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**CENTRAL ADMINISTRATIVE TRIBUNAL,
ERNAKULAM BENCH**

Original Application No.180/00004/2019

Monday, this the 29th day of July, 2019

C O R A M :

**HON'BLE Mr.E.K.BHARAT BHUSHAN, ADMINISTRATIVE MEMBER
HON'BLE Mr.ASHISH KALIA, JUDICIAL MEMBER**

Dr.Jacob Thomas, IPS,
in the rank of Director General of Police, Kerala
Residing at Thejus, Mannamoola,
Peroorkada P.O., Trivandrum – 695 005.

...Applicant

(By Advocate – Mr.C.Unnikrishnan)

v e r s u s

1. State of Kerala represented by the Chief Secretary,
Government Secretariat, Trivandrum – 01.
2. Union of India represented by the Secretary,
Department of Home Affairs, South Block,
New Delhi – 110 004.
3. The Secretary,
Department of Personnel and Training,
North Block, Central Secretariat,
New Delhi, Delhi – 110 001.

...Respondents

(By Advocates Mr.Antony Mukkath,GP along with Mr.M.Rajeev, GP [R-1] & Mr.T.C.Krishna, Sr.PCGC [R2&3])

This application having been heard on 10th July, 2019, the Tribunal on 29.07.2019 delivered the following :

ORDER

Per : Mr.E.K.BHARAT BHUSHAN, ADMINISTRATIVE MEMBER

OA No.4/2019 is filed by Dr.Jacob Thomas, IPS challenging Annexure A1, instituted after expiry of one year period of an earlier suspension issued

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by the State Government, who is Respondent-1. It is maintained in the OA that the present suspension is issued with *malafide* motive to keep the applicant under suspension continuously, after the one year period of the earlier suspension was required to conclude as per existing rules. He seeks the following reliefs through this OA:

- A. Set aside Annx.A1 Suspension Order G.O. (Rt.) No.8299/2018/GAD dated 20.12.2018.
- B. Declare that the 3rd suspension ordered against the applicant vide Annx.A1 is illegal, malafide and abuse of power.
- C. To issue such other reliefs that the Hon'ble Tribunal may deem fit.
- D. Declare that Annx.A28 is bad in law, malafide and abuse of power and issue an order setting aside Annx.A28.
- E. Declare that Annx.A29 & A30 are bad in law, malafide and abuse of power and issue an order setting aside Annx.A29 & A30.
- F. Direct the respondents to issue appropriate posting orders after reinstating the applicant to service.
- G. Direct the respondents 2& 3 to consider and pass orders on Annx.A26 Appeal/Representation pending with the Government of India.
- H. Declare that the continued suspension of the applicant as per Annx.A1, A 28 & A 53 are bad in law, malafide and abuse of power and issue an order setting aside all the suspension and extension orders against the applicant and further declare that he is entitled to all consequential benefits as if he had continued in service.
- I. Set aside Annx.A53 G.O (Rt.) No.3437/2019/GAD dated 13.6.2019 extending the suspension.

2. The applicant is a senior officer of the Indian Police Service, Kerala cadre with the rank of Director General of Police. He has been served with Annexure A1 order at the time when the one year period of an earlier suspension, which he had challenged before this Tribunal in OA No.1004/2018, had come to an end. This Tribunal taking note of the fact that

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the earlier suspension had become infructuous after the one year period was over, had concluded the proceedings in the said OA.

3. The present suspension order has been issued in a matter involving a complaint from a private individual relating to the period when the applicant was working as Director of Ports. The complaint specifically relates to procurement of a Dredger by the Ports Department during 2010-11. This has been inquired into by the Vigilance and Anti Corruption Bureau during 2014 as QV/04/2014. The VACB had found the allegations baseless and a copy of the QV report is at Annexure A2. Further the Vigilance Court, Muvattupuzha, relying mostly on the VACB report, by order, copy of which is at Annexure A3 in CMP 56/2017, had found no impropriety in the actions of the applicant.

