



GOVERNMENT OF KERALA

Abstract

LSG (EW) Department - Irregularities in the work of drinking water scheme at Abhinagar Priyadarshini Colony in Thavinhal Grama Panchayath - surprise check - Disciplinary action against Sri. P. Ibrahimkutty, Executive Engineer (Rtd) and Sri. Baiju, Asst. Engineer (Late) - Finalised - orders issued.

LOCAL SELF GOVERNMENT (EW) DEPARTMENT

G.O.(Rt)No.656/2020/LSGD Dated,Thiruvananthapuram, 17/03/2020

- 1 Read 1 Letter No.15331/D1/2014/Vig Dated 22.01.2015 from the Additional Chief Secretary, Vigilance Department.
- 2 Report No.E11(SC-39/2014/WYD)20319/2014 dated 26.11.2014 from the Director, V&ACB.
- 3 Show Cause Notice No: LSGD-EW2/205/2015-LSGD dated 22.11.2017 issued to Sri. P. Ibrahimkutty, Executive Engineer (Rtd).
- 4 MoC & SoA No.LSGD-EW2/205/2015-LSGD dated 09.11.2017 issued to Sri. Baiju, Asst. Engineer.
- 5 Reply furnished by Sri. P. Ibrahimkutty, Executive Engineer (Rtd) dated 07.02.2018.
- 6 WSD dated 14.02.2018, furnished by Sri. Baiju, Asst. Engineer.
- 7 Letter No. E20/12559/2017/CE/LSGD dated 30.04.2018, from the Chief Engineer, LSGD.

ORDER

A surprise check was conducted by the VACB, Wayanad Unit on 07/07/2014 and submitted report to Government through Vigilance Department.

2. In the report of the Director, V&ACB, vide paper read as 2nd above, the following irregularities were noticed:-

- i) No work except construction of the foundation of Water tank in RR

Masonry has been done at project site; that too not as per estimate.

ii) The technical wing of Mananthavadi Block panchayath did not take any action to get the project implemented or to recover the mobilization advance of Rs.1,00,000/- from the convener even after nearly 30 months of agreement.

iii) Due to the above irregularities, a loss of Rs.1,00,000/- was caused to the public exchequer.

3. As per the recommendation, departmental action under Rule 59(b) Part III KSRs was initiated against Sri. P. Ibrahimkutty, former Assistant Executive Engineer, Mananthavadi Block Panchayath who has already been retired from service and departmental disciplinary action under Rule 15 of KCS (CC&A) Rules was initiated against Sri. Baiju A., former Assistant Engineer, LSGD Section, Thavinhal Grama panchayath. Show cause notice, vide paper read as 3rd above, was issued to Sri. P. Ibrahimkutty and MoC / SoA under Rule 15 KCS (CC&A) Rules was issued to Sri. Baiju A., vide paper read as 4th above.

4. Sri. P. Ibrahimkutty, former Assistant Executive Engineer in his reply submitted vide paper read as 5th above and Sri. Baiju A., former Assistant Engineer in his WSD submitted vide paper read as 6th above, denied all the allegations. They stated that the project was successfully completed as spill over work and currently functioning well. The final payment was issued after deducting the mobilization advance of Rs.1,00,000/-. Hence they claimed that no loss was sustained to Govt in this project and they are not liable to pay any penalty.

Sri. P. Ibrahimkutty, former Assistant Executive Engineer stated that the agreement for the project was executed on 24/01/2012. Mobilization advance was released to the convener on 15/02/2012. Since the work was not started, he issued notice to the convener on 08/03/2012. After that he was on leave for 4 months and transferred to Chelannur Block Panchayath on 03/11/2012. Hence he is not responsible for the further delay caused. If convener / contractor fails to execute the work, it should be terminated at the risk and cost of the convener / contractor. The attempt to recover mobilization advance from him is against PWD Manual. The work got approved as spill over work on 05/12/2012 and the project was successfully completed and currently functioning well. The final payment

was issued after deducting the mobilization advance of Rs.1,00,000/-. Hence he claimed that no loss is sustained to Govt in this project and he is not liable to pay any penalty.

5. The Chief Engineer, LSGD, vide paper read as 7th above, reported that the claim of the accused officers that the work was delayed due to the non-availability of sufficient water in the well may be accepted. The work is successfully completed as spill over work and currently functioning well. The final payment was issued after deducting the mobilization advance of Rs.1,00,000/-. The Chief Engineer, LSGD has accepted the contentions of Sri. P. Ibrahimkutty, former Assistant Executive Engineer that he issued notice to the convener on 08/03/2012. A copy of the notice is also furnished by him. It was also reported that Sri. P. Ibrahimkutty was on half pay leave from 21/06/2012 to 17/10/2012 and transferred to Chelannur Block Panchayath on 03/11/2012. He further reported that Sri. Baiju, Asst. Engineer expired on 26.06.2019.

6. Government have examined the matter in detail considering the facts in the Vigilance report, reply furnished by the accused officers and the report of the Chief Engineer, LSGD. It is seen that Sri. P. Ibrahimkutty, former Assistant Executive Engineer (Rtd) has followed all the procedures and there is no purposeful misconduct from the part of the delinquent officer. More over the Chief Engineer, LSGD has reported that the service history of the delinquent officer was good and the work was completed as spill over and the final payment was granted to the convener after deducting the mobilization advance and hence there is no loss to Government exchequer.

7. In the above circumstances, a tentative decision was taken by this Department to finalise the disciplinary action initiated against Sri. P. Ibrahimkutty, Executive Engineer (Rtd) under Rule 59(b) Part III KSR, by absolving him from the charges levelled since there is no considerable misconduct from the part of the delinquent officer and to drop further action against Sri. Baiju A., Asst. Engineer, since the accused expired and the concurrence of Vigilance Department was sought for in the matter. That Department accepted the tentative decision put forth by this Department.

8. On the above grounds, the disciplinary action initiated against Sri.P.Ibrahimkutty, Executive Engineer (Rtd) under Rule 59(b) Part III KSR is finalised by absolving him from the charges levelled against him and the further action against Sri. Baiju A., Asst. Engineer is dropped

since the accused expired and orders issued accordingly.

(By order of the Governor)
BIJUKUTTAN.M.S
ADDITIONAL SECRETARY

To:

1. Sri. P. Ibrahimkutty, Executive Engineer (Rtd) (Through CE, LSGD).
2. Legal heirs of Sri. Baiju A., Asst. Engineer (Late) (Through CE, LSGD).
3. The Chief Engineer, LSGD.
4. The Director, Vigilance & Anti Corruption Bureau .
5. The Accountant General (A&E/Audit) of Kerala, Thiruvananthapuram.
6. The Vigilance (D) Department. (Vide File no. Vig-D1/742/2019-Vig).
7. Secretary, Thavinhal Grama Panchayath, Wayanad.
8. Web & New media, I&PRD
9. LSG (EW3) Department.
10. Stock File/Office Copy.

Forwarded /By order

Section Officer