

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 6TH DAY OF OCTOBER 2015/14TH ASWINA, 1937

WP(C).No. 1694 of 2015 (J)

PETITIONER(S) :

SATHYAN (NARAVOOR) ,
S/O. KRISHNAN, SOUPARNIKA, NARAVOOR,
KUTHUPARAMBA, KANNUR - 670 643.

BY ADV. SRI.KALEESWARAM RAJ.

RESPONDENT(S) :

1. VIGILANCE AND ANTI CORRUPTION BUREAU,
REPRESENTED BY ITS DIRECTOR,
VIGILANCE AND ANTI-CORRUPTION BUREAU,
THIRUVANANTHAPURAM - 695 001.
2. THE SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTI CORRUPTION BUREAU,
THIRUVANANTHAPURAM - 695 001.
3. THE SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTI-CORRUPTION BUREAU,
KOZHIKODE - 673 001.
4. GOVERNMENT OF KERALA,
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT,
DEPARTMENT OF VIGILANCE, SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.
5. DR.JACOB THOMAS, IPS,
ADDITIONAL DIRECTOR GENERAL OF POLICE,
VIGILANCE AND ANTI-CORRUPTION BUREAU,
THIRUVANANTHAPURAM - 695 001.
6. THE SECRETARY TO THE GOVERNMENT,
DEPARTMENT OF PORTS, SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.

R-R5 BY ADV. SRI.C.P.UDAYABHANU
R-R5 BY ADV. SMT.P.A.MENISHA
R1-R4 & 6 BY ADV. STATE ATTORNEY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
06-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

rvs.

APPENDIX

PETITIONER(S) ' EXHIBITS :

- EXT. P1 - TRUE COPY OF THE INSPECTION REPROT 2013.
- EXT. P2 - TRUE COPY OF GO DT. 30.5.14.
- EXT. P3 - TRUE COPY OF THE COMPLAINT DT. 25.3.14.
- EXT. P4 - TRUE COPY OF THE REPLY DT. 28.5.14.
- EXT. P5 - TRUE COPY OF THE REPRESENTATION DT. 23.12.13.
- EXT. P6 - TRUE COPY OF THE QUESTIONNAIRE DATED 04/03/2015 TOGETHER WITH REPLY OBTAINED UNDER THE RIGHT TO INFORMATION ACT.
- EXT. P7 - TRUE COPY OF THE LETTER DATED 21/08/2013.
- EXT. P8 - TRUE COPY OF THE APPLICATION DATED 26/10/2013 TOGETHER WITH REPLY DATED 26/11/2013.
- EXT. P9 - TRUE COPY OF THE REPLY DATED 06/02/2013.

RESPONDENT(S) ' EXHIBITS :

- EXT. R5(A) - TRUE COPY OF THE GO(RT)NO.576/2011/F&PD DATED 20/08/2011.
- EXT. R5(B) - TRUE COPY OF THE ONE OF THE COMPLAINTS SUBMITTED AGAINST ME BY THE PETITIONER BEFORE THE SECRETARY, DEPARTMENT OF PORTS DATED 07/03/2013.
- EXT. R5(C) - TRUE COPY OF THE FACTS TENDERED BY ME TO THE SECRETARY, DEPARTMENT OF PORTS EXPOUSING THE TRUTH DATED 04/03/2014.
- ANNEXURE I - TRUE COPY OF THE QUICK VERIFICATION REPORT IN QV.NO.4/2014/SCT WITHOUT THE DOCUMENTS.
- ANNEXURE II - TRUE COPY OF THE LETTER DATED 28/01/2015 OF THE DIRECTOR, VACB, THIRUVANANTHAPURAM.
- ANNEXURE III - TRUE COPY OF THE COMMUNICATION LETTER NO.T1(QV.4/2014/SCT) 10996/2014 DATED 28/01/2015.
- ANNEXURE IV - TRUE COPY OF THE RECOMMENDATION SUBMITTED BY THE SUPERINTENDENT OF POLICE, VACB, VIDE COMMUNICATION DATED 24/01/2015.

/TRUE COPY/

P.A.TO JUDGE

RVS.

B. KEMAL PASHA, J.

.....
W.P.(C) No.1694 of 2015
.....

Dated this the 6th day of October, 2015

J U D G M E N T

The petitioner has levelleld allegations against the 5th respondent. At the time of filing the writ petition, the 5th respondent was working as the Additional Director General of Police, Vigilance and Anti-Corruption Bureau. Within no time he was removed from the post of Additional Director General of Police, Vigilance and Anti-Corruption Bureau. Prior to that, he was working as the Director of Ports. According to the petitioner, while he was working as Director of Ports, serious instances of monetary corruptions were committed by him.

2. On getting a complaint from the petitioner, the Director of Vigilance has ordered a quick verification into the allegations. The quick verification was conducted by the Deputy Superintendent of Police, Vigilance and Anti-Corruption Bureau. Ext.P1 is the quick verification report. One of the allegations is that he has put up a building for the port, in violation of building rules within the Thiruvananthapuram Corporation limits, thereby causing heavy financial loss to the Government. In the quick verification, it has come out that even though the Corporation ought to have obtained a revised plan with regard to the building, there was laches from the part of the Corporation in not acting timely, for which the 5th respondent could not have been found fault with. Over and above it, it has come out that the building was constructed through the Police Housing Society.

3. The 2nd allegation is that he has installed solar panel for obtaining electricity from solar energy for which

administrative sanction was given for ₹35 lakhs only; whereas the 5th respondent has spent ₹1 lakh and odd more, over and above the administrative sanction for the installation. The further allegation is that presently the solar panel is not functioning and thereby the Government has sustained severe financial loss. On quick verification, it has come out that the said allegation is also not correct. He had obtained administrative sanction and the work was properly executed through a Government of Kerala undertaking.

4. The next allegation is that he has purchased furniture from M/s Forest Industries(Travancore) Ltd, which is a Government of Kerala owned company. On verification, it was found that certain furniture were of steel items and not by using wooden materials. When the purchase was made from a Government of Kerala owned company, the 5th respondent cannot be found fault with. Some other allegations are also levelled as against the 5th respondent. On verification it has come out that there are no merits in

the allegations.

5. The petitioner has filed a detailed objection, as against the findings entered by the officer who had conducted the quick verification. If at all the petitioner is aggrieved in any manner, it is open to the petitioner to approach the concerned court for ventilating his grievance.

6. The other reliefs sought for is the removal of the 5th respondent from his position in the Vigilance and Anti-Corruption Bureau. As he has already been removed by the Government from the said post, the said prayer has become infructuous.

From all the above, this Court is satisfied that the present writ petition can be disposed of. It is made clear that this Court has not taken any decision with regard to the merits or otherwise of the allegations against the 5th respondent.

Sd/- B.KEMAL PASHA, JUDGE

ul/-

[True copy]

P.S. to Judge