



**PROCEEDINGS OF ADDITIONAL DIRECTOR (PH)
DIRECTORATE OF HEALTH SERVICES**

Sub:-DHS– Establishment – Granting Notional Promotion to the post of Health Supervisor for Sri. Babu Sebastian K, Orders issued.

Read:- 1.Order No. EC6/763/2007/DHS dated 05.01.2007.
2.GO (Rt) 202/2008/H&FW Dated 16.01.2008
3. EG4/60535/2007/ DHS Dated 23.10.2007
4. ES2/49196/2004 DHS Dated 28.02.2007
5.Judgment of the Hon'ble High Court of Kerala in CRLA. NO. 1198/2016 dated 17.09.2020
6 G.O.(Rt) No. 2194/2020/H&FWD dated 23.11.2020.
7 Order No. EC-6/74627/2020/DHS dated 22/08/2023
8 G.O.(P) No. 629/2010/FIN dated 25.11.2010.
9 EG4/45696/2021 DHS Dated 11.06.2021
10 Circular/Rule No. 1/138/2021/P&ARD dated 07.12.2022.
11 Representation submitted by Sri. Babu Sebastian.

Order No: DHS/27914/2024-EG4 Dated: 16-05-2026

Sri. Babu Sebastian former retired Health Supervisor , while working as Health Inspector Grade II at CHC Thamarassery, was placed under suspension effective from 02.01.2007 vide reference (1) cited above, following a case charged by the Vigilance & Anti-Corruption Bureau. Although the suspension was later revoked vide reference (2) and joined back in service in 20.02.2008 At CHC Narikkunni , he was subsequently removed from service following a conviction.

As per the judgment of the Hon'ble High Court of Kerala in CRLA. NO. 1198/2016, Sri. Babu Sebastian K was acquitted of charges. Consequently, the Government vide reference (6) ordered his reinstatement

and he was posted to FHC Panathur as per order no A2/16946/2020 DMO Kasaragod dated 21/12/2020. Vide reference (7) it was further ordered that the period of his absence from service 07.01.2017 to 09.12.2020 to be regularised according to KCS (CC&A) rule 18 (b) and treated as duty for all purposes, including pay and allowances and the period from 10.12.2020 to the date he rejoined duty will be treated as KSR Part 1 rule 56 b (9) note (2) as joining time or as eligible leave

During the period of his disciplinary proceedings, his promotion to the post of Health Supervisor, which was due on 23.10.2007 vide reference (3), was withheld. His immediate junior in the seniority list read as reference (4) and others were promoted while his case was pending. Following his acquittal, he was granted promotion to the post of Health Supervisor according to vide reference (9)

Sri Babu Sebastian K as per reference (11) has submitted a petition for considering him for a notional promotion to the Post of Health supervisor and for granting the service benefits for the said post with retrospective effect from 23.10.2007

The matter has been examined in detail with respect to Rule 18 of the Kerala Civil Services (Classification, Control & Appeal) Rules, 1960. While Rule 18 mandates reinstatement following the quashing of a conviction, the amendment issued via G.O.(P) No. 32/2016/P&ARD stipulates that full benefits are contingent upon an "Honourable Acquittal." As per Para 5 of the Government Order read (6) above, the Hon'ble High Court acquitted the petitioner by granting the "Benefit of Doubt."

Since the acquittal is based on the benefit of doubt rather than being "honourable" , the petitioner's claim for full financial back-arrears for the period he was out of service cannot be sustained.

In accordance with G.O.(P) No. 629/2010/FIN Dated 25/11/2010& as per Rules -1/138/2021 /P&ARD Sri Babu Sebastian K is hereby granted Notional Promotion to the post of Health Supervisor with effect from 23.10.2007.

This promotion is strictly on a Notional Basis, and no back-arrears of salary shall be payable as per G.O.(P) No. 629/2010/FIN Dated 25/11/2010

DR. REETHA. K.P
ADDITIONAL DIRECTOR OF HEALTH SERVICES

To:

1. Babu Sebastian, K
Health Supervisor (Rtd)
Ebis Villa, Madiyoorkuni
Kalpetta P.O -673121

Copy to:

1. District Medical Officer (Health)
Kozhikkode
2. Stock File