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GOVERNMENT OF KERALA

Abstract

LSGD - Engineering Wing – Surprise check in Thiruvananthapuram Corporation, Zonal Office Sreekariyam- Disciplinary action against Shri. K. Radhakrishnan Nair, 2<sup>nd</sup> Gr. Overseer-Finalized - Orders issued.

LOCAL SELF GOVERNMENT (EW) DEPARTMENT

G.O.(Rt)No.801/2017/LSGD.

Dated, Thiruvananthapuram, 21-03-2017.

- Read: 1 Letter No. E1/(SC/13/2012/TVM)7799/2012 dated 05.10.2012 from the Director, Vigilance and Anti Corruption Bureau.
- 2 Letter No.13050/D1/12/Vig. Dated 17/11/2012 from the Principal Secretary, Vigilance (D) Department.
- 3 MOC/SOA No.49548/EW1/13/LSGD dated 23.09.2013.
- 4 WSD dated 14.02.2014 from Shri. K. Radhakrishnan Nair, 2<sup>nd</sup> Grade Overseer.
- 5 GO(Rt)No.1256/2014/LSGD dated 22.05.2014.
- 6 Enquiry Report No.1/SE/KSRRDA/2014 dated 23.07.2014.
- 7 Show Cause notice No.49548/EW1/2013/LSGD dated 18/06/2015
- 8 Reply dated 26.08.2015 furnished by Sri. K.Radhakrishnan.

ORDER

The surprise check conducted by the Vigilance & Anti Corruption Bureau on 06/06/2012 at the Thiruvananthapuram Corporation Zonal office at Sreekaryam on the allegation of acceptance of bribe by the officials in the Engineering Section brought out, inter-alia, that inordinate delay was made in processing the application for house number and regularisation for want of illegal gratification.

The allegation is that the applicants Smt. Mary Jasmine and 2 others submitted the application for house number for their building in Survey No.130/2-5,Uliyazhathura Village to Corporation Zonal Office, Sreekaryam through front office on 17/10/2011. The applicant had filed the regularisation application on 21/02/2012. Following this site inspection was conducted by the 2<sup>nd</sup> Grade Overseer on 27/02/2012 and on 24/03/2012, the Assistant Engineer had ordered for regularisation. Finally house number was allotted on 04/04/2012. In short, they took 5 1/2 months time to complete

the entire process. The delinquent officers were Sri. K. Radhakrishnan Nair, 2<sup>nd</sup> Grade Overseer and Sri. R. Radhakrishnan Nair, Assistant Engineer.

The Vigilance Department in government has recommended for disciplinary action against the delinquent officers for the imposition of major penalty. Based on the recommendation of the Vigilance Department, MOC for major penalty under Rule 15, KCS(CC&A) Rules 1960 was served on Sri. K. Radhakrishnan Nair, 2<sup>nd</sup> Grade Overseer as per 3<sup>rd</sup> paper read above.

In his Written Statement of Defence the main defence advanced by Sri, K. Radhakrishnan Nair was that he was having additional charges in other Zonal Offices within the Corporation and hence he was not in a position to attend all cases within the stipulated time frame. He also contended that no intentional delay or negligence had happened.

Since the delinquent officer denied the charges levelled against him, a formal enquiry, as contemplated under Rule 15(2)(a) KCS(CC&A) Rules was ordered and Sri. Joseph George, Superintending Engineer, KSRRDA was appointed as Enquiry Officer as per G.O read as 5<sup>th</sup> paper above. The main findings of the enquiry are the following:-

Out of the 23 days when file was within the custody of Overseer, only 11 days he was on duty, 12 days he was having other duties including holidays. Since transit register is not maintained at this office, as per general office procedure followed at Sreekariyam Zonal office the recorded dated 10.11.11 on note file is the handover date of file from Overseer to Assistant Engineer. Statement of Overseer, note file and other similar application files checked, petitioners statement revealed that the Overseer had handed over the file to Assistant Engineer. On pursuing the records it can be concluded that the overseer had not committed any serious irregularity while discharging his duties.

The formal Enquiry officer has also reported that on hearing the petitioners, they have repeatedly contacted Assistant Engineer several times personally for taking action in this case. But Assistant Engineer had taken delay in taking action in this case particularly. Similar files checked during this period also revealed this. On the part of the Assistant Engineer it can be concluded that inordinate delay occurred on the particular file in which the complainant raised the complaint by disposing other files, overlooking the seniority of the particular file under contention.

In view of the facts and circumstances and considering the findings of the inquiry Officer, the disciplinary action initiated against the Overseer for the imposition of major punishment was shifted to minor penalty and it has tentatively been decided to bar one increment without cumulative effect from the salary of Sri. K. Radhakrishnan Nair, Overseer and Show Cause Notice to this extent was served on him as per 7<sup>th</sup> paper read above and the delinquent officer contended that there was only a meagre delay owing to heavy work load and expressed a desire for personal hearing. Pursuant to this the delinquent officer was heard in person by the Under Secretary, LSGD on 31/03/2016.

The depositions made by the delinquent officer in the personal hearing are as follows.

He was the lone Overseer in handling various applications for 5 Council Wards and there was no intentional delay in proceeding the application and he pleaded to exonerate him from the proposed punishment.

On going through the Vigilance Report, Written Statement of Defence and the findings of the Enquiry Officer, the explanation tendered by the Overseer is not valid enough to exonerate him from the punishment proposed. Even though he claims that he had not committed intentional or unintentional delay to process the application for allotting House number, the Vigilance report and the enquiry report revealed that there was inordinate delay and it is not at all justifiable.

Under the above circumstances the disciplinary action initiated against Shri. K. Radhakrishanan Nair, 2<sup>nd</sup> Gr. Overseer, Sreekariyam Zonal Office is finalized by barring one increment without cumulative effect for a period of one year from his salary and orders issued accordingly.

The disciplinary action initiated against Sri. R. Radhakrishanan Nair, Assistant Engineer will be examined separately.

(By order of the Governor)  
MINIMOL ABRAHAM  
Additional Secretary to Government.

To

1. Shri. K. Radhakrishanan Nair, 2<sup>nd</sup> Gr. Overseer (Through Chief Engineer, LSGD)
2. The Chief Engineer, LSGD, Thiruvananthapuram
3. The Director, Vigilance & Anti Corruption Bureau, Thiruvananthapuram.
4. Vigilance Department (Vide letter No.13050/D1/12/Vig. Dated 17/11/2012)
5. The Accountant General (A&E)/Audit) Kerala, Thrissur.
- ✓ 6. The Web & New Media, I&PRD.
7. Stock File/Office Copy. (No.49548/EW1/2013/LSGD)

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Forwarded/By Order

  
Section Officer.