar, Secretary, Land Board, he wrote on the attendance register as follows:

> "ഹാജർ മേൽനോട്ടം അഡീഷണൽ സെക്രട്ടറിയുടെ പരിധിയിൽ വരുന്ന ഭരണ പരമായ കാര്യമാണ്. ഫിനാൻസ് ഓഫീസറുടെ നടപടി അതിരുകടന്നതും ഔദ്യോഗിക മര്യാദകളുടെ ലംഘനവും അതിനുപരി കടുത്ത ധിക്കാരവുമാണ്. കേവലം അണ്ടർ സെക്രട്ടറിയുടെ ഗ്രേയ്ഡിൽ ഉള്ള ഫിനാൻസ് ഓഫീസർ ജോയിന്റ് സെക്രട്ടറിയുടെ ഗ്രേയ്ഡിൽ ഉള്ള AS ന്റെ സൂപ്പർ വൈസറി ഓഫീസർ അല്ല. ഹാജർ പുസ്തകത്തിൽ വരയ്ക്കണമെങ്കിൽ സെക്രട്ടറി വരച്ചുകൊള്ളും. ഫൈനാൻഷ്യൽ കാര്യങ്ങളിൽ വിവേക പൂർവ്വം ഉപദേശം നൽകുന്ന ജോലി ചെയ്താൽ മതി."

Sd/-

(Sanal Kumar)

5. Thereupon, Shri. Krishna Prasad FO obliterated the above noting of Secretary (Land Board) by pasting a white sheet of paper over it. He then wrote on this white sheet as follows

> "പ്രത്യേക ശ്രദ്ധക്ക് ; ഹാജർ പുസ്തകത്തിന്റെ വിശുദ്ധി കളങ്കപ്പെടുത്തരുത്.
>
> ഫൈനാൻസ് ഓഫീസറിനെ കുറ്റകരമായ രീതിയിൽ അപകീർത്തിപ്പെടുത്തുന്ന പരാമർശങ്ങൾ സെക്രട്ടറി ഈ കടലാസ് ഒട്ടിച്ചതിനിടയിലും റണ്ണിംഗ് നോട്ടിലും നടത്തുകയുണ്ടായി. അതുകൊണ്ടാണ് അഭിപ്രായങ്ങൾ രേഖപ്പെടുത്തേണ്ടത് റിമാർക്സ് കോളത്തിലായിരിക്കണം എന്ന വ്യവസ്ഥാപിത രീതിയിൽ നിന്നും വ്യതിചലിച്ചുകൊണ്ട് പ്രതികരിക്കുന്നത്. റണ്ണിംഗ് നോട്ടിലുള്ള അസംബന്ധപരവും അപകീർത്തിപരവുമായ പരാമർശങ്ങളും കടലാസ് ഒട്ടിച്ചു മറച്ചിരിക്കുകയാണ്. കുറ്റകരമായ അപകീർത്തി വരുത്തുകയെന്ന സെക്രട്ടറിയുടെ ലക്ഷ്യം പൂർണ്ണമാകുമെന്നതിനാലാണ് ഈ പരാമർശങ്ങളുടെ വ്യാപനം തടയുന്നത്. വസ്തുതാ പരമല്ലാത്തതും നിരുത്തരവാദപരവുമായ പരാമർശങ്ങൾ വ്യാപരിക്കുന്നതിലൂടെ ലാൻഡ് ബോർഡ് സെക്രട്ടറി ഐ.പി.സി സെക്ഷൻ 499 ൽ നിർവ്വചിക്കപ്പെട്ടിട്ടുള്ള അപകീർത്തി കുറ്റം ചെയ്തു കഴിഞ്ഞു. രണ്ടു വർഷത്തെ തടവും പിഴയും ഉറപ്പാക്കിയിരിക്കുകയാണ്. കൺഫേഡ് ഐ എ എസ് കാർക്ക് ഈ സെക്ഷൻ ബാധകം തന്നെ.
>
> മാന്യതയുണ്ടെങ്കിൽ സെക്രട്ടറി നിർവ്യാജമായും നിരുപാധികമായും മാപ്പു പറയുക.

Sd/-

FO.

Exhibit P4(3)

6. The first point in the charge memo is that the above note of Shri. Krishna Prasad is insulting to the superior officer and consitutes severe insubordination.

7. The second incident leading to the charge arose from a Note dated 20.7.2006 recorded by Shri. Sanal Kumar, Secretary, Land Board in their file No. LB(F2)-3795/06 Centrally Sponsored Scheme for Computerization of Land Records, asking the FO who had written a note in English to write the note in Malayalam. The relevant comment of Shri. P.C. Sanal Kumar, Secretary (Land Board) was as follows:

"നോട്ട് മലയാളത്തിൽ എഴുതി സമർപ്പിക്കുക"

Sd/- Shri. P.C. Sanal Kumar. 20.7.06.

8. When this was brought to the notice of the Finance Officer, he recorded in the file as follows :

> "The note from para 48 - 59 was written in English by the FO as query of the Commissioner in English. Any how as our Secretary is very poor in English language, section may please translate the above paras to Malayalam language so as to enable him to comprehend the matter........".

9. It is the above noting by Shri. Krishna Prasad which has led to the 2nd incident in the charge of insubordination and indiscipline.

10. Before the formal charge memo initiating the disciplinary action was issued, a show cause notice dated 28.10.2006 had been issued to Shri. Krishna Prasad. In reply to the said show cause notice, he had, in fact, admitted clearly that he had written both these notes. The only justification he cited was that there was enough provocation for him to do so. It was not being satisfied with the above reply that the Govt framed formal charges against Shri. Krishna Prasad, initiating minor penalty proceedings.

11. Although the charge memo dated 15.3.2007 had been served on Shri. Krishna Prasad in March 2007 itself, he did not submit any written statement of defense, refuting the allegations / charges. In his letter dated 7.3.2007 (which is obviously the wrong date, because he refers to the memo of charges dated 15.3.2007 in this letter), he asked permission to peruse records available in Fin Dept. A letter was written to him agreeing to allow him to peruse the records on 8.5.2007. In his response dated 10.5.2007 he not only wanted another date and time but also insisted that a vehicle may be provided for his official journey (from the Govt Central Press which is just 250 mtrs away from the Secretariat) to the Secretariat. Another date was given and he finally perused the records and took copies of the same. After perusing the records also, he did not submit any defense against the charge memo. He then submitted a note dated 21.8.2007 ("interim reply to memo of charges") wherein also he did not deny the allegations. In this letter, he expressed the view that the then DS, Admn had mislead the Principal Secretary (Finance) though untruth and deceit, leading to the present memo of charges. He also referred to some errors with regard to dates. In response to this letter, a further letter was addressed by the disciplinary authority on 11.10.2007 to Shri. Krishna Prasad rejecting the preliminary objections in his interim reply dated 21.8.2007 and asking him to submit written statement of defense, if any. He was also asked to appear for a hearing on 30.10.2007, along with the written statement of defense, if any, to the Memo of charges. It was specifically mentioned in the notice that failure to submit written statement of defense will be taken to mean

No he had nothing to say in defense of the charges. He did not turn up for the hearing but submitted another representation dated "29.10.3007" wherein again he has raised issues relating to the action of the then DS Admn, the prejudice of the complainant officer, that a case had been filed by him in the Supreme Court against an order of Shri. A.K. Antony (with regard to denial of salary for the strike period), etc none of which were really relevant to the charges that had been framed. The disciplinary authority then finally fixed another hearing on 19.11.2007.

