GOVERNMENT OF KERALA

Abstract

IPS – Disciplinary action against Smt. R. Nishanthini IPS (KL: 2008) – Re-enquiry – Appointment of Dr. K. Ellangovan IAS, Principal Secretary, Department of Industries as Inquiring Authority and Dr. Sharmila Mary Joseph IAS, Managing Director, KSIDC as the Presenting Officer - Orders issued.

GENERAL ADMINISTRATION (AIS-C) DEPARTMENT
G.O.(Rt) No.3143/2019/GAD Dated, Thiruvananthapuram, 01.06.2019.

   4. Written Statement of Defence dated 06.11.2017 submitted by Smt.R.Nishanthini IPS.
   6. Enquiry Report, dated 21.01.2019 submitted by Shri Manoj Abraham IPS, Additional Director General of Police, South Zone, Kerala

ORDER

As per Order read as 2nd paper above, department level disciplinary action was ordered against Smt. R.Nishanthini IPS (KL:2008) on the basis of the directions of the Hon'ble High Court in WP (C) No. 30771/2014 filed by Shri Percy Joseph Desmond, senior functionary of the Union Bank of India seeking action against the Member of Service and the other police personnel of Thodupuzha Police Station for allegedly taking him into police custody on the complaint of a woman police officer that he had attempted to molest her. Smt. R. Nishanthini IPS and other police personnel were also accused of subjecting Shri Percy Joseph Desmond to brutal custodial torture and of framing false charges against him.

2. As part of initiating departmental level disciplinary action against Smt.R.Nishanthini IPS, Articles of Charges and Statement of Imputations were issued to her on 30.08.2017. The Member of Service submitted the written statement of defence to Government vide reference read as 4th paper above denying all the charges levelled against her. However, Government found the explanation unsatisfactory and decided to conduct an inquiry into the charges framed against the Member of Service. Accordingly, in exercise of powers conferred under Rule 8(2) of AIS (D&A) Rules,
1969, Government as per Order read as 5th paper above appointed Shri. Manoj Abraham IPS (KL:1994), then Inspector General of Police, Traffic and Road Safety Management as Inquiring Authority and Shri. Dinendra Kashyap IPS (KL:1998), Inspector General of Police, Headquarters as Presenting Officer under Rule 8(6) (c) of the AIS (D&A) Rules, 1969 to inquire into the charges levelled against Smt. R. Nishanthini IPS.

3. Shri Manoj Abraham IPS, the Inquiry Authority, submitted the Inquiry Report vide reference read as 6th paper above with the findings that the charges levelled against Smt. R. Nishanthini IPS were not proven in the inquiry. Government examined the inquiry report in detail and found that there are procedural errors, omissions and inconsistencies in the conduct of the inquiry and that the Inquiry Officer failed to consider the observations of the Hon'ble Kerala Human Rights Commission in HRMP No. 2913/2011 and that of the First Class Judicial Magistrate, Thodupuzha in CC 856/2011 while acquitting Shri. Percy Joseph Desmond. These omissions are contrary to the direction of the Hon'ble High Court to the competent authority to consider them while holding the inquiry. The enquiry has also failed to consider the report of the Special Investigation Team led by Shri A.V. George IPS, the then Superintendent of Police, Special Investigation Team.

4. In the circumstances, Government have decided to set aside the inquiry report submitted vide reference read as 6th paper above and to initiate a fresh enquiry to look into all aspects of the case in full compliance of the directions of the Hon'ble High Court to unearth the truth. Accordingly, in exercise of powers conferred under Rule 8(2) All India Services (Discipline & Appeal) Rules, 1969, Government hereby appoint Dr. Ellangovan IAS (KL: 1992), Principal Secretary, Department of Industries as Inquiry Authority and Dr. Sharmila Mary Joseph IAS (KL: 1997), Managing Director, KSIDC as Presenting Officer under Rule 8(6)(c) of the All India Service (D&A) Rules, 1969 to inquire into the charges levelled against Smt. R. Nishanthini IPS.

5. The Inquiry Report shall be submitted to Government within one month.

(By Order of the Governor),

Tom Jose

Chief Secretary to Government.

To

Dr. Ellangovan IAS (KL: 1992), Principal Secretary, Department of Industries (With copies of relevant documents)

Dr. Sharmila Mary Joseph IAS (KL: 1997), MD, KSIDC. (With copies of relevant documents)

Smt. R. Nishanthini IPS. Superintendent of Police (on Child Care Leave)

(Through State Police Chief, Kerala, Thrivananthapuram)

The Secretary to Government of India, Ministry of Home Affairs,

North Block, New Delhi -110 001.
The Director General of Police & State Police Chief, Kerala, Thiruvananthapuram.

The General Administration (SC) Department
The Home Department.
The Web & New Media Division in I&PRD. (For uploading the GO in the website www.gadspiais.kerala.gov.in)

Copy to:-

The Private Secretary to Chief Minister.
The Special Secretary to Chief Secretary.
The PA to Additional Chief Secretary, Home & Vigilance Department.
The PA to Additional Secretary, General Administration (AIS-A&C) Depts.
The PA to Deputy Secretary, General Administration (AIS-A&C) Depts.
Stock File/Office Copy.

Forwarded/By Order,

Section Officer

Documents forwarded to the Inquiring Authority/Presenting Officer :-

2. Report of Shri George Varghese, the then SP, Idukki dated 14.11.2011.
5. Govt. letter No. 77988/H1/2011/Home dated 05.06.2012.
16. Articles of Charges and Statement of Imputations dated 30.08.2017 issued to Smt.R.Nishanthini IPS
17. Written Statement of Defence dated 06.11.2017 submitted by Smt.R.Nishanthini IPS.