



GOVERNMENT OF KERALA

Abstract

Local Self Government Department - Urban Affairs – Establishment - Order dated 8/12/2016 of the Hon'ble Kerala Administrative Tribunal in O.A. (EKM) No.1869/2016 filed by Shri.R.Lalu, Former Secretary, Greater Cochin Development Authority - Complied with - Orders issued.

LOCAL SELF GOVERNMENT (E.U.) DEPARTMENT

G.O.(Rt).No:1879 /2017/LSGD Dated, Thiruvananthapuram, 06/06/2017.

- Read:-**
1. G.O.(Rt.) No. 3134/2016/LSGD dated. 18/11/2016.
 2. Appeal Petition dated 06.12.2016 in respect of Shri.R.Lalu, Former Secretary, Greater Cochin Development Authority.
 3. Order dated 8/12/2016 of the Hon'ble Kerala Administrative Tribunal in O.A. (EKM) No.1869/2016 filed by Shri.R.Lalu, Former Secretary, Greater Cochin Development Authority.
 4. Government Letter No.1311/D1/2017/Vig dated 23.03.2017.

ORDER

On the basis of the finding in the Quick Verification Report (Q.V 9/16/SCE) that Sri. R. Lalu, Joint Director of Urban Affairs, who was on deputation as Secretary in Greater Cochin Development Authority together with 3 others have caused a loss of Rs. 7,92,47,000, to the GCDA by selling 4 pieces of land of GCDA (20 cents in Sy. No. 1002,1013/1, Ernakulam, 20 cents in Sy No. 1044/9, Ernakulam, 20 cents in Sy. No. 497/2, Ernakulam and 45.83 cents in Sy No. 330/12, Elamkulam), the Vigilance & Anti-Corruption Bureau registered a Vigilance Case No. V.C 15/2016/SCE under Section 13 (1) (d) r/w 13 (2) of Prevention of Corruption Act, 1988 and Section 120 B IPC. Based on the recommendation of the Director, Vigilance & Anti-Corruption Bureau, Shri.R.Lalu has been suspended from service under Rule 10 (1) (b) of Kerala Civil Services (Classification, Control & Appeal) Rules, 1960 as per the Government Order read as 1st paper above. Against this Order, Shri.R.Lalu filed an appeal petition read as 2nd paper above before the Chief Secretary. He has also filed O.A (EKM) No. 1869/2016 before the Kerala Administrative Tribunal. In that O.A, the Principal Secretary, Local Self Government Department is the respondent.

2. The Hon'ble Kerala Administrative Tribunal, as per the Order read as 3rd paper above, directed the respondent to consider and pass

appropriate orders on Annexure M.A-1 Appeal, within a period of one month from the date of receipt of a copy of this order after affording an opportunity of personal hearing to the applicant. The Hon'ble Kerala Administrative Tribunal made it clear that they have not rendered any opinion on the merit of the case and all the contentions are left open to be agitated before the respondent.

3. Accordingly, the applicant was heard by the Under Secretary, Local Self Government (E.U.) Department on 3/2/2017. During the hearing and in the appeal petition the appellant submitted that before making sale of properties, the planning Wing of GCDA was directed to suggest base prices, considering the market price, fair value and the importance of the land. But in total disregard of these they suggested exorbitant base prices intentionally so that the properties are not sold out. There is no allegation that the procedure prescribed by law are not followed with. Competitive tenders were conducted for 3 pieces of land on the base price suggested by the Planning Wing, but no prospective tenderers turned up for 1st 2nd and 3rd times tender. Regarding the 4th piece of land (Sy No. 330/12) there was only option to accept the highest price offered for land by one Sri. P.A Naseer in the light of the Judgment dated. 27/3/2014 of the Hon. High Court in W.P (C) No. 2782/2010. He pointed out that the 1st reduction of price was with the prior approval of the Executive Committee and the subsequent reductions were made as per the direction of Chairman and all sales were effected after getting approval from Executive Committee. He pointed out that the Hon. High Court while allowing the Anticipatory Bail as per Judgment dated. 25/10/2016 in Case No. 6180/2016, made it clear that the evidence can be made available in records itself and there is no need to allow custodial interrogation. He submitted that he has already relieved from the GCDA and he is now in the Urban Affairs Department and he has no further chance to interfere affairs of the Greater Cochin Development Authority. He has requested to ascertain the value of land in the near by plots. He submitted that no memo of charges (From Court or Government) has been received in connection with the issue and he will complete 3 months in suspension as on 17/2/2017. He therefore requested to reinstate him in service. The veracity of the arguments, whether Planning Wing of the Greater Cochin Development Authority intentionally put forth exorbitant price to the lands, whether near by plots get any higher price, whether procedural formalities completed before sale, whether tender was conducted many times for getting base value fixed by the Planning Wing

etc have to be analysed by investigating officer of the Vigilance & Anti-Corruption Bureau.

4. It is an admitted fact that Shri. R. Lalu was on deputation in GCDA and he was reverted to parent department (Urban Affairs) and posted as Secretary, Thrissur Corporation. In this case, 3 months will expire on 17/2/2017 in the case of suspension of Lalu.

5. As per Para 17 of Manual For Disciplinary Proceedings, Suspension of Officers should be reviewed in every 6 months. The Para 17 (V) insists that irrespective of the authority who suspended the officer, every case of suspension in which Vigilance enquiry/Case has been started will be reviewed by the Vigilance Department in Government. The Suspension Review Committee held on 14.02.2017 decided not to recommend his reinstatement, since investigation against him is pending.

6. In the circumstances, Government order that Annexure MA1 appeal submitted by Shri.R.Lalu, Former Secretary, Greater Cochin Development Authority is hereby rejected .

7. The Order of the Hon'ble Kerala Administrative Tribunal read as 3rd paper above is complied with accordingly.

(By Order of the Governor)
T.K.JOSE
PRINCIPAL SECRETARY.

To

The Director of Urban Affairs, Thiruvananthapuram.
The Advocate General, Hon'ble Kerala Administrative Tribunal,
Vanchiyoor P.O., Thiruvananthapuram (with C/L).
The Director, Kerala State Audit Department, Thiruvananthapuram.
The Principal Accountant General [(A&E)/(Audit)], Kerala, Thrissur.
Shri. Lalu, Former Secretary Greater Cochin Development Authority
(through the Director of Urban Affairs).
The Executive Director, Information Kerala Mission,
Thiruvananthapuram (for publishing this order in the website)
The Vigilance Department (vide letter No.311/D1/2017/Vig dated
23.03.2017.
Stock File/Office Copy.

Forwarded/By Order


Section Officer.