12. Shri. Krishna Prasad appeared for the hearing on 19.11.2007. Once again, he did not submit any written statement of defense as regards the charges that had been raised or the incidents leading to the charges. He did submit a written statement dated 19.11.2007 once again referring to some inadvertent typographical errors regarding the various subsequent communications, all of which were minor and inconsequential. One of the points raised in the said statement is that he has not been served the memo of charges. On a close reading of this objection it is seen that what he is sying is that subsequent to the initiation of the disciplinary action, he had been promoted as Senior Finance Officer and hence a fresh memo of charges should have been framed against him in his capacity as Senior Finance Officer. This is clearly not a requirement under the Manual of Disciplinary Proceedings. Hence, this objection is overruled. It is noticed that the original memo of charges dated 15.3.2007 has been acknowledged by Shri. Krishna Prasad where he has recorded "Received" and signed underneath. The Director of Printing (the then the Controlling Officer) has initialled this on 23.3.2007, indicating that the memo of charges had actually been served on Shri. Krishna Parasad in March 2007 itself.

13. Although Shri. Krishna Prasad did not submit any written statement of defense admitting or denying the two incidents, leading to the charges, he submitted orally at the time of hearing that he had indeed written notes / comments as alleged in the memo of charges in the attendance register and the file concerned. He stated defiantly during the hearing that if such an incident arose in future, he would still do the same. His entire argument was that the comments / notings recorded by him in the attendance register / file was justified in view of the provocation by Shri. P.C. Sanal Kumar, Secretary Land Board, his controlling officer.

14. The disciplinary authority has considered the above arguments. The action of Shri. Krishna Prasad in having obliterated the comment of his controlling officer by pasting over it is clearly insubordination. The argument at the time of hearing that no one (including the controlling officer) had the authority to write on the main part of the Attendance Register (they can only write in the Remarks column, according to him), even if accepted, is not a valid excuse for having pasted the comments of the superior office with white paper. His action in having recorded a note concluding that the Land Board Secretary has committed the offence of defamation under section 499 of the IPC and thereby ensured fine and imprisonment for 2 years for him is nothing but insubordination. His further written comment that this section of the IPC applies to "conferred IAS also" is insulting to Shri. Sanal Kumar. Hence, this charge is conclusively proved.

15. The recorded note by Shri. Krishna Prasad in file that the Secretary Land Board Shri. Sanal Kumar is "very poor in English Language" and so the section may translate his note in English to Malayalam "so as to enable him to comprehend the matter" is also equally insulting to a superior officer and amounts to insubordination. This charge is also proved.

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X9

43 Exhibit P4(5)

5. Keeping in mind the gravity of the offences and the reluctance of the officer to express regret, it will be justifiable to impose the maximum possible punishment under minor penalty proceedings. Nevertheless, taking a lenient view, it is hereby ordered that the next one increment of Shri. Krishna Prasad will be barred without cumulative effect for a period of one year. Shri. Krishna Prasad is presently in the basic pay Rs 20700 in the scale of pay 20700-500-23200-550-25400-600-26600. His next increment of Rs 500 is due on 1.5.2008. Accordingly, he will not be eligible for the increment falling due on 1.5.2008. On 1.5.2009, the withheld increment will be restored to him. His basic pay will thus be restored to Rs 21700 on 1.5.2009.

By Order of the Governor,

K. Jose Cyriac
Additional Chief Secretary (Finance)

To

(1) The Accountant General (A&E) / Audit) Kerala, Thiruvananthapuram.
(2) Shir. N. Krishnaprasad, Senior Finance Officer, Directorate of Industries and Commerce
(3) Stock File
(4) Office Copy.

Forwarded/By order,

Section Officer.

This is the true copy of the document marked
as Exhibit - P 4 referred in the W.P.(C)

X 10

44

M.S.O (A&E) FROM 62 See Para 13.15 and 13.22 MSO (A&E)

44 - Rs. 5452/- maybe recovered being the unsuffered portion of increment bar under the salary head

OFFICE OF THE ACCOUNTANT GENERAL (A & E)

KERALA, THIRUVANANTHAPURAM - 695 039

Exhibit P5

Entt. No. K.15

PAY / LEAVE SALARY SLIP

No. GE02/D/K.15 /1298

Date : 16/09/2009 17-9-09

Sri / Smt. / Dr., N KRISHNA PRASAD, JOINT SECRETARY OD AS SR. FINANCE OFFICER, DIRECTORATE OF AGRICULTURE, THIRUVANANTHAPURAM

is informed that he / she is entitled to draw pay / leave salary and allowances at the monthly rates shown below from the dates specified (less amount already drawn)

Particulars	From 20/06/2008 (1)	01/07/2008 (2)	04/07/2008 (3)	01/01/2009 (4)	(5)
Sub. / Offg. Pay					
Spl. Pay	20700	20700	23200	23200	
P.P					
Others					
Leave Salary					
D.A.					
H.R.A.	7866	9315	10440	12760	
C.C.A.	1200	1200	1200	1200	
SA/RA/BA	120	120	120	120	
Spl. allowance	170	170	170	170	
HTA/CA/SVDA					
SPA/PGA/KMA					
Others					
Total	30056	31505	35130	37450	

1. Three Zero Zero Five Six
2. Three One Five Zero Five
3. Three Five One Three Zero
4. Three Seven Four Five Zero
5.

R. Sreelatha 16/9/09
Senior Accounts Officer

Copy forwarded to : The Sub Treasury Officer, VIKAS BHAVAN

16/9/09

Senior Accounts Officer

IB :

It is particularly requested that the slip may be attached to the first bill drawn at these rates and Entt. No entered as the Account Number at the top of every bill.

Deduction of fund subscriptions and recoveries of Government dues as noted in the last pay certificate should be effected unless otherwise stated or is not recoverable as per rules.

16/9

This is the true copy of the document marked as Exhibit - P 5 referred in the W.P.(C).

