

**Proceedings of the Disciplinary Authority (District Judge), Palakkad**  
**Present:- Shri. Ananthakrishna Navada. K, District Judge , Palakkad.**

Sub : Civil Judicial District of Palakkad–Disciplinary Proceedings  
– Unauthorised absence from duty – Smt.Sudhalatha. S,  
Process Server, District Court, Palakkad – Formal Enquiry  
Report – Accepted – Penalty imposed - Orders issued.

- Read : 1) Application dated 04.02.2023 for Leave Without Allowance put in by Smt.Sudhalatha. S, Process Server, District Court, Palakkad.
- 2) Memo of Charges dated 15.03.2023 of the Disciplinary Authority (District Judge), Palakkad.
- 3) Formal Enquiry Report submitted by the Inquiring Authority.
- 4) Show Cause Notice No. JS-II-1648/2023 dated 13.09.2023 of the District Judge, Palakkad.
- 5) Circular No. 22/2018/Fin. Dated 28.03.2018.
- 6) Rule 9 of Appendix XII-A, Part-I, KSR.

**ORDER No. JS-II-1648/2023 DATED : 29-01-2024**

1. On 13.02.2023, the Central Nazir, District Court, Palakkad has reported that Smt. Sudhalatha. S, Process Server, District Court, Palakkad has been granted Leave Without Allowance with Medical Certificate for 31 days w.e.f. 01.01.2023 to 31.01.2023 as per Order No.CN-372/2023 dated 11.01.2023. The Central Nazir has also reported that she has neither reported for duty on expiry of the leave nor submitted application for extension of leave.

2. On 06.02.2023, an application submitted by Smt. Sudhalatha. S, for Leave Without Allowance for 5 years under Appendix XII A, Part I KSRs (for taking up employment abroad) was received in the office of the District Court, Palakkad by registered post.

3. As per Circular No. 22/2018/Fin. dated 28.03.2018 of the Government of Kerala, an application for Leave Without Allowance under Appendix XII A shall be submitted to the head of office at least 3 months in advance. But Smt. Sudhalatha. S has not complied with the direction.

4. As per O.M. No. C3-101197/2012 dated 09.01.2013 and O.M. No. C1-29001/2018 dated 05.07.2018, the Hon'ble High Court of Kerala has issued instructions to be complied with while applying for Leave Without Allowance. The instructions of the Hon'ble High Court of Kerala are not seen complied with by Smt. Sudhalatha. S.

5. A memo was issued to Smt. Sudhalatha. S in her residential address with a direction to submit her explanation for the unauthorised absence from duty w.e.f. 01.02.2023 within 7 days' on receipt of the memo. It was also directed that further proceedings will be initiated against her under Appendix XII A Rule 9 of KSRs Part I if no explanation received from her within time under the presumption that she has nothing to offer in this regard.

6. The aforesaid memo was personally served on her husband on 17.02.2023. But no explanation was submitted before this office. It is informed by her husband that she went to Malasia. Thereafter, on 01.03.2023 a request by e-mail was received from Smt. Sudhalatha. S requesting for extension of 3 months time to submit explanation to the memo. Even then, the aforesaid request was received after the prescribed time for submitting the explanation, seven days' time was granted to her for submitting her explanation. The communication granting time was not accepted by her husband. So, the communication was also forwarded to her WhatsApp number on 06.03.2023. Still no explanation was received from her.

7. Therefore, statement of allegations along with memo of charges against the delinquent officer were framed as per Para 53 of the Manual of Disciplinary Proceedings and the same was sent to the residential address of the delinquent officer through registered post with acknowledgment card as well as in the e-mail ID of the delinquent officer. But, the cover was returned to this office with an endorsement "Left India". No reply was received through the e-mail also.

8. So, the matter was reported to the Hon'ble High Court of Kerala. The application for Leave Without Allowance put in by Smt. Sudhalatha. S, Process Server, District Court, Palakkad was also forwarded to the Hon'ble High Court of Kerala.

