

**THIRTEENTH KERALA LEGISLATIVE ASSEMBLY**

**COMMITTEE  
ON  
PUBLIC ACCOUNTS  
(2014-2016)**

**SIXTY SECOND REPORT**

(Presented on 9th July, 2014)



SECRETARIAT OF THE KERALA LEGISLATURE  
THIRUVANANTHAPURAM  
2014

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ON  
PUBLIC ACCOUNTS  
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**SIXTY SECOND REPORT**

**on**

**Action Taken by Government on the Recommendations  
contained in the 106th Report of the  
Committee on Public Accounts  
(1993-95)**

1071/2014.

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## INTRODUCTION

I, the Chairman, Committee on Public Accounts, having been authorised by the Committee to present this Report, on their behalf present the Sixty Second Report on Action Taken by Government on the Recommendations contained in the 106th Report of the Committee on Public Accounts (1993-95).

The Committee considered and finalised this Report at the meeting held on 30th June, 2014.

Thiruvananthapuram,  
9th July, 2014.

DR. T. M. THOMAS ISAAC,  
*Chairman,*  
*Committee on Public Accounts.*

## **REPORT**

This Report deals with the Action Taken by Government on the recommendations contained in the 106th Report of Committee on Public Accounts (1993-95).

The 106th Report of the Committee on Public Accounts (1993-95) was presented to the House on 1st February, 1995. The Report contained 16 recommendations relating to Public Works and Transport Department and LSGD. The Report was forwarded to the Government on 24-3-1995 to furnish the Statement of Action Taken on recommendations contained in the Report and the final reply was received on 19-3-2012.

The Committee examined the Statement of Action Taken received from Government of its meetings held on 11-2-1998, 18-11-1998, 8-12-1999, 19-12-2007 and on 17-7-2013.

The Committee was not satisfied with the reply received from Government on recommendation Nos. 1-4, 7, 10, 12-14 (Para Nos. 24-27, 30, 33, 35-37) and decided to pursue it further. These recommendations, Government replies and further recommendations of the Committee are incorporated in Chapter I of this Report.

The Committee decided not to pursue further action on the remaining recommendations in the light of the replies furnished by Government. Such recommendations and the Statement on Action Taken by Government are incorporated in Chapter II of this Report.

### **CHAPTER I**

#### **RECOMMENDATIONS IN RESPECT OF WHICH ACTION TAKEN BY GOVERNMENT ARE NOT SATISFACTORY AND WHICH REQUIRE REITERATION**

##### **PUBLIC WORKS DEPARTMENT**

###### **Recommendation**

*(Sl. No. 1, Para No. 24)*

1.1 The Committee observes that after the termination of contract for the construction of bridge at Kulathoormoozhy across manimala river in September 1981, the department took three years to rearrange the balance work. Delay on the part of the department in handing over the site initially and awarding the balance work to another contractor after a lapse of three years resulted in extra expenditure of ₹ 39.37 lakh. The Secretary (PWD) attributed the delay to 1071/2014.

administrative matters, when asked whether liability was fixed against the original contractor the witness replied that details regarding fixation of liability and recovery of loss sustained to Government are yet to be received from Chief Engineer (Roads & Buildings).

**Recommendation**

*(Sl. No. 2, Para No. 25)*

1.2 Government have informed after the Committee took evidence, that (letter dated 6-11-1993) the Superintending Engineer (R&B) has fixed the liability of the contractor as ₹ 9,14,213 and the District Collector, Pathanamthitta has been directed to recover the amount through Revenue Recovery Proceedings.

**Recommendation**

*(Sl. No. 3, Para No. 26)*

1.3 The details of revenue recovery as well as the action taken against the officers responsible for the delay of 12 years in determining the liability should be intimated to the Committee.