X 11

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- 45 -

Exhibit 6

KERALA ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH THIRUVANANTHAPURAM

सत्यमेव जयते

भारतीय लेखा तथा लेखापरीक्षा विभाग
महालेखाकार (लेखा एवं हकदारी) का कार्यालय
केरल, एम.जी.रोड, डाक थैला सं 5607,
तिरुवनंतपुरम 695039
INDIAN AUDIT & ACCOUNTS DEPARTMENT
OFFICE OF THE ACCOUNTANT GENERAL (A&E)
KERALA, M.G. ROAD, POST BAG No. 5607
THIRUVANANTHAPURAM - 695039

सं/No. GE 2/D/K15/1297

दिनांक/Date 12-9-09

The Principal Secretary (Finance)
Finance(Admn.A) Department
Thiruvananthapuram.

Sir,

Sub : Finance Department-Estt. –Disciplinary action against- Shri. N.Krishna Prasad, Jt Secretary – reg:

Ref : (1) GO Ms.No.612/2007/Fin dated 27.12.07
(2) Lr. Dated 4.9.09 of the officer
(3) GE 2/D/K15/934-935 dated 24.7.09

As per Government Order referred (1) the next one increment of Shri. Krishna Prasad has been ordered to be barred without cumulative effect for a period of one year. Accordingly his next increment due is to be barred and this office should give effect to that order. And in the GO it was also specified that next increment is due on 1.5.08. It is not clear how the government could fix the increment date of a gazetted officer without ascertaining the same from Accountant General who is the authority sanctioning increment. In fact the increment due to Shri. Krishna Prasad in the cadre of Deputy Secretary is in 6/08(Probation declared w.e.f 20.06.08) and this office can make the order of increment bar effective w.e.f 1.6.08. Now the officer as per letter cited 2 has represented that as his increment comes in 6/08 and in the GO referred government have ordered to bar increment falling on 1.5.08 it is the violation of kerala civil service rule 1960 to bar the increment due on 6/08. However we have issued him the pay slip barring the increment due in 6/08 in the cadre of Deputy Secretary and directed the official to remit the unsuffered portion of increment bar in the treasury under intimation to this office since he got promotion as Joint Secretary w.e.f 4.7.08 and pay slip issued accordingly. On his promotion his pay as JS is fixed @23200 w.e.f 4.7.08 with respect to the pay Rs.20700. Even if his increment in the post of DS is restored wef 1.6.09, there will be no corresponding change in the pay of JS as the minimum of the JS scale is much above the pay he would have drawn as DS on 1.6.09 consequent on restoration of increment. Hence there is no relevance to his argument regarding restoration of increment.

दूरभाष / Telephone : 0471 - 2330311 फैक्स / Fax : 0471 - 2330242 तार / Grams : ACCOUNTS TRIVANDRUM
ई-मेल / E-mail : agaekerala@dataone.in Website : http://www.agker.cag.gov.in

Yours faithfully
A. Subash
Sr Accounts Officer
(GE)

Shri. N. Krishnaprasad
Jt. Secretary OD to Pr. Finance Officer,
Directorate of Agriculture, Thiruvananthapuram.

9/9/09

This is the true copy of the document marked as Exhibit - P 6 referred in the W.P.(C).

X12

46

1 -46- Exhibit 7

N. Krishnaprasad
SENIOR FINANCE OFFICER

PHONE : 2303348
DEPARTMENT OF AGRICULTURE
KERALA STATE
THIRUVANANTHAPURAM 33

KERALA ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH THIRUVANANTHAPURAM

DATE: 05. X. 09

To

Smt. J. Mahalekshmy Menon,
The Accountant General.(A&E) of Kerala,
Thiruvananthapuram.

Respected Madam,

Sub:- Unlawful recovery from pay and allowances – reg..

Ref:- 1. Your Letter No. GE2/D/15/Fin/935 dt. 27-07-2009.
2. My letter dt. 4-09-2009
3. Your letter No. GE2/D/K15/1297 dt. 17-09-09.
4. Pay slip No. GE-02/D.K15/1298 dt. 17-09-09
5. Letter from the Finance Officer, Directorate of Printing dt. 25-09-07 (copy enclosed)

As per letter 1st cited I was directed to remit an amount of Rs. 5769/- in the receipt head of Agriculture Department directly in the Treasury being the unsuffered portion of the next increment falling on 1-05-08 as per GO(MS)612/2007/Fin dt. 27-12-07, and as per the pay slip forth cited your office has directed to recover a reduced amount of Rs. 5452 only from my salary, (in both cases the arithmetical operation made by your office is not revealed and hence I am unaware of the reason for the difference in the figures related to my increment bar unfortunately happened in your office). Anyhow the deficiency in sanctity bestowed to numerals in your office is very disturbing The direction to Sub Treasury Officer, Vikas Bhavan to recover the above amount from my salary was made by your office despite my reasonable and satisfactory reply to your office vide letter 2nd cited. This action of your office is unlawful and arbitrary on two counts.

(a) As per KCS (CCA) Rules, 1960 the authority competent to take disciplinary action against me is an officer in the rank of Secretary/Principal Secretary/Additional Chief Secretary, appointed by Government in General Administration Department from time to time. As per rules, the appointing authority is the disciplinary authority if no delegation is made by Government. In my case my appointing authority is the head of the General Administration Department and no delegation is made in this regard as per information gathered through RTI Act. (Enclosed)

(b) The following is the terms and conditions of the punishment:
"His next increment of Rs. 500/- is due on 1-5-08. Accordingly he will not be eligible for the increment falling due on 1-5-2008. On 1-5-2009 the withheld increment will be restored to him" (copy of the relevant G.O. attached)

47

47 Exhibit P7 (2)

KERALA ADMINISTRATIVE TRIBUNAL * PRINCIPAL BENCH THIRUVANANTHAPURAM

By the pay slip fourth cited your office has fixed new terms of penalty contrary to the penalty prescribed by my parent Department of Finance. barring increment falling on some other date (20-06-09) instead of increment falling on 1-5-08 as per order of my Department. It is a legal fact that when the disciplinary action has attained finality and a term of penalty awarded to a delinquent officer, no authority except the authority prescribed by the Kerala Civil Services (Classification, control and appeal) Rules 1960 can review and either enhance or reduce the penalty imposed. It may be kindly noted that it is specifically and repeatedly directed by the officer who initiated and finalized disciplinary action against me, in violation of Kerala Civil Services (Classification, Control, Appeal) rules, that it is only the increment falling on 1-5-08 that is barred. It is also a fact that nowhere in the Government Order imposing penalty to me any statutory provision has been mentioned as it cannot rely on any such provision. It is obvious that the Accountant General(A&E) cannot step into the shoes of the Appellate authority and alter the terms of penalty. It has to strictly adhere to the calendar dates specified in the Government order to enforce the penalty or else treat the order unenforceable. The office of the Accountant General (A & E) has to give due regard to calendar dates, as it is universally accepted. **In this context, I unambiguously and categorically contend that the Accountant General (A & E) cannot unauthorizedly alter/enforce the penalty awarded to me by an authority who is incompetent to do that.**

In the circumstance, I request your high office to call for the relevant records and cancel the direction to the Sub Treasury Officer, Vikas Bhavan contained in the pay slip dt. 17-09-09 (fourth cited) immediately so as to enable me to draw my full salary. I painfully inform you that I have not drawn the salary for the month of September, 2009 due to the illegal action of your office which is demoralizing and humiliating to me and hence I hope that an early order will be passed by your good self.

