

BEFORE THE PRINCIPAL SECRETARY TO GOVERNMENT,
DEPARTMENT OF (HIGHER EDUCATION
BANGALORE, DATED: 24-06-2015
APPEAL NO.04 OF 2014
(File No.ED 267 TPE 2012)

Between:

S.B.SUBRAMANI,
Retired Peon
C/o. Kuppuswamy, Plumber
No. 115/15A, 5th Main, 5th Cross,
Bangalore-560085,

..... Appellant

And

~~The Director of Technical Education~~
Bagalore

..... Respondent

1. The appellant, while working as peon in Government S.J. Polytechnic, Bangalore, had remained absent unauthorisely from 04.09.1997 to 19.10.2011 for 14 long Years. In furtherance of the report of the Principal of the Polytechnic regarding aforesaid grave misconduct alleged to be committed by the appellant, the appointing and Disciplinary authority, viz., the respondent had initiated the disciplinary proceedings against the Appellant under rule 11 of KSC(CCA) Rules-1957 and a disciplinary enquiry was conducted by the retired district judge to find veracity of the charges.

2.. The enquiry officer, after conclusion of enquiry, submitted enquiry report with his findings that the charges regarding grave misconduct committed by the appellant by remaining absent for ages, were proved with greater degree of definiteness. As the misconduct of the appellant that he had remained absent from Government service for 14 long years and thereby immensely paralyzing the administration, was implicitly established in the departmental enquiry, the Disciplinary Authority viz., the respondent, in exercise of power conferred under Rule 8(vi) of the KCS(CCA) Rules-1957, had passed the impugned order imposing penalty of compulsory retirement on the appellant.

PR-75

PS-875
25/6/15

JD (Ad) / ADO / LC
Sm. Gopal Reddy

3. Being aggrieved by the impugned order, the Appellant filed the instant appeal under Rule 18 of the Karnataka Civil Service (CC & A) Rules, 1957, before this Authority with a prayer to allow the same and set-aside the impugned Order No.DTE 07 DEQ(2) 2011 dt.04.04.2012 passed by the Respondent and to grant all consequential benefits in the interest of justice and equity.

4. Both the appellant and respondent were directed to present their case along with the relevant documents and records before Appellate Authority. Statement of objections were filed on behalf of Respondent. Meanwhile the appellant has submitted an application dated:22.05.2015 voluntarily withdrawing the instant appeal as not pressed and as his terminal pension benefits were finalized and authorized.

Issue:

On contemplation of the facts and circumstances of the case, the issue that arises for consideration is whether the unconditional withdrawal of appeal would amount to its dismissal.

My findings:

I perused the withdrawal application dated:22.05.2015 submitted by the appellant to know the circumstances under which the appeal was withdrawn. It is ascertained that withdrawal was unconditional and voluntary. Further the reasons cited for withdrawal of the instant appeal are found to be proper. Wherefore my answer is in the affirmative. Accordingly, I proceed to pass the following order.

ORDER

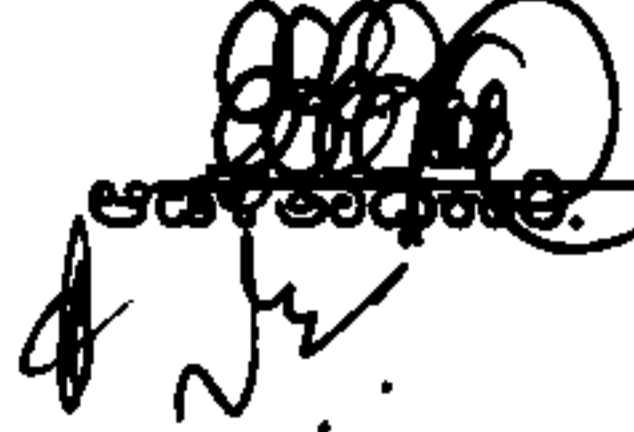
The Appeal is hereby dismissed as withdrawn



(BHARAT LAL MEENA)

Principal Secretary to Government -
Education Department (Higher Education)

ಪ್ರಧಾನ ಕಾರ್ಯದರ್ಶಿ, ಉನ್ನತ ಶಿಕ್ಷಣ (ಶಿಕ್ಷಣ ಇಲಾಖೆ), ಕರ್ನಾಟಕ ಸರ್ಕಾರ ಇವರು ಮೇಲ್ಮನವಿ ಸಂಖ್ಯೆ 04 ಆಫ್ 2014ರ ಆದೇಶ (ಸಂಖ್ಯೆ: ಇಡಿ/267/ಟಿಪಿಇ/2012)ಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ, ದಿನಾಂಕ: 24/06/2015ರಂದು ಹೊರಡಿಸಿರುವ ಆದೇಶದ ಪ್ರತಿಯನ್ನು ಶ್ರೀ.ಎಸ್.ಬಿ.ಸುಬ್ರಮಣಿ, ಸೇವಕರು(ನಿವೃತ್ತ) ಇವರಿಗೆ ಕಳುಹಿಸಲಾಗಿದೆ.


ಆಡಳಿತಾಧಿಕಾರಿ.

ಇವರಿಗೆ:

ಶ್ರೀ.ಎಸ್.ಬಿ ಸುಬ್ರಮಣಿ,

ಸೇವಕರು, (ನಿವೃತ್ತ),

ಕೇರಾಫ್ ಕುಪ್ಪಸ್ವಾಮಿ ಫ್ಲಂಬರ್

ನಂ. 115/15, 'ಎ' 5ನೇ ಮುಖ್ಯರಸ್ತೆ

5ನೇ ಕ್ರಾಸ್, ಪಿ.ಪಿ.ಲೇಔಟ್, ಕತ್ತಿಗುಪ್ಪ

ಬನಶಂಕರಿ 3ನೇ ಸ್ಟೇಜ್

ಬೆಂಗಳೂರು-560 085.

ಪ್ರತಿ - ಮಾಹಿತಿ ಹಾಗೂ ಮುಂದಿನ ಕ್ರಮಕ್ಕಾಗಿ

1. ಮಹಾಲೇಖಪಾಲರು, ಕರ್ನಾಟಕ, ಬೆಂಗಳೂರು.
2. ಮುಖ್ಯಮಂತ್ರಿಗಳ ಪತ್ರಿಕಾ ಕಾರ್ಯಾಲಯ, ವಿಧಾನಸೌಧ, ಬೆಂಗಳೂರು.
3. ಪ್ರಾಂಶುಪಾಲರು, ಎಸ್‌ಜೆ ಸರ್ಕಾರಿ ಪಾಲಿಟೆಕ್ನಿಕ್ ಬೆಂಗಳೂರು.
4. ನಿರ್ದೇಶಕರ ಆಪ್ತಶಾಖೆಗೆ ಮಾಹಿತಿಗಾಗಿ.
5. ಇ-ಆಡಳಿತ ವಿಭಾಗ, ಸದರಿ ಆದೇಶವನ್ನು ಇಲಾಖಾ ವೆಬ್‌ಸೈಟ್ ಅಳವಡಿಸುವ ಸೂಕ್ತ ಕ್ರಮಕ್ಕಾಗಿ.
6. ಇಎಸ್‌ಟಿ(6), ಇಎಸ್‌ಟಿ(7), ನಿರ್ದೇಶನಾಲಯ, ತಾಂತ್ರಿಕ ಶಿಕ್ಷಣ ಇಲಾಖೆ, ಬೆಂಗಳೂರು ಇವರಿಗೆ ಮಾಹಿತಿಗಾಗಿ.