



**C.R.**

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT**

**THE HONOURABLE MR.JUSTICE K. BABU**

**TUESDAY, THE 7<sup>TH</sup> DAY OF APRIL 2026 / 17TH CHAITHRA, 1948**

**WP (CRL.) NO. 99 OF 2024**

**PETITIONER/S:**

**K.B.SOMAN,  
AGED 61 YEARS  
S/O. BHARGHAVAN, PUTHANPURACKAL VEEDU,  
VADAKKUMANNAM ROAD, MANNARKKAD, PALAKKAD, PIN -  
678582**

**BY ADVS.  
SRI.T.G.SUNIL (PRANAVAM)  
SHRI.J.OM PRAKASH  
SRI.C.X.ANTONY BENEDICT  
SRI.T.G.MANOJ  
SRI.T.G.SANTHOSH  
SRI.T.G.MAHESH  
SHRI.EMMANUAL SANJU**

**RESPONDENT/S:**

**1 STATE OF KERALA,  
REPRESENTED BY ITS SECRETARY, VIGILANCE (B)  
DEPARTMENT, GOVERNMENT SECRETARIAT,  
THIRUVANANTHAPURAM-, PIN - 695001**



- 2 VIGILANCE TRIBUNAL,  
KOZHIKODE, REPRESENTED BY ITS REGISTRAR,  
MANACHIRA, KOZHIKODE, PIN - 673032
- 3 DIRECTOR,  
VIGILANCE AND ANTI-CORRUPTION BUREAU,  
THIRUVANANTHAPURAM, PIN - 695001
- 4 THE MANAGING DIRECTOR,  
PLANTATION CORPORATION OF KERALA LTD, REGISTERED  
OFFICE, MUTTAMBALAM PO, KOTTAYAM, PIN - 686004
- 5 JUSTUS KARUNARAJAN B,  
GENERAL MANAGER (O & C) IN-CHARGE, HEAD OFFICE,  
PLANTATION CORPORATION OF KERALA LTD., KOTTAYAM,  
PIN - 686004

ADV RAJESH A ..SPL GP VIGILANCE  
ADV REKHA SR GP

THIS WRIT PETITION (CRIMINAL) HAVING COME UP FOR  
ADMISSION ON 07.04.2026, THE COURT ON THE SAME DAY  
DELIVERED THE FOLLOWING:



**C.R.**

**K.BABU, J**

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**W.P.(Crl).No.99 of 2024**  
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**Dated this the 7<sup>th</sup> day of April, 2026**

**JUDGMENT**

The petitioner sought a direction to the Vigilance Tribunal (respondent No.2), Kozhikode to dispose of Enquiry Case No.2/2021 within a time frame.

2. The enquiry relates to allegations of corruption relating to creation of forged pattayam by one B.A. Muhammed with the connivance of respondent No.5 who was the General Manager of the Plantation Corporation of Kerala Ltd.

3. On 09.07.2015, a report was published in a media regarding the creation of forged pattayam and illegal encroachment upon the Government land. The Managing Director, Plantation Corporation of Kerala (respondent No.4), issued a direction to submit a report regarding the



allegations. A Vigilance Committee was constituted by respondent No.4 which submitted a preliminary report on 01.12.2015. It was reported that there was grave dereliction of duty on the part of one Sri. C.M. Thomas and respondent No.5. Later, Crime No.291/2015 was registered by the Adhur Police of Kasaragode District alleging offences punishable under Sections 465, 468 and 471 r/w 34 of IPC. A charge sheet was filed before the Judicial First Class Magistrate Court, Kasaragode which is pending as C.C.No.1241 of 2016. Respondent No.3, after examining the findings of the Investigating Officer recommended to conduct a vigilance enquiry against the delinquent officers. The Government ordered enquiry by the Vigilance Tribunal as per GO(Rt) No.118/2021/Vig dated 29.09.2021.

