

Findings

51. In the light of the discussions in the earlier paragraphs, this Forum is satisfied that the allegation of abuse of power, favouritism, nepotism and violation of oath of office is substantiated against the 2nd respondent Dr. K..T.Jaleel, Minister for Higher Education and Minority Welfare. The action taken by him to change the qualifications for the post of General Manager in the Corporation to add "B.Tech with PGDBA" also as a qualification for the post of General Manager was to make the 5th respondent, who is his second cousin, eligible for the post of General Manager. The direction of the second respondent to add the particular qualification possessed by the 5th respondent, was without any proposal or suggestion from the Corporation. But for the change of qualification, the 5th respondent would

not have been eligible to apply for the post. It amounted to abuse of his position by the second respondent as a Public Servant to obtain a favour to his near relative. It is immaterial that after submitting the application the 5th respondent did not turn up for the interview "due to some unavoidable official reason". At any rate, two years thereafter without any Notification inviting applications, the 5th respondent, on his own, submitted an application to the Managing Director of the Corporation who forwarded it to the Government and in spite of the objection pointed out against his deputation, the second respondent directed to issue an order of appointment in favour of the 5th respondent. The appointment of the 5th respondent was without inviting any application and providing opportunity to

other eligible persons to apply for the post of General Manger.

52. The action of the 2nd respondent was actuated in the discharge of his function as a Minister by personal interest to favour his own second cousin. It amounted to favouritism and nepotism and also lack of integrity in his capacity as a Minister.

53. The conduct of the 2nd respondent also violated the Oath of Office he had taken as a Minister to discharge his duties as a Minister "without fear or favour, affection or ill-will".

54. Hence, we hereby enter a finding that the allegations of abuse of power, favouritism, nepotism and violation of Oath of Office have been substantiated against the second respondent and we

make a declaration to that effect. We also declare that since such allegations have been substantiated against the second respondent, he should not continue to hold the post held by him as a Member of the Council of Ministers.

55. This Report under Section 12(3) of the Kerala Lok Ayukta Act, 1999 is submitted to the Hon'ble Chief Minister, the Competent Authority, for taking appropriate action in accordance with Section 14 of the Kerala Lok Ayukta Act.

56. The Registry is directed to forward this Report in compliance with Section 12(3) of the Act.

**JUSTICE CYRIAC JOSEPH,
LOK AYUKTA**

**JUSTICE HARUN-UL-RASHID,
UPA LOK AYUKTA**

vsv/mn