



## GOVERNMENT OF KERALA

### Abstract

Taxes Department - Excise - Establishment - Disciplinary action initiated against the Excise officials - Finalized - Orders issued.

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### TAXES (F) DEPARTMENT

**GO (Rt) No. 513/2013/TD**

**Dated, Thiruvananthapuram, 01/07/2013.**

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- Read: -
1. Letter No. 13072/A2/Vig dated 20-10-2012 from Government in the Vigilance Department.
  2. Government letter No. 26068/F2/12/TD dated 19-11-2012.
  3. Memo of charges No. 26068/F2/12/TD dated 22-11-2012.
  4. Written Statement of Defence dated 11-01-2013, 12-01-2013 and 14-01-2013, submitted by delinquent officials.
  5. Letters No. XE.5-30837/12 dated 04-12-2012 and 17-05-2013 from the Commissioner of Excise, Thiruvananthapuram

### ORDER

The surprise check conducted by the Vigilance and Anti Corruption Bureau, at the Excise Check Post, Amaravila on 14-06-2012 revealed the following irregularities.

- (i) there is an unaccounted money of Rs.4160 hidden in the kitchen area of Check Post, which was in the exclusive possession of the officials.
- (ii) Surprise check team believed that the unaccounted money was jointly collected as illegal gratification by the officials from the vehicles checked by them.

2. Accordingly, the Vigilance Department vide letter read as first paper above has recommended to initiate stringent departmental action against the following officials for the irregularities detected, and also to transfer and post them in non-sensitive posts outside the district.

- (i) Sri. G.A.Sankar, Excise Inspector.
- (ii) Sri. K.Retnakaran Nair, Preventive Officer,
- (iii) Sri. K.S.Sajith Kumar, Preventive Officer,
- (iv) Sri. S.Shaji, Civil Excise Officer,
- (v) Sri. A.O.Sajikumar, Civil Excise Officer.

3. Thus, as per Government direction, the delinquent officials were transferred to non-sensitive posts outside the district of Thiruvananthapuram and disciplinary action was initiated against them, by serving memo of charges as per KCS(CC&A) Rules, 1960, read as third paper above.

4. In the Written Statement of Defence submitted by the erring officials read as 4<sup>th</sup> paper above, it has been stated that while on inspection, the Vigilance officials could not find out any irregularities or misconduct in performing duties of checking vehicles in Excise Check Post, Amaravila. It is also stated that no irregularities were noticed in the examination of cash declaration register maintained in the Check Post to enter the cash in hand of each official. Vigilance officials were satisfied with the entries on the Personal Cash Declaration Register and could not find any irregularities with regard to the personal cash in possession of Excise officials on duty. No money could be recovered from the office room, Inspector's room or in places where officials are taking rest. Rs.50 rupees note found on the resting place of the staff might have fallen from the driver's shirt which was hanged just above the place where the 50 rupee note was seen. There is no evidence to support the allegation of accepting bribe or gratification from the vehicles checked. Unaccounted money of Rs. 4160 belongs to Smt.Santhi, W/o. late Part Time Sweeper of Excise Check Post, Amravila who was preparing and supplying food to the Excise officials working in the Check Post, as means of her lively hood and it is also helpful to the officials not to go outside for food by disturbing their duties. The kitchen area was used by Smt. Santhi to provide food on payment basis. But Vigilance and Anti Corruption Bureau authorities have not collected evidences from Smt.Santhi. Therefore, the accused officers requested to exonerate them from the charges levelled against them.

5) The Commissioner of Excise, in his report read as 5<sup>th</sup> paper above, stated that there is no evidence to support the allegation of accepting bribe or gratification from the vehicles checked and it is only the presumption that the officials on duty had accepted bribe and hence the recovery of money happened. Their remarks that the assumption or interference of the Vigilance authorities that the money recovered from kitchen side was belonging to the Excise officials on duty of checking vehicles outside the premises obtained through bribe cannot be accepted.

6) Government have examined the matter in detail, and are of the view that even though no irregularities or misconduct has been detected during the surprise check, an unaccounted money of Rs. 4160 was found hidden in the kitchen area of the Check Post which was in the exclusive possession of the Excise officials. The explanation of the officials that the said money belonged to Smt. Santhi, W/o. late Part Time Sweeper, is not convincing. The version of the Excise officials that the surprise check conducted by the Assistant Commissioner of Excise in the check post did not reveal any evidence of acceptance of bribe from the vehicle owners does not answer the source of the unaccounted money of Rs. 4160 detected during the surprise check.

7) Hence, in view of the observation of the Vigilance Surprise check team that the unaccounted money was jointly collected as illegal gratification by the officials, from vehicle owners, the disciplinary action against S/Sri G.A.Sankar, Excise Inspector, K.Retnakaran Nair, Preventive Officer, K.S.Sajithkumar, Preventive Officer, S,Shaji, A.O.Sajikumar, Civil Excise Officers is finalized by awarding a minor punishment of barring one increment for one year without cumulative effect as per Rule 11(1)(iii) of Kerala Civil Services (Classification, Control & Appeal) Rules, 1960.

(By Order of the Governor)

A. Ajith Kumar  
Secretary to Government.

To

1. The Commissioner of Excise, Thiruvananthapuram.
2. The Officers concerned (through the Commissioner of Excise).
3. The Director, Vigilance and Anti Corruption Bureau, Thiruvananthapuram.
4. The Accountant General (A&E /Audit-ERSA), Kerala, Thiruvananthapuram.
5. The Vigilance (A) Department [vide UO No.6315/A2/13/Vig dated 11-06-2013]
6. The Stock file/O.C.

Forwarded / By Order

Section Officer