4. The applicant maintains that the report of the Finance Inspection Wing which forms the basis of the current action, is a result of *malafide* and vendetta on the part of certain high officials of the Government of Kerala. Being the senior most officer of the Indian Police Service, Kerala cadre, the applicant had been instrumental in initiating various anti-corruption measures which were not to the liking of many officers. These officers have now got together in order to foist the impugned order of suspension on the applicant in a matter which has already been examined and closed by the Vigilance Court, Muvattupuzha, the OA alleges.

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5. Several details relating to the alleged misconduct on the applicant's part, while ordering the Dredger in question, have been narrated in the OA. At the center of his arguments, is the contention that whatever decisions have been taken in procuring the said machinery and any related work, had been done after approval by committees consisting of senior officers including several Secretaries of the Government of Kerala. The quick verification initiated by the State Government in January, 2015 had concluded with the report of the Vigilance and Anti Corruption Bureau. The report dated 28.01.2015 of the Director, Vigilance and Anti Corruption Bureau (Annexure A2) after having inquired into the same set of allegations, had come to the conclusion that there was “absolutely no basis whatsoever” for the allegations raised against the applicant. When the petitioner in the complaint followed this up before the Vigilance Court, Muvattupuzha, he met with no success, as is seen at Annexure A3 judgment.

6. On being exonerated by the judicial forum and being aware that the Government might proceed with further action, he had represented the issue before the Principal Secretary, Finance Department as per representation dated 27.09.2018 (Annexure A4). In reply he was informed by the Principal Secretary (Finance) as at Annexure A5 dated 13.12.2018 that a detailed Vigilance inquiry based on the inspection report of the department regarding the purchase of Cutter Suction Dredger has been ordered. He was served with a copy of GO(Rt) No.203/2018/VIG dated 27.11.2018 (Annexure A29) informing him that a detailed Vigilance inquiry had been ordered into the

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issue. Then followed Annexure A1 issued by the the Chief Secretary on 20.12.2018 suspending him from service. As per amended OA, the applicant has also furnished a copy of the order by which his suspension has been extended by another 120 days with effect from 07.02.2019 (Annexure A28). After the OA had been reserved for orders after final hearing, an MA was filed which was then numbered and posted before the Bench on 25.07.2019. Through the MA the applicant brought to the attention of the Tribunal that his suspension period has been further extended by another 180 days with effect from 18.06.2019 by order of the Chief Secretary to Government, dated 13.6.2019 (Annexure A53). The applicant sought amendment to the OA to challenge this latest extension of suspension and this was allowed.

7. The applicant has submitted detailed grounds for the relief sought. He submits that the intention of Respondent-1 is to keep him under suspension continuously even after one year of the earlier suspension which had run its full course of one year. Public interest is not the reason for this action. The alleged misconduct for which he is charged now relates to an occurrence which happened more than seven years ago i.e., in 2010-11. This had already been inquired into by the Vigilance and Anti Corruption Bureau during 2015 which had found the allegations baseless. Further, the Vigilance Court, Muvattupuzha had also declared unequivocally that the applicant was not guilty of any misconduct. No action relating to the procurement of Cutter Suction Dredger can be individually attributed to him. The procurement was on the basis of a transparent procedure, approved and monitored at several

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levels by many senior officers of the Finance and Ports Departments of the State Government and the acquisition of the machinery was supported by technical opinions obtained at that time. It is further maintained that when the Dredger was received, another officer was incharge and any inadequacy or shortfall in quality cannot be attributed to the applicant.

8. It is stated that the complaints against him have been at the instance of one Sathyan Naravoor, who has been aggrieved by the action taken by the applicant in booking him for irregularities in sand mining and he is instigated by several officials who joined him for their own reasons to prosecute the applicant. In so far as the legal issues involved in the case are concerned, the applicant maintains that under the 3rd proviso to Rule 3(1) of AIS (D&A) Rules, suspension of an employee cannot be continued with, if at the end of 30 days from the date from which the officer is placed under suspension, the action has not been confirmed by the Central Government. The relevant pages of the DOPT OM have been copied and submitted as Annexure A27.