**Action Taken**

*(Paras 24, 25 & 26)*

1.4 The work of construction of Kulathoormoozhy bridge across manimala river was terminated at the risk and cost of M/s Narayana Traders, Parakadu vide Order No. DM2. 20978 dated 12-9-1981 of Superintending Engineer (R&B), South Circle, Thiruvananthapuram. The balance work was tendered on 28-2-1983 & 4-5-1983 and there were no response. Therefore quotations were invited and in response six quotations were received. Out of these, the quotation submitted by Shri P. A. Jacob was the lowest. Government vide G.O. (Rt.) No. 1115/84/PW F&P dated 13-8-1984 ordered that Kerala State Construction Corporation is not in a position to take up the work at a lesser rate. Hence the lowest quotation received from the contractor Shri P. A. Jacob at his reduced quoted rate of 115% above has been sanctioned by the Government. As per the reduced quoted rate the PAC of the work comes to ₹ 58,47,506 against the estimate PAC of ₹ 34,70,156 having an overall excess of 68.51%. The rearrangement of the balance work was based on 1982 schedule of rates. The work was completed and opened for traffic on 16-1-1987. The delay caused to the rearrangement of the balance work are due to the Administrative Procedures taken for obtaining sanction of estimate to the balance work and the lowest quotation from the competent authorities.

The risk liability of the original contractor on rearrangement of the Balance work works out comes to ₹ 41,17,153. The department initiated action to recover the amount due from the contractor through Revenue Recovery Proceedings. But the contractor filed on O.S. No. 441/92 before the Hon'ble Sub Court, Thiruvananthapuram praying for an injunction in restraining the Department to stop the recovery proceedings and the Hon'ble Court granted the injunction order as prayed by the petitioner. The O.S. No. 441/92 was dismissed on 30-9-2004 in favour of the Government. Accordingly Revenue Recovery Proceedings was initiated to recover the risk amount from the original contractor. Again the contractor filed a writ petition before the Hon'ble High Court of Kerala in WP(c) No. 26/234/2004 praying to stop the revenue recovery proceedings which was also dismissed by the Hon'ble Court. The names of the Superintending Engineers who held office during the period of 12 years is furnished below:

<i>Sl. No.</i>	<i>Name</i>	<i>Date of Retirement</i>
1	Shri K. R. Rajasekharan Nair	31-3-1982
2	Shri M. Abdul Rahimkutty	30-6-1986
3	Shri S. Abdul Rahim	28-2-1985
4	Shri E. Kurian Mathew	30-6-1988
5	Shri V. S. Abdul Shukkur	30-11-1987
6	Shri M. J. Mathew	30-8-1992
7	Shri P. Chacko Joseph	31-8-1990
8	Shri Kuruvila John	28-2-1991
9	Shri S. Pavithran	30-11-1990
10	Shri Gopinathan Nair	31-7-1992
11	Shri T. A. Abdulla	24-3-1993
12	Shri A. Pattabhiraman	28-2-1994
13	Shri A. Josehua Sidney Rahbndra	31-5-1994

All the above officers have retired on superannuation (the dates of retirement are shown against their names). Since the connected file/records were with the court in connection with the case filed by the contractor, action could not be initiated against the officers responsible for the delay. As no action was initiated against any of them before retirement, and the three year period after retirement is also over no action becomes possible now.



### **Further Recommendation**

1.5 The Committee recommended that action should be taken against the officers who are responsible for the delay in re-arranging the balance work of Kulathoormuzhi Bridge across Manimala River which led to a loss of ₹ 39.37 lakh to Public Exchequer. The Committee opined that the Government should make necessary arrangements to recover the amount.

### **Recommendation**

*(Sl. No. 4, Para No. 27)*

1.6 The Committee note that there was inordinate delay of 3 years in acquiring the land required for the approaches to the bridge at Komalamkadavu. Still the land could be taken possession five months after the stipulated date of completion. After terminating the contract in December 1982 the balance work was awarded to another contractor only in February 1985, resulting the extra expenditure of ₹ 18.01 lakh.

