GOVERNMENT OF KERALA

Abstract

GENERAL ADMINISTRATION (SPECIAL A) DEPARTMENT

Read: 1. Letter No.9158/E4/13/Vig dated 18.12.2013 from Principal Secretary, Vigilance Department.
5. Inquiry report dated nil received from Shri. James Varghese IAS.

ORDER

The Director, Vigilance and Anti-Corruption Bureau furnished Surprise Check Report (SC 57/2012/KSD) on the basis of surprise check conducted in District Collectorate, Kasargod on 18.12.2012. In the surprise check it was found that Shri. P S Muhammed Sagir IAS, the then District Collector, had released 22 vehicles, which were seized under the Kerala Protection of River Banks and Regulations of Removal of Sand Act, 2001 by imposing nominal fines contrary to the norms. It was further alleged that the District Revenue authorities succumbing to the pressure from various quarters, released several vehicles during the month of September and October 2012, which resulted in huge financial loss to the Public Exchequer. There is no provision in the Act or Rules empowering the Revenue Authorities to impose fine and release the vehicles seized for transporting river sand illegally. The Director, Vigilance and Anti-Corruption Bureau had recommended to take disciplinary action against the officer.

2. The Articles of Charges and Statement of imputations were served on the officer read as 2nd paper above with the following charges;

- Shri. P S Muhamed Sagir IAS, while holding the post of District Collector, Kasargod, during the period between September 2012 and November 2012, released 22 vehicles seized, under Kerala Protection of River Bank & Regulation of Removal of Sand Act, 2001, and produced before the District Collector, Kasargod with reports of officers by imposing nominal fines
contrary to the norms causing heavy loss to the Government and undue gain to the sand mafia.

* The officer hasn't ordered for a microscopic analysis of the seized sand to prove that the same is not river sand before releasing the vehicles by imposing nominal fine.

* The officer has released the vehicles without observing the provisions contained in KPRB and RRS Act and without collecting the full value of the vehicles before releasing the same and thereby caused heavy financial loss to Government.

3. Shri. P S Muhammed Sagir IAS has furnished a detailed written statement of defence in the matter. He has denied all the charges levelled against him. The officer has informed that out of 22 vehicles released, 12 vehicles were small vehicles like motor cycle, auto rickshaw, jeep etc which were transporting small quantities of sand in 2 to 5 sacks. According to the officer the sand mafia do not transport small quantities of sand like 2 sacks to 5 sacks. Even in such cases fine was imposed ranging from Rs.5000 to Rs.25000, after being fully convinced that these vehicles are not coming under the provision of Rule 27 & 28 of KPRB and RRS Act. Only three vehicles (one motor cycle and two tippers) were released without imposing fine, since, on hearing, he became convinced that they were transporting sand for their own use from one place to another and not from river or river bank area.

4. The officer has informed that the vehicles were released compounding fine only after being fully convinced that these vehicles do not come under the purview of Act 23 Rule 27 &28 of the KPRB and RRS Acts and Rules. The vehicles were released only after being fully convinced about two aspects, that the sand is not river sand taken from Kerala rivers and vehicles involved do not belong to sand mafia.

5. As per the Government Order read as 4th paper above, Shri. James Varghese IAS, the then ACS, was appointed as the Inquiry Authority and Shri. K R Jyothilal IAS was appointed as the Presenting Officer for conducting
inquiry against the officer. The Inquiring Authority has furnished inquiry report in the matter.

5. Government have examined the matter in detail and found that Shri. P S Muhammed Sagir IAS, District Collector, Kasargod has acted according to the provisions and procedures laid down in the KPRB and RRS Act and Rules and exercised powers delegated to him as the regulatory authority of the district concerned in such matters. The District Collector concerned has the absolute authority and powers in seizing the vehicles transporting sand illegally and releasing the same after effecting fine or letting off the same on verification and conviction that they have valid passes and documents to do so.

7. Considering the above facts, Government are pleased to drop disciplinary action initiated against Shri. P S Muhammed Sagir IAS(KL 2004) on the alleged irregularities in releasing 22 vehicles, seized while transporting sand, while the officer was holding the post of District Collector, Kasargod and to issue orders accordingly.

(By Order of the Governor)
Paul Antony,
Chief Secretary to Government.

To
Shri. P S Muhammed Sagir IAS, Project Director, AMRUT, 5th Floor,
Trans Towers, Thiruvananthapuram – 14.
Secretary, Department of Personnel and Training, Government of India,
New Delhi 110001.
The Director, Vigilance and Anti-Corruption Bureau, Thiruvananthapuram
The General Administration (SC) Department.
The Vigilance Department
The Web and New Media, I&PRD
Copy to: The Chief Principal 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.