9. Since no reply was received from the delinquent, this authority appointed Smt. Seema. C. M, Additional District Judge- V, Palakkad as the Inquiring Authority to conduct a formal enquiry in the matter and to file report.

10. The Inquiring Authority submitted a report vide the reference cited 4<sup>th</sup> with a finding that the charges levelled against Smt. Sudhalatha. S stands established.

11. Show Cause Notice along with copy of enquiry report were forwarded to the residential address of the delinquent officer through registered post. The postal authorities returned the cover to this office undelivered with an endorsement "addressee left India".

12. Therefore, Show Cause Notice issued to the delinquent officer was forwarded to the Information and Public Relations Department for publication in the web site of the Government of Kerala and also in leading dailies with a direction to submit explanation within 15 days from the date of publication of notice. In the above Show Cause Notice, it was clearly mentioned that if explanation is not received, it will be presumed that the delinquent have no defence to put forth and further action will be taken accordingly.

13. The matter was published in all editions of Chandrika daily on 28.10.2023. But no explanation/reply was received so far from the delinquent officer.

14. On consideration of the Enquiry Report and no explanation was offered by the delinquent officer, I am satisfied that the enquiry report can be accepted. So, the enquiry report is accepted and I proposed a penalty of removal from service on the delinquent officer Smt. Sudhalatha. S, Process Server, District Court, Palakkad.

15. Accordingly, copy of order proposing penalty to the delinquent officer was issued in her residential address on 08.12.2023 with a direction to submit objections if any with regard to the proposed penalty within 15 days' on receipt of the communication, failing which it will be assumed that the delinquent has no objection to the proposed penalty and further proceedings will be taken as per Rules. Personal hearing was also offered to the delinquent officer.

16. But, the Postal Authorities returned the cover to this office undelivered with an endorsement "Addressee left India". Therefore, copy of order proposing penalty was forwarded to the Information and Public Relations Department for publication in the web site of Government of Kerala and also in leading dailies with a direction to the delinquent officer to submit explanation if any within 15 days' from the date of publication of notice.

17. The matter was published in all editions of "Madhyamam" and "Suprabhatham" dailies on 04.01.2024. But, no explanation/reply was received so far from the delinquent officer.

18. The application for Leave Without Allowance submitted by Smt. Sudhalatha. S was rejected by the Hon'ble High Court as it was not as per the Rules laid down in Appendix-XII A, Part-I KSR vide O.M. No.HCKL/4058/2023-C1 dated 05.06.2023 of the Hon'ble High Court. The Hon'ble High Court has also directed to submit a report regarding the disciplinary proceedings against Smt. Sudhalatha. S after the finalisation of the same.

19. In the aforesaid circumstances and the fact that delinquent has not submitted explanation/reply in the matter, this authority is not in a position to review the proposed penalty. Further, the Government has issued instructions regarding granting of Leave Without Allowance under Appendix XII-A, Part-I, KSR vide reference cited 5<sup>th</sup>. So, I am constrained to impose the penalty proposed.

20. In the result, I hereby impose a penalty of Removal from the Civil Service of the State Government as contemplated under Rule 11(vii) of the Kerala Civil Services (Classification, Control and Appeal) Rules, 1960 on the delinquent Officer Smt. Sudhalatha. S, Process Server, District Court, Palakkad with effect from 01.02.2023.

21. The Office of the District Court, Palakkad is directed to make necessary entries in the Service Register of the incumbent regarding the punishment.

Sd/-

Disciplinary Authority  
(District Judge)

To

- 1) The Registrar (District Judiciary), High Court of Kerala with C/I
- 2) Smt. Sudhalatha. S, Process Server, District Court, Palakkad
- 3) The Central Nazir, District Court, Palakkad.
- 4) A1 Section of the District Court, Palakkad.
- 5) The File/Stock file.