### **Action Taken**

1.7 The estimate for the above Bridge work was sanctioned on 14-10-1979. The land acquisition proposal for acquiring the land required for the work had been submitted to the District Collector, Panthanamthitta on 22-10-1979 by the Executive Engineer, Pathanamthitta and subsequently reminders were also issued on 3-5-1980, 4-5-1980 and 19-6-1980. The estimate for planting boundary stones was sanctioned on 19-6-1980 and the work was arranged on 14-7-1980.

The land required was taken on advance possession after obtaining consent from the land owners on 3-5-1980 and the same was handed over to the contractor on 11-5-1980. The agreement for the above work had been executed on 7-2-1980 and the contractor has started the work on 19-2-1980. The land required for the work was handed over to the department after completing all official formalities by the L.A. authorities only on 18-3-1980. The L.A. authorities could have done the survey work for acquisition and the demarcation of land required for acquisition before 3-5-1980.

From the above facts it is clear that the Public Works Department officers are not responsible for the delay caused in acquiring the required land. However the land required for executing the work was handed over to the contractor when and where it was required. As the work started in summer, the contractor could have executed the structural work such as foundation of Bridge etc. In the river bank and also in the river for which private land was not required and the contractor having all access to the site except for forming the approach road. The contractor could have started the filling works of the approach road from 11-5-1980 when the land was handed over to the contractor officially.

Even though the land required for the construction of the bridge was available, the contractor could not complete the work for bridge structure during the summer season of 1980. Then immediately before the rainy season the land required for the approach road was handed over to the contractor i.e. 3 months after executing the agreement. Hence the delay occurred in acquiring the land should not have in any way affected the progress of the work. The delay was due to the slackness and defective planning off the contractor.

As the progress of the work was not satisfactory, the original contract was terminated on 24-12-1982 and the estimate for the balance work was prepared on 27-1-1983 and subsequently, the estimate was revised as per the current schedule of rates on 4-4-1983 and submitted to the C.E's office for according Technical Sanction and revised Administrative Sanction was accorded on 13-4-1984 for ₹ 16,71,000.

The balance work was tendered in the S.E's office on 2-3-1984. The balance work was arranged after observing all official formalities on 20-2-1985. The agreed P.A.C. of the balance work including tender excess and some additional works comes to ₹ 18,47,537 and as per the contract agreement entered with the second contractor, the work was completed.

The above facts vividly exhibits that there was no purposeful delay occurred in rearranging the work and the delay occurred was not due to the fault of my departmental officers, but was due to the occurrence of unavoidable administrative delay in arranging the work covering all official formalities.

#### **Further Recommendation**

1.8 The Committee observed that the agreement for the work was executed even before acquisition of land which was against the provisions under PWD Manual and Rules. The Committee therefore directed that such a practice should not be repeated in future.

#### **Recommendation**

*(Sl. No. 7, Para No. 30)*

1.9 The Committee understands that the contractor agreed to execute the balance work at 110% above estimate rate but the Chief Engineer rejected his quotation and directed on 1-3-1985 to do the work departmentally at the same rate. However the work was neither entrusted to the contractor nor was it done departmentally. Revised Administrative Sanction for the work was accorded on 14-10-1988 for ₹ 10.60 lakh and special sanction given on 16-8-1990. During evidence, the Committee demanded details on the following points:

- (a) Why the work was not entrusted to the contractor who quoted 110% above the estimate rate in 1984 ?

- (b) Why did the Chief Engineer order to do the work at the same rate departmentally though the PWD is not taking up works departmentally ?
- (c) What were the reasons for the delay in issuing special sanction which necessitated another revision of estimate to ₹ 13,42,000 ?
- (d) Has any responsibility been fixed for not deleting the relevant clause of arbitration from notice inviting tenders ?

