

GOVERNMENT OF KERALA

VIGILANCE (C) DEPARTMENT

No. 5681/C3/98/Vig.

Thiruvananthapuram,
Dated, 31-12-2001.

CIRCULAR

Sub :- Vigilance Department – Disciplinary / Enquiry cases – Reference to
Vigilance Tribunals by Head of Department – regarding.

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On a review of the disciplinary cases tried by Vigilance Tribunals of the State, it has come to the notice of Government that the Vigilance Tribunals are only making enquiries in disciplinary cases arising out of enquiries / investigations conducted by the Vigilance and Anti-corruption Bureau. The Departmental Officers are not utilizing the service of Vigilance Tribunals for the conduct of disciplinary enquiries which are necessary to finalise the disciplinary proceedings initiated against Government Servants. The Vigilance Tribunals under Kerala Civil Services (Vigilance Tribunal) Rules are generally appointed for making enquiries into the conduct of Government Servants. As per Rule 4 (1) of Kerala Civil Services (Vigilance Tribunal) Rules, Government may refer to the Vigilance Tribunal any case or class of cases, Which they consider, should be dealt with by the Vigilance Tribunal, provided that all cases relating to gazetted officers in respect of matters inviting corruption on the part of such officers in the discharge of their duties shall be referred to the Vigilance Tribunal. Thus clear provisions are made in the said Rule that disciplinary enquiry against gazetted officers in respect of allegations of corruption shall only be made by the Vigilance Tribunal. There should be no difficulty therefore, in adhering to the mandate of the said Rule. According to Rule 5(b) of Kerala Civil Services (Vigilance Tribunal) Rules, the departmental authorities can also sent to the Government the Records of cases other than corruption which they think fit to be tried by than the Vigilance Tribunal and Government shall decide Whether they shall be tried by the Vigilance Tribunal ore not. The discretion, however, cannot be exercised in cases relating to gazetted officers in respect of matters involving corruption and Government shall forward such cases to Vigilance tribunal for making enquiries in accordance with the procedure laid down in the Rules. The Object of the Rule is to impose penalties on the basis of findings and recommendation of Vigilance Tribunal who is a legally qualified authority in the conduct of disciplinary enquiries. Several instances have come to notice that non-observance of the said Rules by the department officers often results in the escape of many officers involved in corrupt activities without receiving adequate penalties provided by the disciplinary rules. This happens because the appreciation of evidence against delinquent officers is not done properly in Departmental Enquiries on the basis of the Principle of pre reference of Probabilities (as against proof beyond reasonable doubt in Criminal Proceedings)

Government therefore consider that officers who have committed misconduct while in serving should be awarded with penalty proportionate to gravity of their misconduct. This can be achieved where the departmental officers take such decision to send disciplinary enquiry cases especially allegations of corruption against gazetted

officers to Government in accordance with procedure laid down by Rule 5 (b) and 5(c) of the Kerala Civil Services (Vigilance Tribunal) Rules.

Government with to reiterate that the directions contained in Rule 5 (b) and (c) of Kerala Civil Services (Vigilance Tribunal) Rules should be followed scrupulously by all department Officers and they shall forward all disciplinary cases relating to gazetted officers in respect of matters involving corruption on the part of such officers, to Government in the Vigilance Department for the purpose of ordering disciplinary enquiry by the Vigilance Tribunals. This will also save the precious time of the Departmental Officers who have to monitor plan/non-plan schemes and developmental activities and at the same time help unearth evidence against delinquent officers in a thorough and systematic procedure adopted by the Vigilance Tribunals which can stand scrutiny in a Court of Law if challenged subsequently.

Before forwarding such cases to Government the departmental officers shall frame charges against such officers and obtain their written statement of defence.

DR.SATHYANARAYANA DASH
PRINCIPAL SECRETARY (HOME & VIGILANCE)

To

All Heads of departments

/True Copy/

Forest Head Quarters,
Thiruvananthapuram,
Dated, 31..01..2002.

Endorsement No.b6-2325/2001

Copy to personal Assistant to Principal Chief Conservator of Forests, Confidential Assistant to Chief Conservator of Forests (Eco Development & Tribal Welfare) C.A. to Chief Conservator of Forests (Wild Life), confidential Assistant to Additional. Principal Chief Conservator of Forests, C.A. to Chief Conservator of Forests (Development) C.A. to Chief Conservator of Forests (Administration) C.A. to Chief Conservator of Forests (Social Forestry), C.A. to Chief Conservator of Forests (Vigilance), C.A. to Chief Conservator of Forests. (Planning).

Copy forwarded to Chief Conservator of Forests (Northern Region), CCF (Southern Region) and All Conservators of Forests.

Copy to all Seats in B Section.

For CHIEF CONSERVATOR OF FORESTS
(ADMINISTRATION)