GOVERNMENT OF KERALA

Abstract

IPS - ALL INDIA SERVICE (D&A) RULES, 1969 – DISCIPLINARY ACTION AGAINST SHRI.K.B.BALACHANDRAN IPS (RTD.) - FINALISED - ORDERS ISSUED.

GENERAL ADMINISTRATION (SPECIAL C) DEPARTMENT


Read:- 1. Letter No. T1 (VE 12/2012/SRT) 35232/2012 dated 22.04.2014,
2. Letter No. 5342/A1/14/Vig dated 30.05.2014 from the Additional Chief Secretary, Vigilance Department.
6. G.O.(Rt.) No. 211/2015/GAD dated 09.01.2015.
7. Letter No.7/Camp/ADGP/VACB/2017 dated 04.03.2017 from the Additional Director General of Police, Vigilance & Anti-Corruption Bureaus, Thiruvananthapuram.

ORDER

The Director, Vigilance & Anti-Corruption Bureaus in his letter dated 22.04.2014 read as first paper above had recommended to initiate disciplinary action against Shri.K.B.Balachandran, IPS (Rtd.), the then Superintendent of Police, Kollam Rural on the basis of Vigilance Enquiry Report in VE No.12/2012/SRT on the allegation that he misguided SI, Kundara in issuing false Police Clearance Certificate. The Vigilance Department in Government, vide letter read as 2nd paper above had accepted the recommendation of Director, Vigilance & Anti-Corruption Bureaus and requested to take departmental action against Sri.K.B.Balachandran. Accordingly, Articles of Charges and Statement of Imputations dated 05.08.2014 were issued to the officer.

2. Following are the charges levelled against the officer.

"Shri.K.B.Balachandran, IPS while holding the post of Superintendent of Police, Kollam Rural from 06/01/2012 to 07/11/2012 had instructed SI, Kundara to issue a Police Clearance Certificate in favour of one Sebastian @ Seban who was involved in Crime No.1401/11 u/s 143,147,148,294(b),332,506,149 IPC and 20,21 of River Bank Protection Act and Crime 1402/11 u/s 395 IPC of Kundara Police Station by making SI Kundara believe that Sebastian was not an accused in the above cases. Grave dereliction of duty, misconduct, lack of integrity and supervisory lapse are noted from his aforesaid action.

By the aforesaid action, he had violated Rule 3 of All India Service (Conduct) Rules, 1968 which warrants disciplinary action against him, for the above charges".
3. As per letter read as 3rd paper above, the State Police Chief has forwarded the Written Statement of Defence submitted by Shri.K.B.Balachandran IPS. In the Written Statement of Defence, the officer has stated that he denied all the charges levelled against him. The Written Statement of Defence submitted by the officer was forwarded to the State Police Chief for remarks. The State Police Chief has furnished his remarks in the matter, vide letter read as 4th paper above. In this regard the State Police Chief has commented that most of the contentions made by the delinquent officer in the Statement of Defence are not specific to the Articles of Charges and suggested to obtain the remarks of Vigilance Department also in the matter. Accordingly, the Statement of Defence submitted by the delinquent officer was forwarded to the Director, Vigilance & Anti-Corruption Bureau for his remarks. The Director, Vigilance & Anti-Corruption Bureau in his letter read as 5th paper above has reiterated the findings and recommendation for departmental action deemed fit against Shri.K.B.Balachandran, IPS for his lapse, as per the report already furnished and informed that it is up to the disciplinary authority to take appropriate action in the matter.

4. Sri. K.B.Balachandran in his defence statement submitted to the Enquiry Officer argues that he had not issued Police Clearance Certificate and for the SHO there is no need to consult DPC or his superiors for issuance of Police Clearance Certificate. According to him the said Police Clearance Certificate could have been prepared by Sri. Dinamony, the then Junior Superintendent of the Superintendent of Police, Kollam Rural against whom several allegations were there, and the SHO, Kundara. It is also stated that he had not given any instruction to the SHO.

5. As the Written Statement of Defence of the officer was found unsatisfactory, Government have decided to conduct an enquiry into the charges framed against him as per Rule 8 of AIS (D&A) Rules, 1969 and accordingly as per the Government Order read as 6th paper above, Dr. Shaik Darvesh Saheb IPS, Additional Director General of Police, Vigilance & Anti-Corruption Bureau has been appointed as enquiry officer and Shri. Mahipal Yadav IPS, Inspector General of Police (Internal Security) as Presenting Officer.

6. The Enquiry Officer, vide letter read as 7th paper above has forwarded the enquiry report. In the enquiry report the enquiry officer has arrived at a conclusion that Sri.K.B.Balachandran IPS (Rtd.), the then Superintendent of Police, Kollam Rural called Shri.Sukoor SHO, Kundara to DPO, Kollam and probably insisted that he should issue the Police Clearance Certificate. However he misguided and forced SI, Kundara to issue certificate could not be proved conclusively even though there is suspicion in this regard.

7. The State Police Chief was again requested to offer his specific remarks and the SPC, vide his letter read as 8th paper above has furnished the same. SPC has informed that he agrees with the findings of the enquiry officer and requested to take appropriate action considering the facts.

8. The accused officer Shri.K.B.Balachandran IPS retired from service on 30.11.2014. The departmental proceedings on the basis of a VE report was initiated against him while he was in service. Articles of Charges and Statement of Imputations were served on 05.08.2014 and he submitted the Written Statement of Defence on 17.10.2014 ie., before his retirement.
9. As per sub-rule (1)(a) of Rule 6 of the AIS (DCRB) Rules, 1958 “such departmental proceedings, if instituted while the pensioner was in service, whether before his retirement or during his re-employment, shall, after the final retirement of the pensioner, be deemed to be a proceeding under this sub-rule and shall be continued and concluded by the authority by which it was commenced in the same manner as if the pensioner had continued in service”.

10. Government have examined the matter in detail. On verification of the records, the enquiry report and the remarks of the State Police Chief, it has been found that there is no concrete evidence to prove the misconduct alleged and that no pecuniary loss is caused to Government on account of the issuance of the Police Clearance Certificate to Shri. Sebastian under the alleged instruction of Shri. K.B. Balachandran IPS (Retd.), while he was holding the post of Superintendent of Police, Kollam Rural.

11. In the above circumstances, Government have decided to take a lenient view and to exonerate Shri. K.B. Balachandran IPS (Retd.) from the charges levelled against him and order accordingly.

(By Order of the Governor),
K.M. Abraham
Chief Secretary to Government.

To
Shri. K.B. Balachandran IPS (Retd.), Plankala Puthen Veedu, Athiyannoor,
Aralumoodu P.O., Neyyattinkara, Thiruvananthapuram.
The Principal Accountant General (Audit) Kerala, Thiruvananthapuram.
The Principal Accountant General (A&E), Kerala, Thiruvananthapuram.
The Secretary to Government of India, Ministry of Home Affairs,
North Block, New Delhi- 110 001.
The Director General of Police & State Police Chief, Kerala,
Thiruvananthapuram.
The General Administration (SC) Department.
The Vigilance (A) Department
The Home Department.
The Web & New Media Division of I&PRD.

Copy to:-
The Secretary to Chief Minister.
The Private Secretary to Chief Minister.
The Additional Secretary to Chief Secretary.
The PA to Additional Chief Secretary, Home & Vigilance Department.
The P.A to Additional Secretary, General Administration (Special A&C)
Department.

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Forwarded/By Order

Section Officer