I am also forwarding herewith the letter 5th cited for your information and urgent necessary action according to the Government order in this regard. Hoping that simple arithmetics, sanctity of numerals and calendar dates, fairplay, and provisions of statutes will prevail in your office.

Yours faithfully,

S/d

(N. Krishna Prasad,)

- 48 -

Exhibit P8

48

Regd With A/D.
Right to Information Act

GOVERNMENT OF KERALA
GENERAL ADMINISTRATION (Spl.B) DEPARTMENT

No. 2232/Spl.B2/2008/ GAD

Thiruvananthapuram,
Dated: 15.01.2008

From

Additional Secretary to Government and
State Public Information officer

To

Shri. P. Rajamohanan Nair,
Ambadi, TC 15/89/1,
Cotton Hill,
Thiruvananthapuram-695 010

Sir,

Sub:- GAD- Establishment –Request under Right to Information Act-
Information forwarding of - Reg.

Ref:- Your application dated 05.01.2008

I am to invite your attention to the reference cited and to inform you that the designation of the appointing and disciplinary authorities of the officers of and above the rank of Under Secretary to Government in the Finance Department, Law Department and General Administration Department of Secretariat is an officer in the rank of Secretary / Principal Secretary / Additional Chief Secretary, appointed by Government in General Administration Department from time to time. It may also be informed that the copy of the application has been communicated to Personnel and Administrative Reforms Department for giving information with respect to item No: III.

Yours faithfully,

K. Sulekha,
Additional Secretary to Government and
State Public Information Officer

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49 - Exhibit 8(2)

GOVERNMENT OF KERALA

No.1288/Adv.C2/2008/P&ARD

P & AR (Advice-C) Dept.
Thiruvananthapuram
Dated 1.2.2008

From

The State Public Information Officer

To

Shri. P. Rajamohanan Nair,
Ambadi, T.C. - 15/89/1,
Cotton Hill,
Thiruvananthapuram - 695010.

Sir

Sub:- Request under Right to Information Act - Information forwarding of - Reg.

Ref:- 1) Your application dated 5.1.2008.
2) Letter No. 2232/Spl B2/2008/GAD dated 15.1.2008.

In inviting your attention to the references cited I am to inform you that the power of disciplinary action has not been delegated to some other authority by disciplinary authority.

Yours faithfully

N. PRASANNAN,
Joint Secretary &
State Public Information Officer.

X16

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- 38 - Exhibit P 8(3)

APPLICATION FOR INFORMATION/COPY OF DOCUMENTS INVOKING THE PROVISION OF RIGHT TO INFORMATION ACT

From
P. Rajamohanan. Nair
Ambadi TC 15/89/1
Cotton Hill Trivandrum- 695010

To
The Principle Secretary to Govt.,
General Administration (Services E) Dept.
Government of Kerala,
Thiruvananthapuram

Sir,

I request that the following information/copy of documents may please be made available to me invoking the relevant provisions of RTI Act.

i) The designations of the Appointing Authorities of the officers of and above the rank of Under Secretary of Law Department, Finance Department and General Administration Department of Secretariat.

ii) The designations of the Disciplinary Authorities of the officers of an above the rank of Under Secretary of Law Department, Finance Department and General Administration Department of Secretariat, as per the KCS (CC&A) Rules 1960.

iii) If the power of disciplinary action is delegated to some other authorities by the Appointing Authorities of the above category of officers, copy of the order in this regard.

Received
7/1/08

Yours faithfully,

.Rajamohanan Nair

Trivandrum
5-1-08

Below a court fee worth RS 10 is affixed

This is the true copy of the document marked as Exhibit - P 9 referred in the W.P.(C).

X17

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KERALA ADMINISTRATIVE TRIBUNAL * PRINCIPAL BENCH THIRUVANANTHAPURAM 35

5

Exhibit P9

The oath of office of Ministers of State in the constitution in Malayalam language published under the authority of President of India as per section2 of the Authoritative Texts (Central Laws) Act 1973 and the forged oath of office administered to the Ministers of the Cabinet led by former Chief Minister of Kerala Sri.A.K.Antony

The oath of office of Ministers of State in the Constitution in Malayalam language published under the authority of President of India as per section2 of the Authoritative Texts (Central Laws) Act, 1973	The forged oath of office administered to the Ministers of the Cabinet led by former Chief Minister of Kerala Sri. A.K. Antony.
ക.ഖ. എന്ന ഞാൻ, നിയമം വഴി സ്ഥാപിതമായ ഭാരതത്തിന്റെ ഭരണഘടനയോട് നിർവ്യാജമായ വിശ്വസ്തതയും കൂറും പുലർത്തുമെന്നും ഞാൻ ഭാരതത്തിന്റെ പരമാധികാരവും അഖണ്ഡതയും നിലനിർത്തുമെന്നും ഞാൻസംസ്ഥാനത്തെ ഒരു മന്ത്രി എന്ന നിലയിലുള്ള എന്റെ കർത്തവ്യങ്ങൾ വിശ്വസ്തതയോടും മനസ്സാക്ഷിയെ മുൻനിർത്തിയും നിർവ്വഹിക്കുമെന്നും ഭരണഘടനയും നിയമവുമനുസരിച്ച് ഭീതിയോ. പക്ഷപാതമോ, പ്രീതിയോ, വിദ്വേഷമോ കൂടാതെ എല്ലാത്തരത്തിലുമുള്ള ജനങ്ങൾക്കും നീതി ചെയ്യുമെന്നും ദൈവത്തിന്റെ നാമത്തിൽ സത്യം/സഗൗരവം പ്രതിജ്ഞ ചെയ്യുന്നു.	--എന്ന ഞാൻ നിയമപ്രകാരം ഏർപ്പെടുത്തപ്പെട്ടിട്ടുള്ള ഇൻഡ്യയുടെ ഭരണഘടനയോട് യഥാർത്ഥമായ വിശ്വാസവും കൂറും കാണിക്കുമെന്നും ഇൻഡ്യയുടെ പരമാധികാരവും അഖണ്ഡതയും നില നിർത്തുമെന്നും കേരള സംസ്ഥാനമന്ത്രി എന്ന നിലയിൽ എന്റെ കർത്തവ്യങ്ങൾ വിശ്വസ്തതയോടും മനസ്സാക്ഷിയോടും നിർവ്വഹിക്കുമെന്നും ഭരണഘടനയും നിയമവുമനുസരിച്ച് ഭീതിയോ, പ്രീതിയോ, സ്നേഹമോ, വിദ്വേഷമോ കൂടാതെ എല്ലാ വിധത്തിലുമുള്ള ആളുകളോടും നീതികാണിക്കുമെന്നും ദൈവത്തിന്റെ/അള്ളാഹുവിന്റെ പേരിൽ സത്യപ്രതിജ്ഞ/ദൃഢപ്രതിജ്ഞ ചെയ്യുന്നു.'