9. A detailed reply statement has been filed on behalf of the first respondent wherein arguments raised in the OA have been countered. It is stated that two representations were received from a private individual alleging corruption in purchase of the Cutter Suction Dredger by Dr. Jacob Thomas, IPS the applicant, while functioning as Director of Ports. These representations received in the office of the Finance Secretary, were examined by the Finance Inspection Wing which came to the conclusion that there has

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been several acts of omission and commission on the part of the applicant as described in para-5 of the reply statement. These relate to modification of specifications of the machinery to suit one supplier, possible sharing of information with the said supplier two months before floating of Tender, deliberate amendment of specifications in order to help the private supplier leading to escalation of cost, floating of Global Tender for a purchase beyond the administrative/financial powers of the applicant etc. The Finance Inspection Wing came to the conclusion that Dr.Jacob Thomas had fraudulently ensured that M/s.IHC is awarded contract by ignoring the conditions in the tender document itself. He is also alleged to have illegally put pressure on the PSU, BEML to discourage them from participating in the Tender. Having found that these charges are of a grave nature, the Government had decided to institute a detailed Vigilance inquiry as per Annexure A29.

10. With regard to the validity of the suspension period beyond 30 days and the statement made that it cannot continue in the absence of confirmation from Government of India, it is stated that before the 30 days period expired, the State Government had initiated disciplinary proceedings against the applicant and issued Articles of Charges and Statement of Imputations on 11.01.2019. The 3rd proviso to Rule 3(1) of the AIS (D&A) Rules, 1969 read with DOPT's Notification dated 21.12.2015, specifies that suspension cannot continue unless disciplinary proceedings are initiated or the order of suspension is confirmed by Central Government within 30 days. The

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disciplinary proceedings have been initiated before the time limit expired and hence there is no ground for insisting on confirmation of the suspension by the Central Government.

11. Another reply statement has been filed by the first Respondent in respect of the amended OA, whereby the order of extension of suspension dated 07.02.2019 (Annexure A28) has been challenged. It is submitted that detailed Vigilance Inquiry is in progress into the case and being a senior officer of the Police Department his continuation of suspension period is necessary. This was recommended by the Director, Vigilance and Anti Corruption Bureau and a Review Committee duly constituted has decided to extend the suspension period. The Director, Vigilance and Anti Corruption Bureau had recommended that the competent authority continue with the suspension of the applicant for a further period of 120 days with effect from 18.02.2019 Annexure R1(a) and accordingly the order came to be issued.

12. The applicant has made various allegations against Dr.K.M.Abraham, IAS(Retd) and Shri Sathyan Naravoor. As neither of them is a party in the case, Respondent-1 has no comments to offer. With respect to the contention of the applicant that the whole issue had been examined by the Vigilance and Anti Corruption Bureau and further by the Vigilance Court, Muvattupuzha, with a conclusion being reached that the applicant is not guilty of any wrong doing, it is maintained in the reply statement that the report of Vigilance was only on the basis of a quick verification and this alone

had been examined by the Vigilance Court. At present a detailed Vigilance inquiry is in progress as was found necessary by the competent authority. In view of these factors Respondent-1 pointed out that the Tribunal may not interfere with the inquiry in progress or with the suspension of the applicant from service.

13. A reply statement was also filed on behalf of the Respondents-2&3 i.e., Union of India. It supports the stand of the Respondent-1 to the extent that once disciplinary proceedings are initiated and the charge sheet issued against the member of service within 30 days from the date of placing him under suspension, confirmation by the Central Government for the suspension is not required as per rules. As regards the question whether any sanction of Government of India is required for extension of suspension, as per Rules, it is submitted that Rule 3(1B) inter alia provides that the period of suspension of a member of service on charges other than corruption shall not exceed one year and under Rule 3(1C) the period of suspension of a member of service on charges of corruption shall not exceed two years; both these Rules can be extended only on the recommendations of the Central Ministry's Review Committee. Thus the Central Government has no role to play in this case so far. Further, as for the contention made relating to representation submitted by the applicant to Government of India, Rule 17 of the AIS (D&A) Rules, 1969 stipulates that an appeal is required to be preferred within a period of 45 days from the date on which a copy of the order appealed against is delivered to the appellant. It is further stated that no such appeal has been

filed within the time frame.