#### **Action Taken**

1.10 The quotation received at 110% above estimate rate was rejected by the Chief Engineer as per No. B2-10223/84 dated 29-12-1984 for the following reasons:

(1) The quoted rate was too high even after revision of estimate as per 1982 schedule. The Government Tender Committee had rejected an offer of 97% as per the old schedule of rate on the ground that the quoted rate was too high.

(2) Funds were not provided in the budget for that year.

(3) A technical Circular changing the specification came into force by then and hence the estimate required further revision.

(a) A technical Circular.

(b) The Chief Engineer during his site visit on 1-3-1985 suggested to take up the work departmentally at 110% above estimate rate after changing specification of certain items. But no written orders were issued by the C.E. for executing the work departmentally.

(c) Consequent on the bifurcation of the Department the work was transferred to Buildings wing which prepared revised estimate on 13-10-1986 and it was received in the C.E's office on 15-1-1987. The estimate prepared with tiled roof was subsequently changed into R.C.C. roof. Accordingly the estimate was received in the C.E's office on 10-7-1987. But due to change in design, a comparative statement was found necessary. The comparative statement with original sanctioned site plan and type design was submitted on 26-11-1987. By this time revised Administrative Sanction and Special Sanction were found necessary and Special Sanction was accorded as per G.O.(Rt.) 8028/90/Home dated 16-8-1990.

(d) No action is required in view of the details furnished in answer to para 29.

### Further Recommendation

1.11 The Committee observed that the oral orders of the Chief Engineer for taking up the work departmentally should have got confirmed.

### Recommendation

(Sl. No. 10, Para No. 33)

1.12 The Committee observes that carelessness on the part of the department in the preparation of tender/schedule, failure to furnish details in the pro forma and the failure in accepting the lowest tender resulted in extra expenditure to the tune of ₹ 4.78 lakh in the constructor of bridge at Mala-Krishnankotta Road. The Committee recommend to take action against the officers responsible for the lapse. Details of action taken should be submitted to the committee.

### Action Taken

1.13 The bridge work for the Reconstruction of wooden bridge in Mala-Krishnankotta Road was tendered in 4/82. This was comparatively a small work the estimate cost of which was only ₹ 3.39 lakh. The Executive Engineer (Roads and Bridges), Thrissur had reported that it being a minor work, the file were not readily traceable at such a distance of time. These are 5 volumes of files. A thorough search was since made in the Division Office and all the files have been traced out. The list of officers who were working in the office during that time is given below:

Sl. No.	Name	Designation	Period		Remarks
			From	To	
(1)	(2)	(3)	(4)	(5)	(6)
1	N. Balan	Executive Engineer	10-9-1980	27-10-1982	Retired
2	M. K. Harshan	do.	27-10-1982	6-7-1983	do.
3	P. M. Mohammed Salim	Technical Assistant	21-2-1980	30-11-1982	Working as Exec. Engineer
4	V. N. Bhanumathy	Head Draftsman	24-1-1981	2-6-1984	do.
5	M. Laxmikutty	do.	12-3-1981	11/1983	do.
6	K. J. Thomas	D.A.	9-6-1980	31-5-1982	Retired
7	T. V. Padmanabhan Nair	D.A.	7-6-1982	26-2-1986	do.

(1)	(2)	(3)	(4)	(5)	(6)
8	K. P. Nalinaksha Panicker	1st Grade Draftsman	24-7-1978	1983	do.
9	V. K. Chandran	do.	1-1-1979	..	..
10	P. Kunjukuttan Nair	..	20-7-1981	..	..
11	V. K. Narayanan	2nd Grade Draftsman	5-5-1980	28-9-1984	..
12	P. K. Manchan	do.	3-10-1981	..	..
13	Mohammed Iqbal, K. B.	..	4-7-1981	10-10-1985	..
14	E. M. Mohanachandran	..	20-12-1977	..	..
15	P. F. Jose	..	20-7-1981	..	..
16	V. K. Thankamani	..	5-1-1977	..	..