The ministers were administered the forged oath of office to rule the people of Kerala 'without love' (sneham koodathe) instead of 'without favour'(pakshapatham koodathe}

This is the true copy of the document marked as Exhibit P9 in the WP(C)

Party in person

X18

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Exhibit-P10

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE M.RAMACHANDRAN

THURSDAY, THE 1ST APRIL 2004 / 12TH CHAITHRA, 1926

RP.No. 708 of 2003(S)

AGAINST THE JUDGEMENT IN OP.9552/2002 Dated 01/08/2003

PETITONER/REVIEW PETITIONER:

N. KRISHNA PRASAD, CONVENOR,
SECRETARIAT, AIKYAVEDI, T.C.29/97
M.K.K.NAIR ROAD, PETTAH,
THIRUVANANTHAPURAM.

BY ADV. SRI.N.KRISHNA PRASAD,PARTY IN PERSON

RESPONDENTS: RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY THE CHIEF SECRETARY, GOVERNMENT OF KERALA, THIRUVANANTHAPURAM.

2. THE CHIEF MINISTER OF KERALA (SRI. A.K. ANTONY) SECRETARIAT. THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI.C.VATHSALAN

THIS REVIEW PETITION HAVING BEEN FINALLY HEARD ON 28/03/2004, THE COURT ON 01/04/2004 PASSED THE FOLLOWING:

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53 Exhibit P10(3)

J.B.KOSHY & M.RAMACHANDRAN, JJ.

R.P.No.706 of 2003 in O.P.No.9552 of 2002

Dated 1st April, 2004

ORDER

Koshy, J.

This review petition is filed contending that while arguing the Original Petition, petitioner's advocate did not raise all legal contentions and reply affidavit signed by him was not filed in the court. According to him, in the oath administered by the Governor to the Council of Ministers, there were mistakes and it was not correct Malayalam translation of oath contained in Schedule III of the Constitution of India and hence Exts.P1 and P2 challenged in the O.P. were not issued by a Cabinet which has taken oath in terms of third schedule of the Constitution of India. This point was not considered in the judgment under review.

2. The Original Petition contains the following prayers:

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Exhibit P10 (3)

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R.P.NO.708 OF 2003

"a) To call for the records leading upto Exhibits P1 and P2 and quash the same by the issuance of a Writ of Certiorari or any other appropriate writ, order or direction.

b) To declare that the orders Exhibits P1 and P2 are unconstitutional and have no force of law having been approved and issued by a Cabinet which has not taken the oath in terms of the Third Schedule of the Constitution.

c) To issue such other writs, orders or directions as this Hon'ble Court may deem fit and proper in the circumstances of the case."

Therefore his prayer was only to quash Exts.P1 and P2. One reason for the same is the defect in the oath. When the Original Petition came up for hearing, Learned Government Pleader explained the circumstances why Exts.P1 and P2 were issued and also submitted that P1 and P2 will be modified. Now Exts.P1 and P2 were withdrawn also. Hence O.P. has become infructuous. There was no prayer in the O.P. to cancel all the orders issued by the Cabinet or for a declaration that Cabinet should not function as it has taken an incorrect oath while assuming office. Contentions regarding mistake in the Malayalam translation of oath administered to the Ministers was taken only to quash

bes

X21

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Exhibit P_{10} (4)

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R.P.NO.708 OF 2003

Exts.P1 and P2. They were already withdrawn. Nothing survive further. Hence there is no ground to review the judgment in the O.P. The Review Petition is dismissed.

sd/-
J.B.KOSHY
Judge.

sd/-
M.RAMACHANDRAN,
Judge

tks

A True Copy

SHW

True Copy,

Examiner

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56 Exhibit P11

GOVERNMENT OF KERALA

Finance (Rules) Department

CIRCULAR

No. 56/2005/Fin.

Dated, Thiruvananthapuram, 3rd October, 2005.

Sub:—Delay in giving posting orders—Avoidance—Compliance with the instructions issued by Government—Reg.

Ref:—(1) Circular No. 45/94/Fin. dated 1-8-1994.

(2) Circular No. 73932/98/Fin. dated 30-4-1999.

(3) Circular No. 84225/Spl.A2/03/GAD dated 27-11-2003.

(4) D. O. Letter No. I AU II/G1/05-08/Desp: 26 dated 2-2-2005 from Deputy Accountant General (Adm), Accountant General (Audit), Kerala, Thiruvananthapuram.

1. In the Circular 1st cited, detailed instructions were issued for strict compliance to avoid the unnecessary delay in giving posting orders to the officers who return from leave, deputation, training or termination of previous appointment. Subsequently as per the Circular 2nd cited, all Heads of Department and other appointing authorities were again directed to do away with the practice of keeping officers waiting for posting orders to avoid the unlawful payment of salary to them. In the Circular 3rd cited, all Departments of the Secretariat were instructed to ensure that the period of compulsory waiting for posting is minimized and if avoidable delay is seen occurred due to the laxity of the officers, to recover the excess expenditure from the persons responsible.

2. Despite the repeated instructions, abnormal delay is noticed in many cases resulting in extra expenditure to Government. The Accountant General in his letter 3rd cited has now brought to the notice of Government several cases of infructuous expenditure on idle man power test checked in Audit proposing to include the same in his Audit report for the year ending 31-3-2005.

3. All Heads of Departments and other appointing authorities are therefore once again directed to see that the instructions issued by Government in this regard are strictly adhered to while issuing posting orders to their subordinates. Any laxity in the matter will be viewed very seriously and the excess expenditure

This is the true copy of the document marked as Exhibit P11 referred in WP(C)

X23

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-57- Exhibit P11(2)

if any caused will be fixed as the personal liability of the concerned officers responsible for issuing the posting orders as well as the Head of Department and will be recovered from them as provided in the statutory rules without fail.