14. Heard Shri C.Unnikrishnan, learned Counsel for the applicant and Shri Antony Mukkath, learned GP for Respondent-1 and Shri T.C.Krishna, learned SCGSC for Respondents-2&3. The oral pleadings were in line with the contentions raised in the written pleadings. It is maintained by Shri C.Unnikrishnan that the applicant has been a victim of professional vendetta as a consequence to his vigorous anti corruption measures. The complainant himself, according to the Counsel, had been booked by the applicant for illegal sand mining activities in the vicinity of some Ports. No decision in respect of the procurement of Cutter Suction Dredger can be individually attributed to the applicant. It had through out been a collective decision involving very senior officers of the Government as well as the Port Directorate. It is interesting to note that no other official has been proceeded against from among the several who were closely associated with the purchase protocol. The officer had been set upon by the Government by instituting disciplinary action and suspension from service with effect from 19.12.2017 for alleged acts of criticizing the Government in public. The suspension period thereof had expired after the one year period on 19.12.2018 and this was clearly the signal for placing him under suspension from the very next day i.e., 20.12.2018 on an altogether different charge relating to an incident of 2010-11, when the applicant was working as Director of Ports. There was no murmur or any misgivings expressed anywhere during the intervening period when the applicant was indeed promoted as Additional Director

General of Police and posted to the Vigilance and Anti Corruption Bureau. Later he was further promoted as Director General of Police and Director of VACB. His eager endeavors in pursuit of integrity in Government service has led to his repeated misfortunes. With the earlier suspension coming to an end after one year, this Tribunal had decided that the prayer contained in OA No.1004/2018 had become infructuous and the OA had been closed with a direction to the respondents to complete the inquiry initiated on the earlier charges within four months. Nothing further has happened on the inquiry in the case.

15. Shri Antony Mukkath, learned Counsel for Respondent-1 maintained that the charges which have been spelt out in detail in the Charge Memo are of a very grave nature involving loss of a substantial amount of funds. The officer as a Port Director cannot shirk his responsibility and point his finger at others, because it was essentially his responsibility to present draft proposals, explain the details of the same and obtain the orders in question. All procedures related to the acquisition were completed during his tenure. While admitting that in a quick verification report, the Vigilance Directorate had found him to be blameless with the report dated 28.01.2015 finding the charges baseless, it was only a quick verification report and as a matter of minor detail, the learned Counsel also added that it was a report filed during the time when the applicant himself was heading the Anti Corruption Unit. Again the Vigilance Court had also, by and large, relied solely on this report. In other words the examination by the Vigilance Court was not thorough

enough to unearth the wrong doings clearly spelt out in the report of the Finance Inspection Wing. It was in the light of this fact that the Government decided to institute a detailed Vigilance inquiry into the charges and being a very senior Police Officer, it was necessary that he should be kept at arms length from Government positions while the inquiry was in progress. This required the officer to be placed under suspension.

16. In so far as the suspension order is concerned and extension of the same, the Rules on the subject are very clear and no departure from the same can be alleged. All procedures adopted are strictly in compliance with the All India Service (D&A) Rules, 1969 as amended from time to time.

17. We have examined the issues involved in the case in detail. We have carefully examined the pleadings both oral and documentary. The inquiry against the officer instituted as per Annexure A29 GO dated 27.11.2018 is a detailed probe into the circumstances surrounding the acquisition of a Cutter Suction Dredger by the Ports Department, when the applicant was the Head of the said Department. The Articles of Charges and Statement of Imputations allege serious wrong doing on the part of the applicant. The Vigilance inquiry into the case is said to be in progress. At this stage a court is not expected to sit in judgment or cry a halt to an investigation process. In a catena of judgments the Apex Court has disapproved of interference by courts in similar cases. The officer who is facing action should be given every opportunity to defend himself and in the event of any wrong conclusions

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being arrived at as a result of the inquiry process, he shall be provided with adequate opportunity to challenge the same. In this case, the inquiry is in progress and we see no reason to interfere with the process at this stage.