4. The matter was pending before the Tribunal as E.C.No.2/2021. The petitioner alleged undue delay in the prosecution of the case before the Vigilance Tribunal.

5. I have heard the learned counsel for the petitioner and the learned Special Government Pleader (Vigilance).



6. It is submitted at the Bar that the number of cases pending before the Vigilance Tribunals is very low, but there is unnecessary delay in the disposal of the matters. It is also submitted that the Vigilance Tribunals on an average, dispose of five cases a year. A suggestion was made from the Bar for directing the Government to review and assess the implementation of the relevant Statutes under which the Vigilance Tribunals were constituted. It is submitted that the Constitutional Courts have the responsibility to assess the working of a Statute while exercising judicial review.

7. The learned Special Government Pleader fairly submitted that the average number of cases disposed of annually by the Vigilance Tribunal is 4 to 5, and that the amount spent on salaries alone for the functioning of the Vigilance Tribunal in one financial year exceeds an average sum of Rupees One Crore, based on the data disclosed in the Annual Administration Reports of the Tribunal. Apart from salaries, the functioning of the



Tribunal incurs an additional sum of over One Crore Rupees towards various operational expenses.

8. The learned Special Government Pleader submitted that the Government Departments are not properly utilizing the service of the Vigilance Tribunal, leading to the under utilisation of the institution. It is submitted that the intention of the Statute has not been achieved.

9. While admitting the Writ Petition, this Court directed the Tribunal to dispose of the matter in a time-bound manner. In compliance with the direction, the Tribunal disposed of the matter. Therefore, the grievance of the petitioner has been addressed.

10. Now coming to the functioning of the Vigilance Tribunal. Two Vigilance Tribunals have been constituted in the State of Kerala in exercise of the powers conferred on the Government as per Kerala Civil Services (Vigilance Tribunal) Rules, 1960 ('KCS (Vigilance Tribunal) Rules' for short). As per Rule 3(a) of the KCS (Vigilance Tribunal)



Rules, the Government may appoint one or more Tribunals for such areas as may be specified in the order. The Tribunal consists of a person who has been or is eligible to be appointed as District and Sessions Judge or a person with not less than seven years experience in the conduct of criminal cases or disciplinary cases. As per Rule 4, the Government may refer to the Tribunal any case or class of cases, which they consider, should be dealt with by the Tribunal.

11. First proviso to Rule 4 says that all cases relating to Gazetted Officers in respect of matters involving corruption on the part of such officers in the discharge of their official duties shall be referred to the Tribunal. Sub-rule (2) of Rule 4 empowers the Government for valid reasons to refer any particular case to any Tribunal irrespective of the area of jurisdiction of the Tribunal specified under sub-rule(a) of Rule 3. Rule 5 says that if on a complaint or other information received and after such investigation, the disciplinary authority or the appointing



authority or any other officer or authority empowered by the Government is satisfied that there is a *prima facie* case for taking action against an Officer before the Tribunal, the authority shall forward to the Government all the records of the case and the Government may after examining such records and after making such consultations decide whether there is *prima facie* case against the Officer and if it is satisfied so, they shall frame definite charge or charges and the Government may if they consider necessary forward records of the case to the Tribunal to enquire into the charges.

12. Rule 8 mandates that the enquiry shall be completed within six months from the date of commencement of the examination of the witnesses except in cases where the accused for unavoidable reasons is not able to file written statement or examine defence witnesses. Once the accused Government Servant is held to be guilty of any charge, the Tribunal shall recommend to the Government the punishment to be imposed.



13. The KCS (Vigilance Tribunal) Rules, 1960, were framed for the speedy enquiry regarding the matters of corruption among the public servants.

14. This Court obtained a statistics regarding the disposal of cases from the year 2015 to 2023 by the Vigilance Tribunals.

