



GOVERNMENT OF KERALA

Abstract

Local Self Government Department –Establishment – O.A(EKM)No. 452/16 filed by Shri.B.Dileep, Health Inspector Grade II, Cherthala Municipality – Order dated. 01.04.2016 of the Hon. Kerala Administrative Tribunal Complied with - Orders issued.

Local Self Government (E.U) Department

G.O.(Rt)No.3382/16/LSGD

Dated,Thiruvananthapuram. 13.12.2016.

Read:

1. Govt. Letter No. 13638/EU2/15/LSGD dated 07.01.2016
2. Order No. E5-7330/14 dated 29.01.2016 of the Director of the Urban Affairs, Thiruvananthapuram.
3. Appeal petition dated. 23.02.2016 submitted by Shri.B.Dileep, Health Inspector Grade II, Cherthala Municipality before the Government (Annexure A7).
4. Order dated. 01.04.2016 of the Hon. Kerala Administrative Tribunal in O.A (EKM)No.452/16 filed by Shri.B.Dileep, Health Inspector Grade II.
5. Letter.No. E6- 11377/2016 dated 27.06.2016 from the Director of Urban Affairs, Thiruvananthapuram.

ORDER

Based on a 'Whats App' petition regarding the allegation that the complainant applied for getting a licence for starting a homemade chocolates on a rental place in Girinagar and the concerned Health Inspector Shri. Dileep and Junior Health Inspector Shri.M X Wilson put him in much hardship by not issuing licence and demanded Rs. 3000/- as bribe, the Vigilance & Anti-Corruption Bureau conducted a Surprise Check on 15.07.2014, at the O/o Health Inspector, Circle 12, Cochin Corporation.

In the Surprise Check it is revealed that there is a general allegation that these officials are issuing licence hastily on receipt of bribe through

agents. It is also revealed that the Health Inspector issued licence to certain applicants who remitted fees after the application of the petitioner and an excess amount of Rs. 2000/- was found in possession of Shri. B Dileep, Health Inspector.

The Surprise Check Officer affirmed that the office was under the control of agents and recommended to transfer Sri. B. Dileep Health Inspector Grade II and Sri. M X. Wilson, Junior Health inspector from the Cochin Corporation to any of the Municipalities in the State, considering their rude behaviour towards the general public who approaches the office directly without agents. The Surprise Check officer further recommended to take disciplinary action against Sri. B. Dileep, Health Inspector Grade II for the excess amount found in his possession and for posting a CLR employee, Sri. A R Prahladan as peon in his office who is acting as his agent for his bribery. The Director, Vigilance & Anti-Corruption Bureau agreed to the findings and recommendation of the Surprise Check Officer.

Government as per letter read as 1st paper above directed the Director of Urban Affairs to transfer Sri. B. Dileep, Health Inspector Grade II and Sri. M.X Wilson, Junior Health Inspector from Cochin Corporation and to take disciplinary action against Sri. B. Dileep. Accordingly, the Director of Urban Affairs transferred Sri. B. Dileep, Health Inspector Grade II to Cherthala Municipality as per order read as 2nd paper above.

Against this order Sri. B. Dileep submitted appeal petition read as 3rd paper above before the Government and filed OA (EKM) No. 452/2016 before the Kerala Administrative Tribunal with a prayer to expunge the remarks of Vigilance & Anti-Corruption Bureau. The Hon. Kerala Administrative Tribunal in its Order read as 4th paper above directed the 1st Respondent(Government), to consider and pass orders on Annexure A? in accordance with law, after giving an opportunity of being heard to the applicant, within three months from the date of receipt of a certified copy of the Order. The Hon. Kerala Administrative Tribunal made it clear that while producing a copy of the order, applicant can submit additional representation, if any before the 1st Respondent and the said respondent shall take appropriate decision on that also.

In accordance with the direction of the Hon'ble Kerala Administrative Tribunal Sri. Dileep was heard by the Under Secretary, Local Self Government Department on 19/8/2016. In Annexure A7 and in the additional representation dated. 22/6/2016 as well the argument put forth at the time of hearing, applicant has submitted that Sri. Prahladan, Contingent Employee was working as Peon on working arrangement in that office before Sri, Dileep took charge in that office. Moreover he had submitted the relevant file relating to license to higher ups on the very same day (23/6/2014) on getting the file from his Junior Health Inspector . It is his duty to submit the file to Health Officer. He never come across the applicant or her authorised representative. He has received so many appreciation letters from various organisations/ dignitaries for his dedication to official work. In the additional representation the applicant submitted that he is the sole earning member and one of his family members is suffering from blood cancer. He submitted that Rs. 2000 found excess in his possession was meant for purchasing medicine to his pregnant wife. In the representation dated. 30/8/2016 he submitted that by this transfer, his wife stopped higher studies in Cochin and they returned to their native place Kollam. He has a girl child aged one and a half year. He therefore requested to post him in Kollam District. He submits that the allegation is based on personal vendetta of some other staffs and the lady who applied for license could have proceeded as if the license had been received in the light of the Section 447 (6) of Kerala Municipality Act,1994 . He therefore requested to expunge the adverse remarks in the Vigilance Report.

Government have examined the Annexure A7 Appeal petition read as 3rd paper above in detail with the report of the Director of Urban Affairs read as 5th paper above. Since Shri. Dileep, Health Inspector has no valid argument for not declaring the entire cash found in his possession in the personal cash declaration register at the time of Surprise check. his transfer to Cherthala Municipality as the part of the disciplinary action is justifiable.

In the above circumstances the request of Shri. B.Dileep, Health Inspector Grade II in Annexure 7 appeal petition does not deserve any merit and is rejected

The direction contained in the Order of the Hon. Kerala Administrative Tribunal read as 4th paper above is complied with accordingly.

(By Order of the Governor)

REMESAN M K

Joint Secretary

1. The Director of Urban Affairs, Thiruvananthapuram.
2. The Director, Kerala State Audit Department, Thiruvananthapuram.
3. The Advocate General, Kerala, Thiruvananthapuram(With C.O.)
4. Shri.B.Dileep, Health Inspector Grade II, Cherthala Municipality
5. ✓ The Executive Director, Information Kerala Mission, Thiruvananthapuram.(For publishing this order in the Website)
6. The Principal Accountant General (Audit), Thiruvananthapuram.
7. Stock file/Office Copy.

Forwarded/By Order



Section Officer