18. The second is the legal point whether there has been any violation of the extant Rules in the matter of suspension of the officer. The 3rd proviso to Rule 3(1) of AIS (D&A) Rules has following stipulations:

“ Provided also that, where a State Government passes an order placing under suspension a member of the service against whom disciplinary proceedings are contemplated, such an order shall not be valid unless, before the expiry of a period of thirty days from the date from which the member is placed under suspension, or such further period not exceeding thirty days as may be specified by the Central Government for reasons to be recorded in writing, either disciplinary proceedings are initiated against him or the order of suspension is confirmed by the Central government”.

In this case the initial suspension was issued on 20.12.2018 and the Articles of Charges (Annexure A30) issued on 11.01.2019. As the charge sheet was issued within 30 days, Respondent-1 was clearly within time in taking action and hence no confirmation of the order of suspension was necessary from Central Government. Thus no lacunae can be alleged in relation to the extant Rules.

19. But any court, going into a question of this nature will naturally have to examine the case from the perspective of the individual involved. It is not disputed that the applicant's suspension period commenced on 19.12.2017 with issuance of GO (Rt) No.8044/17/GAD which was challenged in OA No.1004/2018. This was an altogether different charge and the said

suspension automatically stood revoked on expiry of one year which was on 19.12.2018. It is probably a coincidence that the very next day i.e., on 20.12.2018, he was suspended again on a different charge and the suspension has been continued with through two review meetings and is continuing to this day. The net picture that emerges from the sequence is that the applicant who is the senior most IPS Officer of Kerala cadre has been under suspension from 19.12.2017 which is continuing till today. As stated the original suspension challenged here in this OA relates to his tenure as Director, Ports and acquisition of a machinery during 2010-11 period. Perhaps it is yet another coincidence that the Government chose to act against him after all these years only on the day when his suspension period on a set of different charges was coming to an end.

20. The Rules prescribe that in a corruption case an officer can be kept under suspension for a period not exceeding two years, but the same Rules cannot be interpreted to imply that an officer shall be kept under suspension for two years. While admitting that the charges are indeed very grave, we should also not lose sight of the fact that these pertain to a period several years ago, during which time the Government thought it fit to promote him as Additional Director General of Police and make him Head of Vigilance and Anti Corruption Bureau, according him rank of Director General of Police.

21. On the subject of continuance of suspension period, we would like to refer to judgment of **Ajay Kumar Choudhary Vs. Union of India and**

Another – (2015) 7 SCC 291, which states the following:

“11. Suspension, specially preceding the formulation of charges, is essentially transitory or temporary in nature, and must perforce be of short duration. If it is for an indeterminate period or if its renewal is not based on sound reasoning contemporaneously available on the record, this would render it punitive in nature. Department/ disciplinary proceedings invariably commence with delay, are plagued with procrastination prior and post the drawing up of the memorandum of charges, and eventually culminate after even longer delay.

12. Protracted periods of suspension, repeated renewal thereof, have regrettably become the norm and not the exception that they ought to be. The suspended person suffering the ignominy of insinuations, the scorn of society and the derision of his department, has to endure this excruciation even before he is formally charged with some misdemeanour, indiscretion or offence. His torment is his knowledge that if and when charged, it will inexorably take an inordinate time for inquisition or inquiry to come to its culmination, that is, to determine his innocence or iniquity. Much too often this has now become an accompaniment to retirement. Indubitably, the sophist will nimbly counter that our Constitution does not explicitly guarantee either the right to a speedy trial even to the incarcerated, or assume the presumption of innocence to the accused. But we must remember that both these factors are legal ground norms, are inextricable tenets or Common Law Jurisprudence, antedating even the Magna Carta of 1215, which assures that -- “We will sell to no man, we will not deny or defer to any man either justice or right.”

