GOVERNMENT OF KERALA

Abstract

GENERAL ADMINISTRATION (SPECIAL A) DEPARTMENT

3. Written Statement of Defence dated 29.06.2017 from Shri. T O Sooraj IAS.

ORDER

During the inspection of the Accountant General in the office of the Commissioner of Land Revenue from 01.10.2011 to 30.09.2012, they had pointed out irregularities in refunding cost of unused/spoiled stamp papers as per proceedings No.LR(A3) -15862/12 dated 14.08.2012, LR(A3) – 700/11 dated 14.07.2012 and LR(A3)4639/11 dated 06.08.2012 to Shri. R Chamunni(Rs.45,000/-), Shri. P V Umman(Rs. 3,00,000/-) and Shri. Madhusoodhanan Nair(Rs.26,625/-) respectively, after the expiry of time limit for claiming refund. The proceedings were issued by Shri. T O Sooraj IAS while holding the post of Commissioner, Land Revenue. There is no provision in Kerala Stamp Act, 1959 which enables Commissioner, Land Revenue to condone delay in claiming refund of unused stamp papers. Among the amounts sanctioned, Rs.42,300/- (after deducting the commission from Rs.45,000/-) has already been sanctioned to the applicant.

2. In the above circumstances, it was decided to initiate disciplinary proceedings against Shri. T O Sooraj IAS and Articles of Charges and Statement of imputations were served on the officer read as 2nd paper above with the following charge:

• That the Officer, while holding the post of Commissioner, Land Revenue, in violation to the provisions contained in Kerala Stamp Act,1959, issued order to refund the cost of unused stamp papers after the expiry of the time limit prescribed for the refund, by condoning the delay. The Officer as per
proceedings No.LR(A3) -15862/12 dated 14.08.2012, LR(A3) - 700/11 dated 14.07.2012 and LR(A3)4639/11 dated 06.08.2012 have ordered to refund the cost of unused stamp papers to Shri. R Chamunni(Rs.45,000/-), Shri. P V Umman(Rs. 3,00,000/-) and Shri. Madhusoodhanan Nair(Rs.26,625/-) respectively, by condoning the delay occurred in claiming refund. Among the amounts, Rs.42,300/-, after deducting the commission from Rs.45000/-, has already been disbursed to the applicant. There is no provision in Kerala Stamp Act to refund the cost of unused stamp papers after the expiry of 6 months from the date of purchase and the Commissioner, Land Revenue has no authority to condone the delay.

3. Shri. T O Sooraj IAS has furnished written Statement of Defence in the matter, read as 3rd paper above. The officer has denied all the charges levelled against him. The officer has informed that in all the three cases the applicants were old people, who were ignorant of the various legal provisions of the Stamp Act. There was no deliberate or unreasonable delay and whatever delay occurred was due to the inadvertence and ignorance. The officer has submitted that there are no provisions in the Stamp Act which prevents the appellate authority to condone delay. In absence of such provision the quasi judicial authorities are duty bound to follow the principles followed by the judicial forums of this country to do substantial justice to the aggrieved parties, in interest of justice. The officer has further submitted that there is no loss to the Government as it is only an act to refund the value of stamp paper, which is not used or spoiled, the amount of which had already been remitted by the aggrieved parties. The officer has informed that whatever he had done is well within his legal authority and there is no loss to Government but on the other hand giving relief to poor, illiterate and old people on genuine and reasonable grounds to serve the interest of justice.

4. Government have examined the matter in detail and found that there was misdemeanour on the part of the officer in issuing orders for refund of cost of stamp paper without having the authority to do so. The Officer could have been
taken up the requests for refund, which were received after the expiry of prescribed time limit, to the Government for appropriate decision. However, taking a lenient view and considering the fact that there is no allegation that the officer derived any undue advantage from the transactions, Government have decided to drop further action in the matter by issuing a warning to the officer to be circumspect in such matters in future.

5. The Government Order read as 4th paper above was issued without the authentication of the Cadre Controlling Authority. Therefore the said Government Order stands cancelled.

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

To
Shri. T O Sooraj IAS, Secretary, Parliamentary Affairs Department,
Secretary, Department of Personnel and Training, Government of India,
New Delhi 110001.
The General Administration (SC) Department.
The Revenue (G) Department.
The Web and New Media, I&PRD

Copy to: The Secretary to the Chief Minister.
The Private Secretary to Chief Minister.
The Additional Secretary to Chief Secretary.
PA to the Additional Secretary, General Administration (Special A&C) Depts.
Stock File/Office Copy.

Forwarded/By order,

Section Officer.