PAUL ANTONY,
Secretary (Finance-Expenditure).

To

The Principal Accountant General (Audit), Kerala, Thiruvananthapuram.
The Accountant General (A&E), Kerala, Thiruvananthapuram.
All Heads of Departments and Offices.
All Departments and Sections of the Secretariat.
The Director of Treasuries, Thiruvananthapuram.
The Secretary, Kerala Public Service Commission, Thiruvananthapuram (with C. L.).
The General Manager, Kerala State Road Transport Corporation, Thiruvananthapuram.
The Registrar, High Court, Ernakulam (with C. L.).
The Registrar, University of Kerala/Kochi/Kozhikode/Mahatma Gandhi, Kannur, Sanskrit (with C. L.).
The Registrar, Kerala Lok Ayukta, Kesavadasapuram, Thiruvananthapuram.
The Registrar, Kerala Agricultural University, Mannuthi.
The Secretary, Ombudsman for Local Self Government, Thiruvananthapuram.
The Advocate General, Kerala, Ernakulam (with C. L.).
The Secretary, Kerala State Electricity Board, Thiruvananthapuram (with C. L.).
All Principal Secretaries, Secretaries/Special Secretaries/Additional Secretaries/ Joint Secretaries/Deputy Secretaries/Under Secretaries to Government.
The Secretary to Governor, Raj Bhavan.
The Private Secretary to Speaker/Deputy Speaker of the Legislative Assembly.
The Additional Secretary to the Chief Secretary.
The Secretary, Human Rights Commission, Thiruvananthapuram.
The Registrar, Sree Sankara Sanskrit University, Kalady (with C.L.).
The Private Secretary to Chief Minister and other Ministers.
The Private Secretary to Leader of Opposition.
The Chief Election Commissioner, Kerala, Thiruvananthapuram.
The Stock File/Office Copy.

This is the true copy of the document marked as Exhibit - P11 referred in the W.P.(C).

59

X25

- 59 - Exhibit P13

From

N.Krishna Prasad
Under Secretary (on O/D as Finance Officer. Directorate of Printing)
Finance department
Trivandrum

To

The Principal Accountant General(Audit)/ The Accountant General (A&E)
Kerala,Trivandrum

Sir

Sub: Delay in giving posting order
Personal liabilityof Sri.K.Jose Cyriac, Principal Secretary(Finance)
Recovery of loss-reg

Ref: DO letter No1 AU II/G1/o5-08/;desp26 dated 2-2-05 from Deputy Accountant General (Admn), Kerala,Trivandrum

A copy of letter petition submitted to the chief secretary, Government of Kerala, Trivandrum is forwarded to your office for information and necessary action

Yours faithfully

N.krishna Prasad

Trivandrum
28 -04-07

True copy
3/10/05

X26

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Exhibit P13(2)

From

N. Krishna Prasad
Under Secretary (on O/D as Finance Officer, Directorate of Printing),
Finance Department,
Trivandrum.

To

The Chief Secretary
Government of Kerala
Trivandrum.

Sub:- Delay in giving posting order - Personal liability of Sri. K. Jose Cyriac, Principal Secretary (Finance) - Recovery of Loss to Govt - reg.

Ref:-
1. Circular No. 56/2005/Fin. dt. 03.10.05 from Finance (Rules) Department. (Copy attached).
2. G.O. (Rt) No. 998/2007/Fin. dt. 07.02.07 from Finance (Admn A) Dept. (Copy attached).
3. My Representation dt. 03.10.2006 to theChief Secretary, Govt. of Kerala.

Madam,

With respect and humility to your authority and with profound sense of pain and anguish I narrate below my most miserable and harrowing experience in the Secretariat Service, during the period form 08.06.06 to this date. This even went to the extent of withholding my salary for months unlawfully resulting to the denial of the right to livelihood of my family ______ the most horrific act of personal vendetta on the part of the present Principal Secretary (Finance) Sri. K. Jose Cyriac and his IAS Colleague Sri. P.C. Sanal Kumar, former Secretary, Land Board.

2. The fault on my part for the above said humiliation and harassment was that I had acted in accordance with the terms of the Govt. order No G.O.(P) 388 dt 06.05.1992 issued under your authority prescribing duties, responsibilities and powers of Finance Officer of Govt. As such I found an officer of the cadre of Deputy Collector, one among about twenty Drawing and Disbursing Officers under my supervisory control as per the above cited Govt. order, drawing salary without attending office and therefore I requested him on 08.06.06 to regularise his absence. (Now, this officer Sri.V.K. Balakrishnan is the

X27 61

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Exhibit P13(3)

District Collector of Allapuzha after being inducted to IAS Cadre after holding the charge of the Secretary, Land Board for a brief period). From this date of my lawful act emerged all sorts of harassment. But thereafter I unearthed many financial irregularities on his part and the then Secretary, Land Board and those were dutifully reported to Government. But it is surprising that when a very serious irregularitiy involving the Secretary, Land Board was reported to Finance Department on 27.07.2006 in satisfaction of the above delinquent officer. I was reverted to Finance Department. (This officer is now facing a serious charge from General Administration (Special A) for the repeated acceptence of foreign hospitality without obtaning prior sanction from the cadre controlling authority which amounts to serious violation of AIS Conduct Rules. These foreign trips of this former Secretary of Land Board was learnt to be arranged by some Land Mafia of this State). For further satisfaction of this delinquent IAS officer, I was kept out of State Service for more than three months. As he was not found fully satisfied, the Principal Secretary (Finance) sought explanation from me on a report from. Sri. P.C. Sanal Kumar with bizarre, flimsy,funny ridiculous allegations. To the furtherest satisfaction of him the Principal Secretary (Finance) issued two memos to me on the basis of the same report of allegations from the then Secretary Land Board, Meanwhile, I was posted as Finance Officer, Directorate of Printing and the memo issued during the month of October 2006 was metamorphosed to memo of charges dated. 13.03.07 despite my satisfactory reply, as I had revealed in the Plan progress Report to the Chief Minister the Criminal Act of tampering with the Budget Document of the State for the year 2006-07 committed by Sri. Jose Cyriac, the Principal Secretary (Finance) by issuing G.O. (Rt) No. 5882/2006/Fin. dt. 16.08.2006. **By this order my respected Principal Seretary Sri. Jose Cyriac, IAS surpassed the authority of the State Legislature and even the His excellency, the Governor of the State. This sort of high-handedness can be tolerated by Govt. but I can not tolerate the cruel violation of my rights as a human being due to the abuse of authoritiy by Sri. Jose Cyriac, the Principal Secretary (Finance) and hence my plea for justice from your office.**

