

# KERALA STATE ELECTRICITY BOARD LIMITED

(Incorporated under the Companies Act, 1956)

Reg. Office: Vydyuthi Bhavanam, Pattom, Thiruvananthapuram – 695 004, Kerala

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### **ABSTRACT**

Departmental action pending finalization by virtue of Vigilance Investigation Adoption of G.O.(P)No.8/2017/Vig dated 29.03.2017 in KSE Board Limited –Sanctioned–orders issued.

#### CORPORATE OFFICE (ADMINISTRATION)

B.O (FTD) No.295/2020 (Estt.V/GO Adop/7079/2018)

Dated, Thiruvananthapuram, 27.04.2020.

Read:

- (1) G.O.(P)No.55/12/Vig dated 04.12.2012 of Vigilance (E) Department
- (2) G.O.(P)No.8/2017/Vig dated 29.03.2017 of Vigilance (E) Department
- (3) Note No.Estt.V/GO Adop/7079/2018 dated 20.04.2020 of the Secretary (Administration) (Agenda No.42/4/20)

#### **ORDER**

The Full Time Directors in its Meeting held on 23.04.2020, resolved to adopt the Government Order G.O(P)No.8/2017/Vig/dated 29.03.2017 sanctioning revised procedure for investigation/enquiries by VACB and departmental enquiry, for implementation in Kerala State Electricity Board Limited (Copy of Government Order appended).

Orders are issued accordingly.

By Order of the Full Time Directors, Sd/-LEKHA. G, COMPANY SECRETARY IN-CHARGE

To

All Chief Engineers & Deputy Chief Engineers

## Copy to:

- 1. The Financial Adviser /The Chief Internal Auditor
- 2. The Chief Engineer (IT)
- 3. The Company Secretary In Charge
- 4. The TA to Chairman and Managing Director/Director (Distribution, IT & HRM)/Director (TSO, Corporate Planning, Safety & REES), Director (Generation Civil)/Director (GE Electrical & SCM).
- PA to Director (Finance).
- The CA to Chief Vigilance Officer
- 7. Senior CA to Secretary (Administration).
- 8. Stock file.

Forwarded / By Order

Senior Superintendent



# GOVERNMENT OF KERALA ABSTRACT

Vigilance Department – Investigation/ enquires by Vigilance & Anti – Corruption Bureau and Departmental Enquiry – Procedure – revised – Orders issued.

#### **VIGILANCE (E) DEPARTMENT**

G.O.(P)No.8/2017/Vig.

Dated, Thiruvananthapuram, 29.03.2017.

Read:- (1). G.O (P) No. 65/92/Vig, Dated 12/05/1992.

(2). 76th Report of Public Accounts Committee (2006-2008).

(3). G.O (P) No.55/12/Vig dated 04.12.2012.

#### **ORDER**

Government as per G.O read as 1<sup>st</sup> paper above, had issued orders regarding the working and procedure to be adopted with regard to the investigation/enquires 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 he 76<sup>th</sup> 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 1<sup>st</sup> paper above so as to initiate departmental enquiry and take appropriate action against the miscreants not with standing the fact that Vigilance enquiry has been initiated against them.

- 2) Accordingly, Government read as 3<sup>rd</sup> paper above modified para 13(1) of the 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
  - 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 may 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 1<sup>st</sup> 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  $3^{\rm rd}$  above stands modified to the above extent.

(By Order of the Governor)

# NALINI NETTO ADDITIONAL CHIEF SECRETARY TO GOVERNEMNT

To

The Secretary, Kerala State Electricity Board Limited