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GOVERNMENT OF KERALA

Abstract

Vigilance Department - Enquiry Case No.01/2010 - Disciplinary Proceedings against Shri.T.V.Manoharan, former Joint Regional Transport Officer(Retd), Thrissur - finalised - Orders issued

VIGILANCE(A)DEPARTMENT

G.O.(Ms)No. 5/2018/VIG Dated,Thiruvananthapuram,04/02/2018

- Read: 1. Letter No.C2(VC 01/2007/TSR)2462/2007 dated 06.05.2009 from the Director, Vigilance & Anti-Corruption Bureau
2. Memo of Charges No.4182/A2/2009/Vig dated 23.07.2009
3. Written Statement of Defence dated 08.12.2009 from Shri.T.V.Manoharan
4. G.O(Ms)No.11/2010/Vig dated 04.03.2010
5. Letter No.EC 1/2010/VTK dated 05.02.2015 from the Vigilance Tribunal, Kozhikode
6. Letter No.K3/20315/TC/2009 dated 05.10.2015 from the Transport Commissioner
7. Show Cause Notice No.2351/A1/15/Vig dated 16.12.2015
8. Explanation dated 27.01.2016 from Shri.T.V.Manoharan
9. Letter No.A1(3)6610/16/GW dated 22.03.2017 from the Secretary, Kerala Public Service Commission, Thiruvananthapuram
10. Letter No.A1(3)6610/16/GW dated 07.11.2017 from the Secretary, Kerala Public Service Commission, Thiruvananthapuram

ORDER

The investigation of the vigilance case VC 01/2007/TSR registered against Shri. T.V.Manoharan, former Joint Regional Transport Officer, Thrissur revealed prima facie certain incidents that warranted initiation of disciplinary proceedings against him. In the factual report of the case submitted, as per the paper read as 1st above, by the Director, Vigilance & Anti-Corruption Bureau, it was reported of insufficient evidence to prosecute the accused u/s 13(1) (e) of PC Act 1988. Accordingly, a Memo of Charges, as per paper read as 2nd above, was issued to the Suspect Officer containing the offences that while he was working as Joint Regional Transport Officer, Thrissur an unaccounted money of Rs.33,970/- intended to be given to him and the same collected from various clients as directed by the Suspect Officer, was found in possession of Davis @ Kochu Davis during a surprise check conducted on 1.12.2006 and for the very act he failed to maintain absolute integrity and devotion to duty.

2. The Suspect Officer submitted his Written Statement Defence, vide paper read as 3rd above, in which he denied all the allegations. Government found the arguments of the Suspect Officer not convincing and satisfactory. Hence referred

the charges to the Vigilance Tribunal, Kozhikode for conducting a detailed enquiry as per paper read as 4th above.

3. The Vigilance Tribunal, Kozhikode, vide paper read as 5th above, submitted the report after conducting a detailed enquiry along with its findings and recommendations. The Tribunal found the Suspect Officer guilty of the charges framed against him. With regard to the punishment to be imposed upon the accused, the Tribunal recommended to withhold 25% of his monthly pension for a period of three years under Rule 3 of Part III, Kerala Service Rules.

4. On receipt of the Tribunal enquiry report, Government examined the same in detail with the connected records of the case. As a result, Government accepted the findings of the Tribunal who established the guilt of the accused. Prior to the tentative decision on the imposition of punishment to be arrived at, the quantum of monthly pension due to the accused was called for from the Transport Commissioner, Thiruvananthapuram as the accused officer retired from service on superannuation on 31.03.2010.

5. As per paper read as 6th above, the Transport Commissioner informed that the accused would receive an amount of Rs.8421/- as monthly pension after commutation. Since the monthly pension worked out was nominal amount for sustenance, the Government partially modified the Tribunal's recommendation of withholding 25% of monthly pension for a period of three years. Instead, it was tentatively decided to reduce an amount of Rs.500/- from his monthly pension for a period of three years under Rule 3 of Part III, Kerala Service Rules.

6. A show cause notice, as per paper read as 7th above, containing the above tentative decision was issued to the retired officer. The accused submitted his explanation vide paper read as 8th above. The accused denied all the charges levelled against him and requested to exonerate him from the charges. No convincing or new new arguments had been put forth so as to change from the tentative decision already arrived at.

