



GOVERNMENT OF KERALA

Abstract

Local Self Government Department - Urban Affairs - Vigilance State wide Surprise Check-Operation Two Tier - Palakkad District - Disciplinary action against the officers - Finalized - Orders Issued.

LOCAL SELF GOVERNMENT (EU) DEPARTMENT

GO(Rt)No: 1289/2017/LSGD. Dated, Thiruvananthapuram, 22.04. 2017.

- Read :**
- 1) Letter No. E9(SC 13/2012/PKD) 10354/2012 dated 16.10.2012 from the Director, Vigilance & Anti Corruption Bureau, Thiruvananthapuram.
 - 2) Memo of charge No. 14517/EU1/13/LSGD dated 05.09.2013 served on Shri. K.M. Basheer, Secretary, Palakkad Municipality, Shri. Mujeeb Rahman and Shri. K. Karunakaran, UDC, Chittur-Thathamangalam Municipality; Shri. V.K. Rajan, Secretary, Chittur Municipality, Shri. K.N. Krishnankutty, Secretary, Ottappalam Municipality, Shri. K.V. Viswanathan, Secretary (Provisional), Shornur Municipality, Shri. Balkis, Accountant, Shornur Municipality.
 - 3) Written statement of Defence dated 22.10.2013 from Shri. K.N. Krishnankutty, 24.10.2013 from Shri. K.V. Viswanathan, 24.10.2013 from Shri. Mujeeb Rahman. P, 30.10.2013 from Shri. V. Balkis, 31.10.2013 from Shri. V.K. Rajan, 01.11.2013 from Shri. K. Karunakaran and 15.01.2014 from Shri. K.M. Basheer.
 - 4) Letter No. V2-15621/13 dated 04/05/2016 from the Director of Urban Affairs.

ORDER

In connection with the State Wide Surprise Checks under the caption "Operation Two Tier", the Palakkad unit of Vigilance & Anti-Corruption Bureau conducted surprise checks in 4 Municipal Offices in Palakkad District on 27.02.2012. During the check, the following irregularities were found out.

I. Municipal Office, Palakkad

- a) The applications were being accepted by the officials of Building & Planning Section of Municipal Office directly instead of routing it through the front office, which was creating problems to the applicants. The applicant was not able to scrutinize the seniority position as the applications are being received by the officials directly in the building section and the officials are finding a way to get bribe from the mafias by receiving applications directly and by issuing building permit thereby violating the seniority on the receipt of the applications, which is irregular. The prominent builders of residential flats and commercial building are not facing any kind of difficulty in procuring a building permit from the Municipality and no undue delay was seen noticed in the issuance of a building permit to them for the construction of a residential flat or a commercial building from the part of the officials of the building and planning section.
- b) Overseer Grade II Shri. Vinod Kumar could not even identify a site under his jurisdiction which shows that he was not conducting physical site verification. It is presumed that he is issuing NOC by not visiting the site and simply signing the same from his office.
- c) A huge pendency of applications for building permits was noticed due to the improper convening of zonal committee meeting comprising of Municipal Chairman, Agricultural Officer and the Village Officers of the Municipal Area.
- d) Personal Cash Declaration Register was not seen maintained.
- e) Overseer Grade II Smt.T.U. Jayasree had not visited the site of Smt. Devaki Amma, the applicant of file No. EJBR/364/11-12/PW5 WARD. Due to this, she did not know about the construction work of residential building without availing building permit.

Shri. K.M. Basheer, Municipal Secretary of the Palakkad Municipality is responsible for not accepting the building permit applications through Front Office and not maintaining Personal Cash Declaration Register.

II Municipal Office, Chittur

In Municipal Office, Chittur undue delay of 10 files on building permit observed and that office is not maintained and that office is not maintained personal cash declaration register. Shri.P. Mujeeb Rahiman, former U.D clerk of Town Planning Department and present U.D. Clerk Shri.K. Karunakaran is responsible for the delay in files. Shri.V.K. Rajan, Municipal Secretary is responsible for the non-maintenance of Personal Cash Declaration Register.

III. Municipal Office, Ottappalam

In this office applications for building permits are receiving directing in building & planning sections instead of routing the same through the front office. No Personal Cash Declaration Register is maintained in the office. Municipal Secretary Shri.K.K. Krishnan Kutty is responsible for the same.

IV. Municipal Office, Shornur

1. In that office a large number of applications of building permits are pending. Personal Cash Declaration Register is not maintained. Overseer Grade II Shri. Suresh Babu and Jayaprakash are responsible for the delay in setting the building permit applications. Municipal Secretary Shri. K.V. Viswanathan is responsible for non-maintenance of Personal Cash Declaration Register and Accountant Smt. Balkhees is responsible for improper maintenance of Cash Book.

2. The Director, Vigilance & Anti Corruption Bureau scrutinized the case and has recommended to take appropriate corrective steps as per the letter read as 1st paper above.