3. The severest form of beaurocratic harassment meted out to me by Sri. Jose Cyriac, the Principal Secretary (Finance) was that I was deprived of my salary for three consecutive months and thereby denied my right to livelihood, as the period of waiting for posting from 07.08.06 to 12.11.06 was regularised only on 7.02.2007 vide the order 2nd cited instead of along with my order of posting as Finance Officer, Directorate of printing on 07.11.06 that too after many representations. Therefore my salary for the

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f28 62 Exhibit P3(4)

month of November, December and January was withheld by the Accountant General. I was financially at dire straits and in an unenviable pathetic predicament during this period. I am the only earning member of my family comprising my wife and two children studying in High School classes. Disruption of my salary threw my life out of gear and topsy turvy. Fortunately a family starvation death / suicide was averted thanks to a little savings. **This illegal and vindictive action of Sri. Jose Cyriac, the Principal Secretary (Finance) resulted both in the violation of my human rights and loss to public exchequer as my service was deprived to Government without any administrative reasons.** This sort of beaurocratic overreach of IAS Officers spawns family suicide and disasters in the State of Kerala which has a dubious distinction of having the highest rate of suicide not only amongst farmers. This is a matter of serious human rights violation and it is unfortunate that your office had not acted appropriately on my representation 3rd cited. On this matter I may please be allowed to approach the Hon: Human Rights Commission of our State.

4. **I am also of strong belief that this sort of cruel harassment towards me is a part of retaliation of Government as I have filed the Special Leave Petition before the Hon. Supreme Court of India assailing the favourable orders obtained by government by hoodwinking the High Court of Kerala with a big lie that the salary for the period of 32 days strike period of government employees in the year 2002 was already released to them. I have personaly appeared in my capacity as the Convenor Secretariat Aikya Vedi (SAVE) before the Superme Court and it is admitted (Special Leave Petiton No. 7000/2006) and notice has already been issued to Government but no reply has so far been filed by you on it. The contumacious mischief of hoodwinking the High Court of Kerala was done by the then Principal Secretary (Finance) Sri. K.Jose Cyriac, and now my Principal harasser.**

5. In the circumstance I am not claiming any interest from Govt. for the period of delay in receiving my salary for three consecutive months but only request your authority to issue orders, in terms of para 3 of the circular cited and appended, to recover from the present Principal Secretary (Finance), Sri. K. Jose Cyriac, the loss to Government by way of keeping me out of service for 98 days, against the principle of economy to be followed in the prudent management of public finance.

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63 Exhibit P13(5)

6. I also humbly beseech you to give direction to Sri. K. Jose Cyriac, the present Principal Secretary (Finance), to desist from the above sort of harassment of his subordinates who are lawfully performing their duties, and also corrupt practices of even forging budget document of State Government with evil motives, ridiculing the authority and competence of the State Legislature.

Trivandrum
16-04-2007

Yours faithfully,
s/d
N. Krishna Prasad

This is the true copy of the document marked ...

-64. Exhibit P14 64

SAVE

SECRETARIAT AIKYA VEDI

THIRUVANANTHAPURAM - 1

Ref: SA00/12/09 Date:16-10-09

To

Smt.J.Mahalekshmi Menon

The Accountant General (A&E) of Kerala

Trivandrum

Sub: Irregular payment of pay and allowance –recovery-reg

Ref: My representation dated 08-05-05 submitted to the chief

Secretary of Kerala

Respected Madam

A copy of the representation cited is forwarded to you for urgent necessary action

Yours faithfully

s/d

N.Krishna Prasad

Conevener, SAVE

Tc 29/97, MKK Nair Road

Pettah, Trivandrum

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Exhibit P14(2)

SECRETARIAT AIKYA VEDI

THIRUVANANTHAPURAM - 1

SAVE - 08/05

Ref: No. Date 08 - 05 05

The Chief Secretary
Government of Kerala,
Trivandrum

Sub : Mother's day submission. compliance of court order. reg:

Ref : 1. Order of the Honourable High Court dated 1 - 04 - 04 in RP No. 708 of 2003 in O.P.No. 9552 of 2002.

2. Letter No.dated 10-12-04 from the Secreteriat AkyaVEdi(copyenclosed)

In the name of my mother and the mothers of all beings of the civilized world, on this mother's day (May 8th), I, on behalf of my association. with the fullest respect to your authority as the legal representative of the Government of Kerala, request you to recover all the monetary benefits and privileges equivalent of all other benefits and privileges enjoyed by the Ministers of Kerala, led by Sri. A.K. Antony (the former Chief Minister), who took an oath at the time of assumption of office to rule the people 'without love'. Please your authority fully make real the statement of the Government that the impugned orders in RP No. 708 of 2003 in OP No. 9552 of 2002 are fully withdrawn.

Yours faithfully,

N. Krishnaprasad,
Convenor SAVE
T.C. 29/97
M.K.K. Nair Road
Trivandrum

Copy to: Sri A.K. Antony (former C.M. of Kerala)
Anjanam, Easwaravilasom Road
Thiruvananthapuram [illegible]

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Exhibit P14(3)

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SAVE

SECRETARIAT AIKYA VEDI

Save/14/04
Ref: No.

Dated 10.12.2004

To

The Chief Secretary
Government of Kerala,
Trivandrum.

Sir

Sub: Compliance of High Court order -reg
Ref: 1. Order of the Hon'ble High Court order dated 01.04.04 in R.P. No. 708 of 2003 in O.P.No. 9552 of 2002
2. Letter dated 11.06.04 and 14.07.04 from the Secretariat Aikya Vedi

It is very shocking and disturbing that no action has been taken by your office to comply the High Court order dated 01 04.04 in R.P.No. 708 of 2003 in O.P.No.9552 of 2002. Though, meanwhile the ministry headed by Sri. A.K. Antony who assumed office to rule without love has resigned from his office on 29.08.2004 and Sri. Ommen Chandy has assumed office on 31.08.04 to rule without fear or favour, affection or ill will, the new incumbent Chief Minister also shows scant regard to the authority of the Hon'ble High Court of Kerala by defying their order to completely withdraw the impugned Government orders If he were true to his oath of office that he will rule without favour he would have recovered all the monetary benefits enjoyed by the ministers of the Antony Cabinet who held office unconstitutionally taking an oath that they will rule the people without love, immediately after taking charge as a constitutionally appointed Chief Minister. But the responsible Chief Minister Sri Ommen Chandy is showing favour to them by not recovering all the monetary benefits and Kerala who through showing favoritism to these people, the Omman Chandy Ministry is acting with ill will by the non-compliance of the High Court order especially with regard to the withdrawal of G.O.() 68/2002 GAD dated 30.01.2002 and disbursing the salary of the State Government Employees who participated

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67 Exhibit P14(4)

in the indefinite strike of Feb 2002 against the Government order No. 56/2002/ Fin dated 16/01/02 approved and issued by the Cabinet headed by Sri. A.K. Antony, according to their oath to rule without love. In thos connection. it is worthwhile to note that Sri Umesh Challiyil. M.L.A was awarded a penalty of Rs.500/- for each day that he had sat or voted in the assembly for having made a slight deviation in his oath of office, though his text of oath was perfect in all respects but he took th oath in the name of ' Sree Narayana Guru' instead of God. He had not negated ' God' or 'Love' but only substituted his concept of God by the name ' Sree Narayana Guru'. Negation of God is tolerated by civilizations: negation of love is not tolerated by any civilization as it is a crime against humanity. Therefore in order to enrich the meaning of 'love' and edify the authority of our constitution the present Govt. headed by constitutionally appointed Chief Minister Sri Omman Chandy has to act in a drastic manner without fear or favour, affection or ill-will.

