



GOVERNMENT OF KERALA

Abstract

Local Self Government (EW) Department - Surprise check at Vadakarapathy Grama Panchayath - disciplinary action against Sri.V. S. Gopakumar, Assistant Executive Engineer, Smt. Sushama V. S., Assistant Engineer, Sri. M. Murukeshan, Overseer - finalised - orders issued.

LOCAL SELF GOVERNMENT (EW) DEPARTMENT

G.O.(Rt)No.666/2020/LSGD Dated, Thiruvananthapuram, 18/03/2020

- 1 Read 1 Letter No.6730/D3/2016/Vig Dated 21.07.2016 from the Additional Chief Secretary to Government, Vigilance Department.
- 2 Report No.E9(SC 03/16/PKD)159/2016 from the Director, Vigilance & Anti-Corruption Bureau.
- 3 MoC & SoA No.LSGD-EW2/116/2016-LSGD dated 28.09.2017 issued to the accused officers.
- 4 WSD furnished by the accused officers.
- 5 Letter No. E15/11840/2017/CE/LSGD dated 09.10.2018 from the Chief Engineer, LSGD.
- 6 G.O.(Rt)No.667/2019/LSGD dated 21.03.2019.
- 7 Enquiry report dated 18.05.2019 submitted by the formal enquiry officer .

ORDER

The Vigilance & Anti-Corruption Bureau, Palakkad Unit conducted a surprise check on 23/01/2016, at Vadakarapathy Grama Panchayath and submitted report through the Vigilance Department. That department accepted the recommendations of the Director, Vigilance & Anti-Corruption Bureau and forwarded the report vide paper read as 1st above and requested to take action as such.

2. In the report of the Director, Vigilance & Anti-Corruption Bureau vide paper read as 2nd above, the following irregularities were

found out in the construction of compound wall in Munisiff Challa Anganwadi, Vadakarapathy Grama Panchayath.

- i) The compound wall was found in a damaged condition and cracks were seen developed due to the uneven settlement of foundation of retaining wall. Three diagonal cracks which were major in nature and two vertical cracks were seen developed in the compound wall.
- ii) There is failure in the work due to differential settlement of foundation of the retaining wall, as it was not brought down to sufficiently strong soil strata. The foundation of the compound wall was not seen resting on hard strata capable of taking the super structure load and surcharge.
- iii) The cost of repair work of the compound wall calculated by the Surprise check Officer is Rs.50,391/- and it is found to be a loss to the Government.

3. Smt. Sushama V. S., Assistant Engineer, Vadakarapathy Grama Panchayath, Sri. M. Murukeshan, Overseer and Sri. V. S. Gopakumar, Assistant Executive Engineer were found responsible for the irregularities. Hence MoC/SoA under Rule 15 KCS(CC&A) Rules was issued to the above accused officers vide paper read as 3rd above.

4. In their WSD vide paper read as 4th above, the accused officers denied all allegations and stated that there was a Neem tree protected due to ecological concern near the compound wall of the Anganwadi and there was common demand to execute the work protecting the tree. They claimed that the movement of the roots of the tree in the wind of rainy season exerted pressure in the retaining wall and in the compound wall. It caused the cracks. The damage to the compound wall was rectified and hence no loss is occurred to Government as alleged in the Vigilance report.

5. The Chief Engineer, LSGD, in his report vide paper read as 5th above, has not supported the contentions of the accused officers. A formal enquiry as per Rule 15(2) of KCS(CC&A) Rules was ordered vide paper read as 6th above against the accused officers and Sri. Murali R., Executive Engineer, District Panchayath, Thrissur was appointed as the enquiry Officer.

6. The report of the enquiry officer, submitted vide paper read as 7th above, found out the following:-

The soil is of expansive in nature, usually referred to as black cotton soil, only exists in Kerala, in Chittur taluk, bordering with Coimbatore district in Tamilnadu. The retaining wall was seen rest in hard strata, and it is assumed that the earth from foundation excavation was used for back filling, since no provision for selected back fill materials was included in the estimate. Unfortunately the back filled earth of expansive nature exerts pressure horizontally on the retaining wall when in contact with water especially during rainy season. He expressed the opinion that the technical officers must have applied their mind to identify the treacherous nature of subsoil strata and also to avoid such type of back fill materials. However, considering the rarest chance of occurrence and unfamiliarity in dealing with such type of soils, the mistakes took place on the part of the officials concerned may be pardoned. Moreover, the rectification of the damaged structure was carried out at their own cost, there is no loss sustained to Government. Hence he recommended that the accused officers may be exonerated from the charges.

7. As part of complying with the disciplinary procedures, the Under Secretary of this Department heard the accused officers in person on 26.07.2019. The accused Officers stick on to their earlier stand that there is no wilful latches from their part and they have executed the work assigned to them with utmost sincerity and care.

8. Since the role of the accused officers have been proved beyond doubt, this Department has decided to take stringent action and taken a tentative decision to withhold three annual increments of the delinquent officers for a period of three years.

9. When the above tentative decision was being consulted with Vigilance Department, that Department concurred with the same.

10. In the circumstances, the disciplinary action initiated against Sri. V. S. Gopakumar, Assistant Executive Engineer, Smt. Sushama V. S., Assistant Engineer, Sri. M. Murukeshan, Overseer is finalised by withholding their three annual increments for a period of three years without cumulative effect and orders issued accordingly.

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

To:

1. Sri.V. S. Gopakumar, Assistant Executive Engineer (Through the CE, LSGD).
2. Smt.Sushama V. S., Assistant Engineer (Through the CE, LSGD).
3. Sri. M. Murukeshan, Overseer (Through the CE, LSGD).
4. The Chief Engineer, LSGD.
5. The Director, Vigilance & Anti Corruption Bureau .
6. The Accountant General (A&E/Audit) of Kerala, Thiruvananthapuram.
- 7.The Vigilance (D) Department. (File No.Vig - D3/2/2020).
8. Secretary, Vadakarapathy Grama Panchayat, Palakkad.
9. Web & New media, I&PRD
10. LSG(EW3) Department.
11. Stock File/Office Copy.

Forwarded /By order

Section Officer