15. The disposal of the cases by the Vigilance Tribunal, Kozhikode for the period from 2015 to 2023 is as follows:-

Sl.No.	Year of Disposal	No. of Enquiry Cases
1	2015	5
2	2016	5
3	2017	3
4	2018	3
5	2019	2
6	2020	3
7	2021	4
8	2022	2
9	2023	3

16. The disposal of the cases by the Vigilance Tribunal, Thiruvananthapuram for the period from 2015 to 2023 is as follows:-



Sl.No.	Year of Disposal	No. of Enquiry Cases Disposed
1	2015	2
2	2016	3
3	2017	4
4	2018	4
5	2019	5
6	2020	1
7	2021	3
8	2022	5
9	2023	4
10	2024	4

17. It appears that the maximum number of cases disposed of is five per year. The learned Special Government Pleader submitted that the pendency of cases in various Tribunals is very less. It is submitted that even though Rule 4 specifically provides that all cases relating to Gazetted Officers involving corruption in the discharge of their official duty shall be referred to the Tribunal, no Government Departments have, so far, referred any such matters to the Tribunal, except the Vigilance and Anti-Corruption Bureau. The learned Special Government



Pleader submitted that the matters presently pending before the Vigilance Tribunal are the matters referred by the Vigilance and Anti-Corruption Bureau in exercise of its powers provided under GO(P) No.1/2015/Vig. Dated 23.01.2015. The Special Government Pleader placed a Circular and a Government Order issued by the competent authority regarding the reference of cases to the Tribunal.

18. The Government Order, GO(P) No.1/2015/Vig. Dated 23.01.2015 reads thus:-

**“GOVERNMENT OF KERALA**

**Abstract**

**VIGILANCE DEPARTMENT-DISCIPLINARY/ENQUIRY  
CASES- REFERENCE TO VIGILANCE TRIBUNAL -  
INSTRUCTIONS-ORDERS ISSUED.**

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**VIGILANCE (C) DEPARTMENT**  
G.O.(P) No 1/2015/Vig. Dated, Thiruvananthapuram, 23rd  
January, 2015.

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Read:--- (1) Circular No. 5681/C2/98/Vig. dated  
31-12-2001.

(1) Circular No. 6395/C2/14/Vig. dated 30-6-2014.

**ORDER**

As per the Circulars read above Government have issued necessary instructions regarding the significance of Vigilance Tribunals of the State that have been set up



with a view to make enquiries into the conduct of Government servants. The application of the Rule 4(1) of KCS (VT) Rules which provides that all cases relating to Gazetted Officers in respect of matters involving corruption on the part of such officers in the discharge of their official duties regarding major penalty shall be referred to the Tribunal has also been highlighted.

However on verification of the statistics of the cases referred to Vigilance Tribunals in recent years, it came to the notice of Government that only a very few cases are being referred to Vigilance Tribunal for enquiry. The Government departments are not properly utilizing the service of this quasi-judicial organization in the conduct of disciplinary enquiries pertaining to corruption of Gazetted Officers.

In this context Government are forced to reiterate the directions contained in the circulars read above which should be followed scrupulously. If it is proved in preliminary enquiry by the Administrative Department concerned that there is element of corruption or other irregularities, the Administrative Departments themselves can frame definite charges for major penalty against accused officers. If the explanation is not satisfactory and if it is found that a Vigilance Tribunal enquiry is required, recommendation for the same with necessary documents can be given to the Vigilance Department for ordering Tribunal enquiry. This will also save the precious time of the department officers who have to monitor plan/non-plan schemes and developmental activities and at the same time help to unearth evidence against delinquent officers in a thorough and systematic way adopted by the Vigilance Tribunals which can stand scrutiny in the Court of Law, if challenged subsequently.

All Administrative Departments/HODs should examine each case to see if it falls within the ambit of enquiry by Vigilance Tribunal as per the instructions before sending the recommendations.