At present, the patience, hope and expectation of our association have been fully drained as more than eight months have lapsed since the Hon,ble High Court passed the order and no concrete steps have been taken by Government to comply this. We hoped that the new ministry might have included in the "100 day action plan' this matter also to perform this legal duty on their part. Now, the statement from your office and from Sri A.K.Antony, former CM that " the impugned orders" in the OP filed by our association before the Hon'ble High Court of Kerala " were completely withdrawn" crystalizes into a defined offence of perjury, heinous and grave in its potential and magnitude. Hence our association with all humility and respect to your office beseech your authority to comply the court order and project the rule of law in an exemplary manner. A copy of the resolution passed by our association on this matter is also furnished herewith

Yours faithfully,

N. Krishna Prasad
Convenor.
Secretariat Aikya Vedi
TC 29/927 M.K.K. Nair Road
Pettah, Trivandrum

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68 Exhibit P14(5)

KERALA ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH THIRUVANANTHAPURAM

27.11.2004 തിരുവനന്തപുരം ഹോട്ടലിൽ കൂടിയ സെക്രട്ടറിയേറ്റ് ഐക്യവേദിയുടെപൊതുയോഗത്തിൽ പാസ്സാക്കിയ പ്രമേയം. (ഈ യോഗത്തിൽ ഡെമോക്രാറ്റിക് ഗവൺമെന്റ് കോളേജ് റ്റീച്ചേഴ്സ് (ഡി.ജി.സി.റ്റി എ) അസോസിയേഷൻ സെക്രട്ടറി ശ്രീ. എം.എം.ഖാൻ ഉൾപ്പെടെ മറ്റുപലസംഘടനാ പ്രതിനിധികളും പങ്കെടുത്തിരുന്നു.

'സർക്കാർ ജീവനക്കാർ 2002 ഫെബ്രുവരിയിൽ നടത്തിയ 32 ദിവസത്തെ അനിശ്ചിതകാല സമരദിനങ്ങളെ ഡ്യൂട്ടിയായി പരിഗണിച്ച്ശമ്പളം നൽകണമെന്നും, തെറ്റായ സത്യവാചകം ചൊല്ലി ഭരണഘടനാവിരുദ്ധമായി ഭരിച്ച ആന്റണി മന്ത്രി സഭാംഗങ്ങൾ വാങ്ങിയ ശമ്പളംതിരിച്ചു പിടിക്കണമെന്നും കേരളാസർക്കാറിനോട് ആവശ്യപ്പെടുന്നു.'

This is the true copy of the document marked as Exhibit - P14 referred in the W.P.(C).

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Exhibit P15

മാതൃഭൂമി

'സ്നേഹം കൂടാതെ' ഭരിച്ച മന്ത്രിമാരുടെ ശമ്പളം തിരിച്ചു പിടിക്കണം

തിരുവനന്തപുരം: സ്നേഹം കൂടാതെ ഭരിക്കുമെന്ന സത്യ വാചകം ചൊല്ലി അധികാരത്തിലേറിയ ആന്റണി മന്ത്രി സഭയിലെ മന്ത്രിമാരുടെ ശമ്പളം തിരിച്ചുപിടിക്കണമെന്ന് സെക്രട്ടറിയേറ്റ് ഐക്യവേദി ആവശ്യപ്പെട്ടു.

ഈ സത്യപ്രതിജ്ഞാവാചകം തെറ്റാണെന്ന് ഐക്യവേദി നൽകിയ ഹർജിയിൽ ഹൈക്കോടതി വിധിച്ചു തുടർന്ന് 'സ്നേഹം കൂടാതെ' എന്നതിനു പകരം പക്ഷപാതം കൂടാതെ എന്ന് സത്യപ്രതിജ്ഞ തിരുത്തി യാണ് ഉമ്മൻചാണ്ടി സർക്കാർ അധികാരമേറ്റത്. ഈ സാഹചര്യത്തിൽ തെറ്റായ സത്യവാചകം ചൊല്ലിയ മന്ത്രി മാർക്കെതിരെ നടപടി വേണമെന്ന് ഐക്യവേദി സെക്ര ട്ടറി എൻ കൃഷ്ണപ്രസാദ് ആവശ്യപ്പെട്ടു. ശ്രീനാരായണ ഗുരുവിന്റെ നാമത്തിൽ സത്യപ്രതിജ്ഞചെയ്ത എം. എൽ.എ യ്ക്ക് പിഴശിക്ഷ നൽകി. എന്നാൽ സ്നേഹം കൂടാതെ ഭരിക്കുമെന്ന് സത്യപ്രതിജ്ഞ ചെയ്യുന്നതിനേ ക്കാൾ പാതകമല്ല നാരായണഗുരുവിന്റെ പേരിൽ അധി കാരമേൽക്കുന്നത്-കൃഷ്ണപ്രസാദ് പറഞ്ഞു.

This is the true copy of the document marked as Exhibit P15 referred in this above writ petition

Party-in-Person

Exhibit P16

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English Translation of the extract of News report in the Mathrubhoomi Malayalam Daily dated 01.02.2005.

KERALA ADMINISTRATIVE TRIBUNAL

Recover the salary of Ministers who ruled "Without Love"

Thiruvananthapuram: The Secretariat Aikyavedi demanded to recover from the ministers of the cabinet led by Antony who took and oath of office to rule the people without love.

The High Court of Kerala on a petition in this regard declared that the above oath was incorrect Subsequently the ministry led by Sri. Ommen Chandy assumed office taking an oath to rule without favour instead of 'without love'. In this context, the secretary of Aikyavedi Sri. N. Krishna Prasad demanded to take stern action who ruled the state in the strength of the flawed oath. The MLA who took his oath in the name of Sri. Narayana Guru was fined. To take an oath in the name of Sree Narayana Guru is not an offence graver than to take an oath to rule the people "Without Love" Sri. Krishna Prasad said.

This is the true translation of Exhibit P15