7. The tentative decision to reduce an amount of Rs.500/- from the monthly pension for a period of three years under Rule 3 of Part III, Kerala Service Rules was forwarded to Kerala Public Service Commission for its advice. The Commission, vide paper read as 9 above, furnished the advice by disagreeing to the Government decision.

8. On receipt of the Commission's advice, Government had once again examined the case in detail. It came up that the Accused Officer would draw a meagre amount of Rs.6316/- per month for 3 years if portion of 25% was withheld from his monthly pension. The sum so estimated was found to be too paltry a sum for meeting the living expenses of the accused. Hence Government on a considerate ground adhered to its earlier decision to reduce an amount of Rs.500/- from the monthly pension of the accused for 3 years and consulted Commission the second time.

9. The Commission, vide paper read as 10 above, conveyed its advice for enhancing the punishment. Government examined the Commission's advice with

reference to the case records. It has accordingly been found that further reduction of pension will indeed affect the ability of the accused in meeting his living.

10) In the above circumstance, Government have decided to confirm its tentative decision taken to reduce an amount of Rs.500/- from the monthly pension of Shri.T.V.Manoharan, former Joint Regional Transport Officer (Retd), Thrissur for a period of three years under Rule 3 of Part III, Kerala Service Rules and order accordingly.

11) The Transport Commissioner, Thiruvananthapuram shall implement the order and report compliance.

By Order of the Governor
SUBRATA BISWAS
ADDITIONAL CHIEF SECRETARY

To

Shri.T.V.Manoharan, former Joint RTO(Retd), Thrissur
(Through the Transport Commissioner, Thiruvananthapuram)
The Transport Commissioner, Thiruvananthapuram
Transport Department

The Secretary, Kerala Public Service Commission,
Thiruvananthapuram (with C.L)

The Accountant General (A&E/Audit), Thiruvananthapuram

The Vigilance Tribunal, Kozhikode

The Director, Vigilance & Anti-Corruption Bureau,
Thiruvananthapuram

Information & Public Relations (Web & New Media) Department
(for publishing in the official website)

*with committee
and minutes*

General Administration (SC) Department

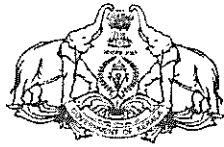
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Section Officer

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രഹസ്യം

കേരള സർക്കാർ

മന്ത്രിസഭായോഗത്തിന്റെ നടപടിക്കുറിപ്പുകൾ

തീയതി : 31-01-2018

ഫയൽ നം. VIG-A1/258/2017-VIG

ഇനം നം: 1885

വിഷയം : വിജിലൻസ് വകുപ്പ് - തൃശൂർ മുൻ ജോയിന്റ് ആർ.ടി.ഒ. (റിട്ടയേഡ്) ശ്രീ. ടി.വി. മനോഹരനെതിരെയുള്ള അച്ചടക്ക നടപടി തീർപ്പാക്കുന്നത്.

തിരുമാനം : കുറിപ്പിലെ നിർദ്ദേശം അംഗീകരിച്ചു.

(ഒപ്പ്)
പിണറായി വിജയൻ
മുഖ്യമന്ത്രി

(ശരിപ്പകർപ്പ്)

പോൾ ആന്റണി
ചീഫ് സെക്രട്ടറി

അഡീഷണൽ ചീഫ് സെക്രട്ടറി, ആഭ്യന്തര-വിജിലൻസ് വകുപ്പ്.

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GOVERNMENT OF KERALA
(SHRI. PINARAYI VIJAYAN MINISTRY)
NOTE FOR COUNCIL OF MINISTERS