22. Again the Hon'ble Supreme Court in **State of Tamil Nadu Vs. Promod Kumar IPS and Another – SLP (Civil) No.12112-12113 of 2017**),

goes on to examine the question summarizing as follows:

“20. The first Respondent was placed under deemed suspension under Rule 3(2) of the All India Service Rules for being in custody for a period of more than 48 hours. Periodic reviews were conducted for his continuance under suspension. The recommendations of the Review Committees did not favour his reinstatement due to which he is still under suspension. MR.P.Chidambaram, learned Senior Counsel appearing for the first Respondent fairly submitted that we can proceed on the basis that the criminal trial is pending. There cannot be any dispute regarding the power of jurisdiction of the State Government for continuing the first Respondent under suspension pending criminal trial. There is no doubt that the allegations made against the first Respondent are serious in nature. However, the point is whether the continued suspension of the first Respondent for a prolonged period is justified.

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22. In the minutes of the Review Committee meeting held on 27.06.2016, it was mentioned that the first Respondent is capable of exerting pressure and influencing witnesses and there is every likelihood of the first Respondent

misusing office if he is reinstated as Inspector General of Police. Only on the basis of the minutes of the Review Committee meeting, the Principal Secretary, Home (SC) Department ordered extension of the period of suspension for a further period of 180 days beyond 09.07.2016 vide order dated 06.07.2016.

23. This court in **Ajay Kumar Choudhary v. Union of India, (2015) 7 SCC 291** has frowned upon the practice of protracted suspension and held that suspension must necessarily be for a short duration. On the basis of the material on record, we are convinced that no useful purpose would be served by continuing the first Respondent under suspension any longer and that his reinstatement would not be a threat to a fair trial. We reiterate the observation of the High Court that the Appellant State has the liberty to appoint the first Respondent in a non sensitive post.”

23. It is trite law that suspension cannot take the form of punishment. Suspension from service of an employee is solely to be resorted to in order to facilitate an impartial inquiry. The purpose clearly is to ensure that the employee is not in a position to influence the inquiry once he resumes his duties. But the line between a justified suspension from service and a suspension instituted as a measure of harassment is indeed a thin one. The applicant has been out of service since 19.12.2017 and has only a year or so of time remaining till he retires. During the hearing the learned Counsel for the applicant pointed out that the inquiry based on the earlier set of charges, which resulted in the applicant being under suspension for a year from 19.12.2017, has made little or no progress, despite a time limit prescribed by this Tribunal. That matter is not before us at present and hence we do not wish to delve into it.

24. The circumstances of the case lead us to the conclusion that continuance of the suspension period is not necessary, if the intention of the State Government is solely to get at the truth of the allegations made at

Annexure A30. The Vigilance inquiry ordered as per Annexure A29 commenced on 27.11.2018 and has been in progress for the last several months. All documents listed are already in the hands of Finance Department and the Vigilance and Anti Corruption Bureau. Hence we see little chance of the officer thwarting the probe, if he is reinstated in service. If it is the case that the officer is not found fit to work in the police force or its associated branches, the Government should consider accommodating him in any other post of equivalent rank. Mechanically ordering continuance of the suspension period brings no credit to a model employer.

25. After due consideration of all factors and after detailed examination of all pleadings made before us, we set aside extension of suspension period w.e.f. 18.06.2019 at Annexure A53. We direct that the applicant be reinstated forthwith in service and duly assigned to an appropriate post of equivalent rank. Original Application stands allowed to this extent. MA No.180/131/2019 and MA No.180/194/2019 do not survive for consideration in the light of the above. No costs.