By order of the Governor,  
NALINI NETTO



Additional Chief Secretary to Government”

19. The Circular dated 15.01.2022, issued by the Government, reads thus:-

**“GOVERNMENT OF KERALA**

No:VIG-C3/275/2021-Vig  
Vigilance (C) Department Thiruvananthapuram,  
Dated: 15/01/2022

**CIRCULAR**

Sub:Vigilance Department - Disciplinary/Enquiry cases - Reference to Vigilance Tribunal-Instructions reiterated- reg.

Ref:1. Circular No. 5681/C2/98/Vig dated 31/12/2001.

2. Circular No. 6395/C2/14/Vig dated 30/06/2014.

3. GO(P)No.1/2015/Vig dated 23/01/2015.

4. Circular No. 5532/C3/2015/Vig dated 20/05/2015.

As per the Circulars and Government Order read above, instructions were repeatedly issued pointing out the significance of Vigilance Tribunal Enquiry. As per proviso to Rule 4(1) of Kerala Civil Service (Vigilance Tribunal) Rules, all cases relating to gazetted officers in respect of matters involving corruption on the part of such Offices in the discharge of their official duties shall be referred to the Vigilance Tribunal. It has come to the notice of the Government that Administrative



Departments/Heads of Departments are not adhering to the above instructions and also not utilizing the service of the Vigilance Tribunals in the conduct of disciplinary enquiries pertaining to corruption of Gazetted Officers.

2. In the above circumstances, Government reiterates the instructions in the Circulars and Government Order read above and directs all Administrative Departments/Heads of Departments to adhere to the instructions contained therein scrupulously.

Minimol T  
Additional Secretary”

20. The above extracted Government Order and the Government Circular indicate that the Administrative Department and heads of Departments are not adhering to the instructions issued in this regard, nor to the mandate of the KCS Vigilance Tribunal Rules, 1960.

21. The Rules came into effect in 1960. The Tribunals were constituted pursuant to the enactment of the Rules. It appears from the reports submitted by the Government that the average disposal of cases by a Tribunal in a year is only five, and that the number of enquiry cases pending before each Tribunal is less than ten. The Government itself has



conceded, as evident from the extracted circular and Government Order, that the various administrative departments and heads of departments are not adhering to the mandate of the Rules or to the instructions issued in this regard.

22. Now a serious question arises: why should the Government retain these Tribunals? It is reported by the Additional Chief Secretary to Government that in the financial year 2022-23, the expenditure towards salary incurred for the functioning of the Vigilance Tribunal, Kozhikode amounted to Rs.1,00,57,000/- (Rupees One Crore and Fifty Seven Thousand only). It is high time that the Government has a responsibility to ensure that the purpose and object of the KCS (Vigilance Tribunal) Rules are accomplished. The Government also has a duty to closely monitor the working of the Statute and must have a continuous and a real time assessment of the impact of the Statute. The Executive should bear in mind that the public money amounting to Crores have been spent for this



purpose. The KCS (Vigilance Tribunal) Rules, framed in 1960, were intended as a measure to compact corruption among public officers. The system was adapting to a change. What is discernible is a total failure on the part of the Government to exercise its powers to adapt to the changes envisaged by the KCS (Vigilance Tribunal) Rules, 1960. Failure to use that power by the Government to adapt to the change in its own way is an abuse of power.

23. It is trite that reviewing and assessing the implementation of a Statute is an integral part of Rule of Law. The purpose of such a review is to ensure that a law is working in practice as intended. Such a review is to understand the reasons for failure, if any, and address it quickly.

24. The Constitutional Courts have directed the Executive to carry out Performance Assessment Audit of Statutes. In ***Rutu Mihir Panchal and others v. Union of India and Others*** [2025 KHC OnLine 6414], the Supreme Court held that reviewing and assessing the implementation



of a statute is an integral part of Rule of Law. It is in recognition of this obligation of the executive government that the constitutional courts have directed governments to carry performance audit of statutes.

