GOVERNMENT OF KERALA

Abstract

All India Services (Death-cum-Retirement Benefits) Rules, 1958 – Recovery of amount from the DCRG of Shri D. Madhu IPS (Retd.) as per Rule 19(C) of AIS (DCRB) Rules, 1958, towards loss sustained to Government - Orders issued.

GENERAL ADMINISTRATION (SPECIAL C) DEPARTMENT


Read:- 1. Letters No. T2/111135/2009 dated 25.05.2017 and 09/2017 from the State Police Chief, Kerala
3. Letter dated 09.11.2017 from Shri D. Madhu IPS (Retd.)

ORDER

Shri D. Madhu IPS (Retd.), while working as Assistant Director, Kerala Police Academy (Non-IPS) was alleged to have misused the departmental vehicle on various occasions between February 2007 and May 2010. Accordingly, an enquiry was conducted into the allegation. The enquiry report revealed that the officer, as alleged, had misused the departmental vehicle for a distance of 58376 kilometers for his personal needs without obtaining permission or sanction from the Director, Kerala Police Academy. On the basis of the findings in the report, the delinquent was directed to make payment for the unauthorised travels at the rate fixed by Government. Meanwhile, the officer retired from service and hence Government tentatively decided to recover the amount equivalent to the cost of the unauthorised travel performed by him and issued him a Show Cause Notice. In his reply to the Show Cause Notice, the delinquent denied the allegations of misusing official vehicle for personal purpose.

2. Meanwhile, Shri. D. Madhu, who retired from State Police Service on superannuation on 31.05.2012, was inducted into Indian Police Service. Consequently, the action for effecting the loss sustained to Government, was initiated against him as per All India Service Rules. As per the direction of the Government, the State Police Chief got assessed the actual kilometers travelled unauthorisedly by the delinquent and reported that the officer had travelled 11,454 Kilometers by using 1273 litres of fuel while working at State Crime Records Bureau, Thiruvananthapuram from 12.01.2009 to 29.06.2009 and travelled another 7184 kilometers by using 684 litres of fuel while working as Assistant Director (MT & Technical Studies) for the period from 12.10.2009 to 09.04.2010 and the total distance the officer travelled unauthorisedly was computed to be 18,638 kilometers using 1957 litres of fuel.

3. The rate of hire charges fixed for Government Motor Vehicles for non-duty purposes, which is applicable for the period under dispute, as per G.O (P) No. 509/2006/Fin dated 19.02.2006 is Rs. 4/- per kilometer. The total loss to the
exchequer due to the unauthorised travels of the delinquent was therefore estimated to be Rs. 74,552/- (Rupees Seventy Four Thousand Five Hundred and Fifty Two only). Government, therefore tentatively decided to recover the amount from the Death-Cum-Retirement-Gratuity of the delinquent. Accordingly, show cause notice vide 2nd paper read above was issued seeking his explanation and to remit the amount in Government Treasury, if convinced, to avoid further action as proposed. However, the delinquent, in his reply to the show cause notice read as 3rd paper above again denied the offences against him and refused to remit the amount.

4. Government have not initiated disciplinary action against Shri. D. Madhu IPS (Retd.) as per AIS(D&A)Rules, 1969 but decided only to recover the dues of Rs. 74,552/- (Rs. Seventy Four Thousand Five Hundred and Fifty Two only) from the DCRG of the officer, being the loss sustained to the public exchequer due to his aforesaid actions since the officer had already retired from service on superannuation.

5. Government have examined the matter in detail and hereby order to withhold an amount of Rs. 74,552/- (Rupees Seventy Four Thousand Five Hundred and Fifty Two only), from the Death-Cum-Retirement-Gratuity of Shri. D. Madhu IPS (Retd.) towards the amount quantified to be the loss sustained due to his actions, and to release the entire pensionary benefits including balance DCRG due to him, as per Rule 19-C(2)(b) of All India Services (Death-cum-Retirement Benefits) Rules, 1958 subject to the ratification of the Ministry of Home Affairs, Government of India.

6. Finance Department will take necessary steps to sanction the entire pensionary benefits to Shri. D. Madhu IPS (Retd.) including balance DCRG after withholding Rs. 74,552/- (Rupees Seventy Four Thousand Five Hundred and Fifty Two only) as indicated above.

(By Order of the Governor),

Tom Jose
Chief Secretary to Government.

To
Shri. D. Madhu IPS (Retd) (Through State Police Chief)
The Director General of Police and State Police Chief, Kerala
The Secretary, Government of India, Ministry of Home Affairs, North Block, New Delhi.
The Finance (Pension-A) Department.
The General Administration (SC) Department.
The Web & New Media Division, Information & Public Relations Department
(For uploading in the website www.gadspils.kerala.gov.in)
Stock File/Office Copy.

Forwarded/By Order

[Signature]
Section Officer