

No.G3/4937/TC/2007

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Dated, 14 .07.2017

From

The Transport Commissioner,
Thiruvananthapuram.

To

- 1.All Deputy Transport Commissioners
- 2.All Regional Transport Officers
- 3.All Sub Regional Transport Officers

Sir,

Sub:- Motor Vehicles Department —Investigation /Enquires by Vigilance & Anti
Corruption Bureau and Departmental Enquiry -Procedure-Revised —order
forwarding -reg

Ref:- G.O(P)No.8/2017/Vig dated 29.03.2017

I am to enclose a copy of the order under reference for information necessary
action.

Yours faithfully,
Sd/-

SHIBU ISSAC
Joint Secretary to Government &
Senior Administrative Officer
For Transport Commissioner

Approved for issue,

Junior Superintendent



e-35547/2017



TRANSPORT COMMISSIONERATE KERALA
RECEIVED ON 06 JUL 2017
INWARD NO.

GOVERNMENT OF KERALA

Abstract

VIGILANCE DEPARTMENT—INVESTIGATION/ENQUIRIES BY
VIGILANCE & ANTI-CORRUPTION BUREAU AND
DEPARTMENTAL ENQUIRY—PROCEDURE—
REVISED—ORDERS ISSUED.

VIGILANCE (E) DEPARTMENT

G. O. (P) No. 8/2017/Vig. *Dated, Thiruvananthapuram, 29th March 2017.*

- Read:—*(1) G. O. (P) No. 65/92/Vig. dated 12-5-1992.
(2) 76th Report of Public Accounts Committee (2006-2008).
(3) G.O. (P) No.55/12/Vig. dated 4-12-2012.

ORDER

Government, as per G.O. read as 1st paper above, had issued orders regarding the working and procedure to be adopted with regard to the investigation/enquiries by the Vigilance and Anti-Corruption Bureau (V&ACB) and had stated therein not to conduct departmental enquiry wherein a parallel Vigilance Investigation is going on. In the 76th report of Public Accounts Committee (2006-2008), the Committee observed that though numerous cases of malpractice/corruption/misappropriation of funds are unearthed in various departments, no effective measures of any kind have been taken to curb the corruption malice in Government Departments as a permanent solution and recommended to modify para 13(1) of the G. O. read as 1st paper above so as to initiate departmental enquiry and take appropriate action against the miscreants notwithstanding the fact that Vigilance enquiry has been initiated against them.

GCPT. 3/1446/2017/TP.

[P. T. O.]

2. Accordingly, Government read as 3rd paper above modified para 13(1) of the said G. O. as follows:

"Departmental Action—(1) When an investigation/enquiry against a Government Servant is pending in the Directorate of Vigilance Investigation, the Head of Department/Office concerned shall initiate departmental enquiry on the same allegations."

3. In this context, clarifications have been sought from various Administrative Departments as to whether.

- i. a departmental proceedings is mandatory in a case where a Vigilance Enquiry is initiated by the Vigilance & Anti-Corruption Bureau.
 - ii. consultation of Vigilance Department is necessary for finalization of departmental proceedings if Vigilance Enquiry/Vigilance Case is going.
4. The Government have examined various aspects of this matter and made out the following points:
- i. The word 'shall' casts a mandatory liability on the part of the department to initiate departmental enquiry in all cases where Vigilance enquiry/Investigation is going on/ pending.
 - ii. The purpose of Departmental action and Vigilance Investigation are different. Departmental proceedings are not necessary in many cases where Vigilance Investigation is being conducted eg. trap case, amassment of wealth, acceptance of bribe etc.
 - iii. The Head of Department/Disciplinary Authority has to analyse the material facts and circumstances in each case to arrive at a finding whether the departmental action is necessary where a vigilance enquiry/investigation is conducted on the same set of facts.

5. In the circumstances, Government have decided to make further modifications to Para 13 (1) of the G. O. read as 1st above as follows:

"Departmental Action—(1) when an investigation/enquiry against a Government Servant is pending in the Directorate of Vigilance and Anti-Corruption Bureau, the Head of office/the Head of

Department/Disciplinary authority may, if they consider necessary, initiate departmental enquiry in the same allegations on appreciation of the merit of each case. If the Departmental enquiry/disciplinary proceedings is conducted/initiated on the recommendations of Director, Vigilance and Anti-Corruption Bureau in a case, or otherwise the Administrative Department/ the Head of Department/Disciplinary Authority concerned will take a final decision in the matter only after ascertaining the position of the Vigilance case/enquiry with the Director, Vigilance and Anti-Corruption Bureau through the Vigilance Department in Government."

6. The Government Order read as 3rd above stands modified to the above extent.

By order of the Governor,

NALINI NETTO,
Additional Chief Secretary to Government.

To

The Director, Vigilance & Anti-Corruption Bureau,
Thiruvananthapuram

All Head of Departments/All District Collectors.

All Officers and sections in the Secretariat including Law and Finance.

The Web & News media to publish in the website.

The Stock file/Office copy.