25. The High Court is fully justified in giving directions to the Government to conduct performance audit of a Statute. As this Court from experience perceives the working of the Statute in question, the attempt of this Court is only to give an impetus to systematic actions to provide effective functioning of the Governmental bodies. It is surprising that time and again the Government raises the concern of financial stringency. It is high time for the Government to see whether these failed Tribunals are to be retained.

26. This Court remembers from its 'institutional memory' regarding the failure of a Tribunal by name "Munnar Tribunal" for the functioning of which the Government had spent Crores of Rupees.



27. The Munnar Tribunal was constituted as per the Munnar Special Tribunal Act, 2010. The Act came into force on 14.06.2010. The Tribunal started functioning on 16.02.2011. The Munnar Tribunal was abolished on 30.07.2018. The Tribunal as such functioned for almost eight years. The Government did not conduct any performance audit during that period. There were a series of requests for appointing staff on deputation basis to the Munnar Tribunal from the District Judiciary. While considering those requests, the Administrative side of the High Court came to notice that the Tribunal disposed of only 42 cases on merits during the entire period of its functioning. Therefore, the High Court, in its administrative capacity initiated proceedings to recommend the abolition of the Munnar Tribunal, as it did not achieve the intent of the Munnar Special Tribunal Act, 2010.

28. I have obtained the relevant file from the Registrar General and perused the same. The Full Court of the High Court, in its meeting held on 12.04.2018, passed a



resolution recommending the abolition of the Munnar Tribunal. The material that weighed the High Court to make such a recommendation as seen from the relevant record is extracted below:-

*“(iii) The number of cases disposed on merit since from the functioning of the Tribunal is only 42. The approximate expenditure being spent in respect of salary of Chairman, Members and staff of the Tribunal is around Rs. 21,03,590/- (Rupees Twenty One Lakhs Three Thousand Five Hundred and Ninety only) per month and the total amount spent for the disbursement of salary alone (excluding pay revision arrears) from the commencement of the Tribunal to 31/12/2017 will be around Rs. 13,45,60,164/- (Rupees Thirteen Crore Forty Five Lakhs Sixty Thousand One Hundred and Sixty Four only).”*

29. It is seen that, for the disposal of 42 cases, the Tribunal functioned for eight years and the recurring expenditure incurred was Rs.13,45,60,164/- (Rupees Thirteen Crores Forty Five Lakhs Sixty Thousand One Hundred and Sixty Four only). This is apart from the capital expenditure, which would amount to several additional Crores. This is one of the finest examples where the Government machinery failed to conduct performance audit on various Statutes and institutions.



30. Therefore, the Government is hereby directed to conduct a performance audit on the functioning of the Vigilance Tribunals constituted under KCS (Vigilance Tribunal) Rules, 1960.

The Writ Petition is disposed of accordingly.

The Registry shall communicate this judgment to the Chief Secretary, Government of Kerala, forthwith.

Sd/-  
**K.BABU JUDGE**

kkj



APPENDIX OF WP(CRL.) NO. 99 OF 2024

PETITIONER EXHIBITS

- Exhibit -P1 TRUE COPY OF THE RELEVANT PAGES OF THE PRELIMINARY REPORT DATED 01.12.2015 OF THE VIGILANCE COMMITTEE OF THE PLANTATION CORPORATION OF KERALA.
- Exhibit -P2 TRUE COPY OF THE MINUTES OF HE MEETING OF THE BOARD OF DIRECTORS OF THE PLANTATION CORPORATION HELD ON 07.12.2015.
- Exhibit -P3 TRUE COPY OF THE CHARGE MEMO NO. PCK/MD/DIS 2018/CONF/41 DATED 29.08.2018.
- Exhibit P4 TRUE COPY OF THE GO(RT) NO. 118/2021/VIG DATED 29.09.2021.
- Exhibit P5 TRUE COPY OF THE ORDER DATED 25.03.2022 OF THE HON'BLE LOK AYUKTA IN COMPLAINT NO. 633/2018.