1.	File Number	VIG-A1/258/2017-VIG
2	Department	Vigilance (A) Department
3	Subject	Finalisation of the disciplinary proceedings initiated against Sri.T.V Manoharan, former Joint R.T.O (Retd), Thrissur-reg
4	Date of Chief Minister order for placing before the Council	17.01.2018
5	(i) Does the case involve financial commitments/implications	No
	(ii) If the answer to the above is in the affirmative, whether Finance Department has been consulted and their remarks incorporated in the Council Note	Not Applicable
6	Are any other Departments concerned with the case and if so, have they been consulted and their remarks incorporated in the Note for the Council	No
7	Name of Joint Secretary who submitted the Draft Note	Sri.M.Harshan
8	Name of Additional Chief Secretary who approved the Draft Note	Sri.Subrata Biswas IAS
9	Date of Approval of the Draft Note for the Council by the Additional Chief Secretary	22.01.2018
10	Name of Chief Secretary who approved the Draft Note	Sri. Paul Antony IAS
11	Date of approval of the Draft Note for the Council by the Chief Secretary	23.01.2018
12	Name of Minister who approved the Draft Note	Sri. Pinarayi Vijayan
13	Date of approval of the Draft Note for the Council by the Minister	26.01.2018
14	Date of submission of fair copies	30.01.2018
15	Date of decision by the Council of Ministers	31-01-2018
16	Number and Date of the G.O./ letter communicating the decision.	G.O(Ms)No. 5/2018/Vij Dated 04.02.2018

Note for the Council of Ministers

1) This note deals with the subject matter of determining the quantum of punishment to be imposed upon Shri.T.V.Manoharan, former Joint Regional Transport Officer (Retd), Thrissur as part of the disciplinary proceedings initiated against him.

2) The Vigilance & Anti-Corruption Bureau registered a vigilance case as VC 01/2007/TSR against Shri.T.V.Manoharan, former Joint Regional Transport Officer, Thrissur and conducted the investigation into the instance of the recovery of unaccounted money of Rs.33,970/- intended to be given to the Joint RTO and the same collected from various clients as directed by the Suspect Officer (Joint RTO), was found in the possession of Kochu Davis, an RT Agent during a surprise check conducted on 01.12.2006. Since no sufficient material could be gathered in the investigation for a successful prosecution of the Suspect Officer, the Director, Vigilance & Anti-Corruption Bureau recommended a Vigilance Tribunal Enquiry against Shri.T.V.Manoharan, former Joint Regional Transport Officer. Accordingly, he was issued Memo of Charges. As his Written Statement of Defence was found not satisfactory a Vigilance Tribunal Enquiry was ordered.

3) The Vigilance Tribunal, Kozhikode conducted the enquiry and found Shri.T.V.Manoharan, former Joint RTO guilty. As part of the punishment it was recommended to withhold 25% from his monthly pension for 3 years.

4) Vigilance Department accepted the findings of the Tribunal. The monthly pension of Shri.T.V.Manoharan, former Joint RTO who retired from service on 31.03.2010 was called for from the Transport Commissioner and it was reported that the retired officer would receive an amount of Rs.8421/- as pension after commutation. As it would be harsh a step to withhold 25% from the monthly pension of Rs.8421/-, it was tentatively decided under Rule 3, Part III, Kerala Service Rules to withhold Rs.500/- from his monthly pension for 3 years.

A show Cause Notice was accordingly issued to the accused. As no fresh argument was furnished in his reply the matter was sent to Kerala Public Service Commission for its advice. The Commission disagreed to the proposal and advised the Government by expressing its resolve to comply with the recommendation of the Vigilance Tribunal.

5) The Accused Officer will receive only Rs.6316/- for 3 years, if 25% is withheld from his monthly pension of Rs.8421/-. Government by sticking to its position – withholding Rs.500/- for 3 years - once again sought the advice of the Kerala Public Service Commission. But the Commission advised to enhance the punishment.

6) When the file was circulated to Hon'ble Chief Minister for orders on the points whether the punishment required to be enhanced as advised by the Commission or whether the punishment proposed against Shri.T.V.Manoharan, former Joint RTO, Thrissur - the tentative decision to withhold Rs.500/- from pension for 3 years – may be confirmed by placing the matter before the Council of Ministers, the Hon'ble Chief Minister ordered to place the matter before the Council of Ministers.

Point for decision

Whether the disciplinary proceedings initiated against Shri.T.V.Manoharan, former Joint RTO (Retd), Thrissur may be finalised by confirming the tentative decision - to withhold Rs.500/- from his monthly pension of Rs.8421/- for 3 years under Rule 3, Part III, Kerala Service Rules- by overruling the disagreement of the Kerala Public Service Commission.