



GOVERNMENT OF KERALA

Abstract

Vigilance Department - Order of Hon'ble KAT dated 27.10.2023 in OA(EKM)1742/2023 filed by Sri Arif M.I, Motor Vehicle Inspector - - Complied with - Orders issued.

VIGILANCE(A)DEPARTMENT

G.O.(Rt)No.4/2024/VIG Dated,Thiruvananthapuram, 06-01-2024

- Read 1 Letter No.C8(VC.03/2020/SCK)614/2021 dated 19.01.2021 from Director, V&ACB, Thiruvananthapuram.
- 2 Letter No. A3/252/2020/Vig dated 23.03.2021.
- 3 Representation dated 08.04.2022 submitted by Sri Arif M.I, MVI.
- 4 G.O.Rt.No.358/2022/Trans dated 26.08.2022.
- 5 Representation dated 11.10.2023 submitted by Sri Arif M.I, MVI.
- 6 Order dated 27.10.2023 of Hon'ble KAT in OA(EKM) 1742/2023.
- 7 Letter No.C8(VC.03/2020/SCK)614/2021 dated 14.12.2023 of Director, V&ACB, Thiruvananthapuram.

ORDER

A Vigilance Case was registered as VC.03/2020/SCK on 26/11/2020 against Sri.Arif.M.I, Motor Vehicle Inspector, Tirur Sub RT Office, on the basis of the investigation report that Rs.14,45,212/- was amassed by Sri.Arif.M.I during the period from 01/01/2008 to 31/12/2019. The Director, Vigilance & Anti Corruption Bureau as per the letter read as 1st paper above has reported that as there is every chance of influencing witnesses and tampering evidences in this case, he may be transferred out of Malappuram district and may be posted to any of the non-sensitive and non-public approachable posts other than Malappuram, Kozhikode and Ernakulam Districts. The recommendation of Director, VACB has been approved by Government and the report has been forwarded to Transport department for taking necessary action as per the letter read as 2nd paper above.

2. Accordingly, the Transport Commissioner has transferred Sri.Arif.M.I from Ramanattukara, Kozhikode to RTO(Enforcement), Kasaragod as per

proceedings dated 02.04.2022. Also, Secretary, Transport Department has reviewed his representation read as 3rd paper above for reconsidering his transfer in view of the order in OP KAT No.112/2022 and rejected his representation as per Government order read as 4th paper above in view of the fact that the vigilance case is pending against him.

3. In the meantime, Sri Arif M.I filed OA(EKM)1742/2023 before the Hon'ble Kerala Administrative Tribunal to consider his request read as 5th paper above (Annexure A7) for reconsideration of the ban imposed on him for transfer to Ernakulam, Malappuram & Kozhikkode Districts. The Hon'ble Court observed that the Annexure A7 representation is now pending before the 2nd respondent (Transport Commissioner) and directed 2nd respondent to duly forward Annexure A7 representation to 3rd respondent i.e., Additional Chief Secretary, Vigilance for consideration and 3rd respondent is directed to consider and pass orders on Annexure A7 after hearing the applicant within a period of two months from the date of receipt of a copy of the order as per order read as 6th above.

4. In view of the above, Transport commissioner was requested to forward Annexure A7 to Government urgently. Annexure A7 representation was received on 09.12.2023 through Transport department. The Director, VACB, as per letter read as 7th above, has reported that in connection with the Vigilance case VC.03/2020/SCK registered against Sri.Arif M.I., 149 witnesses have been interrogated and statements have been recorded and verification of 72 documents has been completed out of 126 documents found from the house of the accused during the inspection and more documents need to be collected. It is also reported that most of the documents seized in connection with the case are seen to be belonging to Thrissur, Malappuram, Ernakulam and Kozhikkode districts. Moreover, the accused worked as an Assistant Motor Vehicle Inspector in these districts and Sri.Arif M.I. and his family are also seen to have a decisive influence in all these places. Therefore, it has been informed that the appointment of the accused in these districts will lead to obstruction of the investigation of the ongoing vigilance case and hence recommended not to lift the District ban against him regarding his transfer.

5. In compliance of the court direction, Sri.Arif.M.I, MVI was heard on 22.12.2023. He reiterated the facts detailed in his representation, Annexure A7 during hearing and requested to place him in Kozhikodu district, as his family is

settled there and to lift the District ban imposed on him as three years are now over from keeping him out of the three Districts including his home district. He has also stated that there is no justification for keeping him out of his home district for 3 years in view of the Vigilance case.

6. Government have examined the matter in detail . The Vigilance & Anti Corruption Bureau registered the case on 26.11.2020 and the case is still pending. Most of the documents seized in connection with the case are seen to be belonging to Thrissur, Malappuram, Ernakulam and Kozhikode districts. The Director, VACB reported that the enquiry is going on and the suspected Officer may tamper the evidences and influence the witnesses.

7. In these circumstances, the request of the petitioner (Annexure A7) to lift the district transfer ban against him is rejected and the Order of the Kerala Administrative Tribunal read as 6th paper above is complied accordingly.

8. The Director, Vigilance and Anti Corruption Bureau is also directed to complete the investigation in VC.03/2020/SCK against Sri.Arif.M.I, at the earliest.

(By order of the Governor)
JAYASREE T
ADDITIONAL SECRETARY

Sri Arif M.I, MVI, RTO Enforcement, Kasargode.

The Transport Commissioner, Thiruvananthapuram.

The Director, Vigilance & Anti Corruption Bureau, Thiruvananthapuram.

The Advocate General, Kerala, Thiruvananthapuram (with C/L).

The Transport Department.

✓ Information & Public Relations Department (Web & New Media).

Stock file.

Forwarded /By order

Signed by

Anjana M R

Section Officer

Date: 06-01-2024 16:29:29

Copy to : PA to Additional Chief Secretary, Home & Vigilance Department.