(ASHISH KALIA)
JUDICIAL MEMBER

(E.K.BHARAT BHUSHAN)
ADMINISTRATIVE MEMBER

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List of Annexures in O.A.No.180/00004/2019

- 1. Annexure A-1** – True copy of the suspension order G.O.(Rt.) No.8299/2018/GAD dated 20.12.2018.
- 2. Annexure A-2** – True copy of the Enquiry report in QV/04/2014 dated 28.1.2015.
- 3. Annexure A-3** – True copy of the Order of the Vigilance Court, Muvattupuzha in CMP 56/2017 dated 7.2.2017.
- 4. Annexure A-4** – True copy of the Petition No.JT/Port/111/2018 dated 27.09.2018, before Finance Secretary, Government of Kerala.
- 5. Annexure A-5** – True copy of the reply of Finance Secretary vide letter No.IW-D-2/16/2018/Fin dated 13.12.2018.
- 6. Annexure A-6** – True copy of the proposal from KSMDC to procure the Cutter Suction Dredger vide Letter No.KSMDCL /CSS-New CSD/2008 dated 22.11.2009.
- 7. Annexure A-7** – True copy of the proposal dated 19.08.2010 to Ministry of Shipping, Government of India.
- 8. Annexure A-8** – True copy of the minutes of the Special Working Group on 29.11.2010 headed by Finance Secretary.
- 9. Annexure A-9** – True copy of the tender evaluation report dated 2.3.2012.
- 10. Annexure A-10** – True copy of the G.O. (MS) No.87/2012/F&PD dated 05.11.2012, approving the strategic road map cum action plan for the development of Coastal Shipping in Kerala.
- 11. Annexure A-11** – True copy of the Administrative sanction for the procurement of Cutter Suction Dredger for an estimated cost of Rs.20 Crores vide G.O (Rt.) No.444/2012/F&PD dated 01-06-2012.
- 12. Annexure A-12** – True copy of the minutes of the Departmental Purchase Committee headed by Secretary Ports on 16.08.2012.
- 13. Annexure A-13** – True copy of the G.O.(RT.) No.83/2013/F&PD dated 06.02.2013 to procure the Cutter Suction Dredger accepting the offer of IHC, being L1.
- 14. Annexure A-14** – True copy of the G.O.(Rt.) No.295/2013/F&PD dated 16.04.2013 as order for opening L/C account with SBI for payment.

- 15. Annexure A-15** – True copy of the transfer order of the applicant from Ports department vide G.O.(Rt) No.2025/2014/GAD dated 11.03.2014.
- 16. Annexure A-16** – True copy of the communication from IHC Merwede for the inspection visit of the IHC yard at Netherlands on 10.02.2015 by Sheik Pareed IAS for monitoring the progress of the construction of the Dredger personally on behalf of Government of Kerala.
- 17. Annexure A-17** – True copy of the Minutes of the Dredger Acceptance Committee dated 9.11.2015.
- 18. Annexure A-18** – True copy of the Dredger Acceptance certificate signed by Shri P.I.Sheik Pareeth IAS.
- 19. Annexure A-19** – True copy of the letter addressed to SBI to reelease the funds through L/C account for 2nd stage payments vide D1-3725/2010/DP dated 008.02.2015.
- 20. Annexure A-20** – True copy of the letter addressed to SBI, to release the funds through L/C account for 3rd stage payments vide D1-3725/2010/DP dated 23.02.2015.
- 21. Annexure A21** - True copy of the letter addressed to SBI, to release the funds through L/C account for 4th stage payment against delivery of the vessel vide D1/3725/2010/DP dated 07.09.2015.
- 22. Annexure A22** - True copy of the receipt of the 5th stage final payment made on 15.02.2016 issued by SBI on 19.02.2016 addressed to the Director of Ports.
- 23. Annexure A23** - True copy of the invitation card in Malayalam of Commissioning of Dredger by Minister in Charge along with its English translation.
- 24. Annexure A24** - True copy of the letter from M/s. BEML dated 13.03.2012 tie-up with a Europeon Company based in Netherlands.
- 25. Annexure A25** - True copy of the list of officers involved in the decision making at various stages of the procurement of the Cutter Suction Dredger.
- 26. Annexure A26** - True copy of the reminder representation dated 17/12/2018 submitted before the Home Ministry, Government of India.
- 27. Annexure A27** - True copy of the relevant pages of Office Memorandum dated 25/05/2016 issued by DoPT.
- 28. Annexure A28** - True copy of the GO (Rt.) No.758/2019/GAD dated

07/02/2019 issued by the 1st respondent.

