All India Services (Discipline & Appeal) Rules, 1969 - Disciplinary action against Shri. Tomin J. Thachankary IPS - Finalized - Orders issued.

GENERAL ADMINISTRATION (SPECIAL C) DEPARTMENT

Read: 1. Letter dated 08.09.2015 from Shri. C.N Balakrishnan, the then Minister for Co-operation, Khadi and Village Industries.
5. Articles of Charges and Statement of Imputations dated 26.01.2016 served to Shri. Tomin J. Thachankary IPS.
6. Written Statement of Defence dated 01.04.2016 received from Shri. Tomin J. Thachankary IPS.

ORDER

On the basis of a note read as 1st paper above submitted by the then Minister for Co-operation, Sri. C.N. Balakrishnan to the then Chief Minister alleging complaints against Sri. Tomin J. Thachankary IPS, Additional Director General of Police and the then Managing Director, Consumerfед that he made disparaging remarks against the Hon'ble Minister and MLAs in a secret meeting with a section of employees of Consumerfед at Adhyapaka Bhavan, Thiruvananthapuram, and this news item came in a Malayalam daily dated 08.09.2015. Accordingly, Government had directed State Police Chief vide letter read as 2nd paper above, to conduct an enquiry in this regard and to submit report.

2) In pursuance to the instructions of Government, a confidential enquiry was conducted by Additional Director General of Police (Training) on the allegations and submitted report, to the SPC read as 3rd paper above, and the SPC forwarded the same and also the full text of the verbatim speech of Sri. Tomin J. Thachankary IPS read as 4th paper, and reported that the speech made by him would show that he has made scathing and unwarranted comments all along the speech against the Government before public, and therefore it is highly objectionable and amount to gross violation of AIS (Conduct) Rules, 1968 Sec 3(1) & Sec (7).
3) Government had, therefore, decided to initiate disciplinary action against Shri. Tomin J. Thachankary IPS (KL: 1987), Additional Director General of Police as per AIS (D&A) Rules, 1969. Accordingly, Articles of Charges and Statement of Imputations were served to the officer read as 5th paper above. The following are the charges levelled against the officer.

i) Shri. Tomin J. Thachankary IPS (KL: 1987), while holding the post of Managing Director, Consumerfed held a secret meeting with a section of the employees of Consumerfed at Adhyapaka Bhavan, Thiruvananthapuram and made disparaging remarks against the Hon’ble Minister for Co-operation and MLA’s. The news item that came in the Mangalam Daily dated 08.09.2015 and 09.10.2015 and verbatim speech of the officer obtained by the State Police Monitoring Room have been examined and it revealed that he has made scathing and unwarranted comments all along the speech against the Government and administration raising baseless allegations, vilifying Government before public.

ii) By the above action he has violated Rule 3(1) & Rule 7 of All India Service (Conduct) Rules which warrants disciplinary action against him, for the above charges.

4) The officer has submitted his Written Statement of Defence on 01.04.2016 read as 6th paper above. Sri. Tomin J. Thachankary IPS, has reported that the charges levelled against him were untrue, baseless and unsustainable in law and without conducting a preliminary enquiry and that there is no material or evidence for initiating disciplinary action against him. According to him the alleged meeting was convened by the staff members of the organisations as part of review of the subsidy sales during Onam Season of 2015 and he had made the speech, in line with the provisions under the proviso to the Rule 7 of the AIS (Conduct) Rules, 1968.

5) Government after having examined all the aspects in detail have decided to drop further action and to finalize the disciplinary action initiated against Shri. Tomin J. Thachankary IPS with a strict direction to maintain restraint while expressing himself in official matters in future.

(By Order of the Governor),
S.M. Vijayanand
Chief Secretary to Government.

To,
Shri. Tomin J. Thachankary (Through the Director General of Police (Head of Police Force) & State Police Chief).
The Principal Accountant General (Audit) Kerala, Thiruvananthapuram.
The 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 (Head of Police Force), Kerala, Thiruvananthapuram.
The General Administration (SC) 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.
Stock File/Office Copy.

Forwarded/ By Order,

[Signature]
Section Officer