3. For the irregularities, Memo of Charges read as 2nd paper above have been issued to the following officers:

1. Shri. K.M. Basheer, the then Municipal Secretary, Palakkad.
2. Shri. K.N. Krishnan Kutty, the then Municipal Secretary, Ottappalam.
3. Shri. K.V. Viswanathan, Municipal Secretary, Shornur.
4. Shri. V.K. Rajan, Municipal Secretary, Chittur.
5. Shri. Mujeeb Rehman, U.D. Clerk.
6. Shri. Karunakaran, U.D. Clerk.
7. Smt. V. Balkhese, U.D.C., Aluva Municipality.

4. With regard to the charge memo, Shri. K.M. Basheer, Municipal Secretary, submitted that the Municipal Secretary has no control over the Engineering Staff and the Engineering Wing is responsible for the action of receiving applications directly. He pointed out that the front office of the Palakkad Municipality is under the administration of Front Office Manager. He is on the stand that Personal Cash Declaration Register in each Section has to be maintained by the Section Heads concerned and the Municipal Secretary cannot be blamed for the non-maintenance of Personal Cash Declaration Register.

5. Shri. K.N. Krishnan Kutty, Municipal Secretary expired on 13/11/2015.

6. There is only one charge against Shri. K.V. Viswanathan, Municipal Secretary, ie. he did not maintained Personal Cash Declaration Register. For this charge he submitted that due to the lack of experience he did not check whether that register is maintained in the office. At present he is well keeping that register.

7. There is only one charge against Shri. V.K. Rajan, Municipal Secretary. ie. he did not maintained Personal Cash Declaration Register. On this charge he is on the stand that duty of maintaining Personal Cash Declaration Register is vest with general section superintendent. However he owns its responsibility as higher officer. He submits that it will not happen again. He therefore requested to drop action against him.

8. Regarding the charges of delay in files, Shri. Mujeeb Rehman, U.D Clerk and Karunakaran, U.D. Clerk submitted that the applicants did not

remit proper application fee and failed to submit proper plan and even after notice the applicants did not turn up.

9. The charge against Smt. V. Balkhees is that she did not maintain cash book. On this charge, the accused submitted that as per GO (MS) No. 118/2012/LSGD dated 02.05.2012, Government have directed that if there is double entry account system, manual cash book need not be maintained. She produced a copy of that Government Order.

10. On the Written Statement of Defence of the accused officers, the Director of Urban Affairs submitted his remarks. The Director of Urban Affairs after examination of the case submitted that the written defence of the accused are acceptable and recommended to drop action against them.

11. The irregularities pointed out in the Surprise Check against the Municipal Secretaries are that they were not arranged to accept building permit applications through front office and not maintained Personal Cash Declaration Register. The Surprise Check was conducted on 27.02.2012. It may be noted that there was no uniform procedure in Municipal Offices on how building applications from public should be received. Considering the fact that there is no uniform procedure for accepting building applications, Local Self Government Department as per Circular No. 12900/R.A1/2015/LSGD dated 02.12.2015, have prescribed uniform procedure for accepting building applications. As per the item 2 of that Circular, application should be first received in the front office. There is also SANKETHAM software for on-line submission of building applications. So, the Municipal Secretaries cannot be penalized for not routing building applications during the year 2012 through front office itself.

12. One of the accused officer Shri.K.N. Krishnankutty expired on 13.11.2015. Another accused officer Shri. K.M. Basheer, the then Municipal Secretary, Palakkad retired on superannuation on 30.11.2016.

13. After careful examination of the Written Statement of Defence and the remarks of Director of Urban Affairs, disciplinary action initiated against the officers is finalized in the following manner.

The disciplinary action against Shri. K.N. Krishnan Kutty and Shri. K.M. Basheer are dropped. The disciplinary action against the following officers is finalized by issuing a strict warning. to each of them.

1. Shri. K.V. Viswanathan, Former Municipal Secretary, Shornur.
2. Shri. V.K. Rajan, Former Municipal Secretary, Chittur Municipality.
3. Shri. Mujeeb Rehman, Former U.D. Clerk, Chittur Municipality.
4. Shri. K. Karunakaran, Former U.D. Clerk, Chittur Municipality.
5. Smt. V. Balkhees, , Former Accountant, Shornur Municipality.

14) The Director of Urban Affairs will initiate further action accordingly.

(By Order of the Governor)
S. MOHANDAS,
JOINT SECRETARY.

To

The Director of Urban Affairs, Thiruvananthapuram.
The Director, Kerala State Audit Department, Thiruvananthapuram.
The Principal Accountant General (A&E/Audit), Kerala,
Thrissur.
The Secretary, Palakkad/Shornur/Chittur/Municipality.
The Officers concerned. (through Director of Urban Affairs)
The Executive Director, Information Kerala Mission,
Thiruvananthapuram. (for Publishing this order in the website).
The Vigilance Department (vide No.11727/D1/16/Vig
dated 09.12.2016)
Stock File/Office Copy.

Forwarded /By Order


Section Officer