29. Annexure A29 - True copy of the Vigilance Enquiry Ordered in G.O(Rt) No.203/2018/VIG dated 27.11.2018.

30. Annexure A30 - True copy of the Memo of Charges issued to the applicant vide Letter No.2602617/AIS-C3/2018/GAD dated 11.1.2019.

31. Annexure A31 - True copy of the detailed reply denying all the allegations in the memo of charges submitted before the first respondent vide Letter No.250/Aoc/CS/Reply/2019 on 22.1.2019.

32. Annexure A32 - True copy of the order No.D1-3725/2010 dated 01/08/2011 issued by the Director of Ports.

33. Annexure A33 - True copy of the minutes of the Technical Committee meeting on 10/08/2011.

34. Annexure A34 - True copy of the G.O (Rt) No.892/11/F&PD dated 27.12.2011 constituting technical committee for tender evaluation.

35. Annexure A35 - True copy of the Minutes of the Special Working Groups dated 10/08/2011.

36. Annexure A36 - True copy of the Administrative Sanction for the purchase of Cutter Suction Dredger vide G.O (Rt.) No.767/2011/F&PD dated 15.11.2011.

37. Annexure A37 - True copy of the Tender Notice No.03/2011-12 dated 15.11.2011.

38. Annexure A38 - True copy of the correspondence number D1-3725/2010/DP dated 20.01.2012 of the Director of Ports with respect to the procurement of Cutter Suction Dredger to the Secretary, Department of Ports.

39. Annexure A39 - True copy of the correspondence number D1-3725/2010/DP dated 27.03.2012 of the Director of Ports with respect to the procurement of Cutter Suction Dredger to the Secretary, Department of Ports.

40. Annexure A40 - True copy of the correspondence number D1-3725/2010/DP dated 01/11/2012 of the Director of Ports with respect to the procurement of Cutter Suction Dredger to the Secretary, Department of Ports.

41. Annexure A41 - True copy of the communication from PRD on advertisement of the tender notice and its English Translation.

42. Annexure A42 - True copy of the file notings of the Finance Officer in para 102 of the Note File No.D1-3725/10.

- 43. Annexure A43** - True copy of the file notings of the Finance Officer in para 117 of the Note File No.D1-3725/10.
- 44. Annexure A44** - True copy of the relevant page of Note file dated 15.03.2012.
- 45. Annexure A45** - True copy of the official communication by the Deputy Director of Ports on behalf of the Director vide CA/2012 dated 02.03.2012.
- 46. Annexure A46** - True copy of the posting order of the Administrative Officer dated 28/11/2011.
- 47. Annexure A47** - True copy of the posting order of the Finance Officer dated 01/-4/2011.
- 48. Annexure A48** - True copy of the inspection report of the Director of Ports dated 27.08.2012.
- 49. Annexure A49** - True copy of the notice issued to the Society of Mr.Sathyan Naravur dated 01.09.2012.
- 50. Annexure A50** - True copy of the representation of Mr.Sathyan Naravur dated 10/12/2018 with its English translation.
- 51. Annexure A51** True copy of the Circular No.16/12 of the Director of Ports, constituting the HOMC dated 12.12.12.
- 52. Annexure A52** True copy of the G.O(P) No.350/2008/Fin dated 06.08.2008 detailing the Delegation of Powers.
- 53. Annexure A53.** - True copy of the G.O (Rt.) No.3437/2019/GAD dated 13.06.2019.
- 54. Annexure R1(a)** - Photocopy of the letter No.C-VE06/2018/SRT dated 05.02.2019.
- 55. Annexure R1(b)** - Photocopy of the Minutes of Suspension Review Committee held on 05.02.2019.
- 56. Annexure MA-1** - A copy of the report dated 30.04.2019.
- 57. Annexure MA-1** - True copy of the G.O.(Rt) No.758/2019/GAD dated 07/02/2019 issued by the 1st respondent.
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