



**GOVERNMENT OF KERALA**

**Abstract**

Local Self Government Department - Urban Affairs - Order dated 31.08.2017 of the Hon'ble Kerala Administrative Tribunal in O.A.(EKM) No.1909/2017 filed by Shri.K.M.Basheer – Complied with - Orders issued.

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**LOCAL SELF GOVERNMENT (E.U.) DEPARTMENT**

**G.O.(Rt)No.**

**1203/2018/LSGD** Dated, Thiruvananthapuram, 27/04/2018

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- Read: 1 Report No. CTP (Vig) 116/2015 & 63776/RB1/12/LSGD dated 31.03.2015 from the Chief Town Planner (Vigilance), Thiruvananthapuram.
- 2 Memo of charges No. LSGD-EU1/304/2015-LSGD dated 30.07.2015 served on Shri.K.M.Basheer, former Secretary, Palakkad Municipality.
- 3 Written Statement of Defence dated 10.01.2017 submitted by Shri.K.M.Basheer.
- 4 Order dated 31.08.2017 of the Hon'ble Kerala Administrative Tribunal in O.A.(EKM) No.1909/2017 filed by Shri.K.M.Basheer.
- 5 Letter No.V3-19087/2015 dated 19.02.2018 from the Director of Urban Affairs, Thiruvananthapuram.

**ORDER**

The Hon'ble Kerala Administrative Tribunal, as per the order read as 4<sup>th</sup> paper above, has disposed of the O.A. With a direction to the respondents to conclude the disciplinary proceedings initiated as per Annexure A5 within a period of three months from the date of receipt of a copy of the order. Annexure A5 is the Memo of Charges read as 2<sup>nd</sup> paper above served on the applicant, Shri.K.M.Basheer, for having issued building permit vide No.EJBR/872/10-11/PW4 dated 19-05-2011 to the Secretary, Madhava Raja Club, English Church Road, Palakkad for the construction of recreational building which violated the provisions of Kerala Municipal Building Rules,

1999.

2. Shri.K.M.Basheer, as per the Written Statement of Defence read as 3<sup>rd</sup> paper above, has stated that he has only approved the recommendation of building inspector and Municipal Engineer and that the permit has been signed by the Executive Engineer. He has also submitted that he is not responsible for the allegations in the memo and that he has relieved from the Municipality on 18.06.2012.

3. The Director of Urban Affairs, as per the letter read as 5<sup>th</sup> paper above, has reported that the file related to issuance of the building permit is with the Hon'ble Court in connection with another case pending there and hence the Director of Urban Affairs is not in a position to submit a final report in the matter. However, it has been reported that though there was violation in issuing building permit no loss to Government is sustained and that irregularity is detected against him for the lapse of issuing permit to a building which violated Building Rule. It is also reported that the building permit has been issued to the applicants after they have remitted the required fee and that if the construction made unauthorisedly is according to the provisions of KMBR, steps for regularising the same can be taken after they will remit the fee as per direction.

4. Government have examined the matter in detail with reference to the Written Statement of Defence of the accused and the report of the Director of Urban Affairs. Shri.K.M.Basheer has retired from service on superannuation on 30.11.2016. Eentough there was violation in issuing building permit no loss to Government is sustained. In the circumstances, Government are pleased to drop the disciplinary action initiated against Shri.K.M.Basheer, former Secretary, Palakkad Municipality, as per the Memo of Charges read as 2nd paper above.

5. The order of the Hon'ble Kerala Administrative Tribunal read as 4<sup>th</sup> paper above is thus complied with.

(By order of the Governor)

**S MOHANDAS**

**ADDITIONAL SECRETARY**

To:- The Director of Urban Affairs, Thiruvananthapuram.  
The Chief Town Planner (Vigilance), Thiruvananthapuram.

The Principal Accountant General (A&E)/(Audit), Kerala,  
Thrissur.

The Director, Kerala State Audit Department,  
Thiruvananthapuram.

The Advocate General, Hon'ble Kerala Administrative Tribunal,  
Ernakulam (with covering letter)

The Secretary, Palakkad Municipality

Shri.K.M.Basheer, former Secretary, Palakkad Municipality  
(through the Director of Urban Affairs).

The Executive Director, Information Kerala Mission,  
Thiruvananthapuram (for publishing this Order in the website).

The Stock File.

Forwarded/By order



Section officer