As 13 out of 16 Officers have retired from Service it is difficult to fix the liability and to take action against the officers responsible for the lapse at this juncture. Hence the para may be dropped.

#### **Further Recommendation**

1.14 Committee was not satisfied with the reply furnished by the Government and opined that the officer responsible for the lapse should be pinpointed and liability fixed. Action should also be taken to recover the loss caused to the Government.

#### **Recommendation**

*(Sl. No. 12, Para No. 35)*

1.15 The Committee do not approve the way of giving conflicting replies to the audit para. The Department had first admitted the lapse and later the Chief Engineer (PWD) had ratified the action of his subordinates who had violated departmental instructions. The Chief Engineer (PWD) exercised powers beyond his competence in ratifying a lapse, which is in question in audit para and under scrutiny by Public Accounts Committee. The Committee view this very seriously and recommend deterrent action against the Chief Engineer for this kind of jugglery.

**Action Taken**

1.16 The Chief Engineer, who approved the action of the Engineers concerned in having changed the specification was Shri M. J. Mathew, Shri Mathew retired from service on 31-8-1992 which is prior to the PAC recommendation in 1993-95. At this distance of time it is difficult to pursue action against the retired officer responsible for the lapse.

**Further Recommendation**

1.17 The Committee opines that Public Accountant Act stipulates that action can be taken against a retired officer within three year after the retirement. The Committee would like to be informed why no action was taken against Shri M. J. Mathew who retired from service on 31-8-1992.

**Recommendation**

*(Sl. No. 13, Para No. 36)*

1.18 The Committee observes that the Contractor stopped the work of improvement to the Thalacode–Mullaringad Road in December 1985 alleging delay in supply of materials, change in the alignment of the road after the commencement of work and consequential increase in quantities of earthwork cutting and filling etc. As the Contractor did not resume the work thereafter, the contract was terminated in May 1989 at his risk and cost. The Committee feels that it is a sad state of affairs that no arrangement was made for getting the balance work done through another contractor on termination of the first contract. Therefore the details on the following points should be submitted to the Committee:

- (i) What was the reason for the inordinate delay on supply of materials ?  
When was it supplied ? How much quantity was as per stock register at that time ?
- (ii) What were the materials Supplied ?
- (iii) What was the reason for the change in the alignment of road after commencement of work ?
- (iv) What was the cost of work done in earthwork cutting and filling ?
- (v) Why was it not calculated prior to the commencement of the work ?

- (vi) What were the reasons for the delay in resuming the balance work on termination of the first contract in May 1989 ?
- (vii) Has the suit filed in the court by the Contractor been since settled ? If so, what is the result and whether the contractor's claim has been settled ?

### **Recommendation**

*(Sl. No. 14, Para No. 37)*

1.19 The Committee observes that out of 8152 cubic metres of blasted rubble stacked in a stretch of forest land, 2100 cubic metres of rubble valued at ₹ 1.83 lakh had been lost. Forest Department had removed only 179 cubic metres of rubble in order to facilitate planting and the Department agreed to pay for this. The Committee observe that the Public Works Department is not able to locate whether 1921 cubic metres of rubble valued ₹ 1.67 lakh was removed by the Forest Department or stolen by local encroachers. The Committee should be furnished with details on the following points:

- (i) Whether the 179 cubic metres of rubble possessed by the Public Works Department was removed by the Forest Department with the permission of the Public Works Department.
- (ii) Whether any agreement or negotiation had been made with the Public Works Department by the Forest Department for the removal of rubble.
- (iii) What was the value of rubble removed by the Forest Department ?
- (iv) Whether the amount had been realized.
- (v) Has the dispute regarding the removal of rubble by the Forest Department since been settled ? If not, the present position. The Department did not furnish information on these points.

### **Action Taken**

*(Para Nos. 36 & 37)*

1.20 This work was arranged from the officer of the Chief Engineer (R&B) vide Agreement dated 17-6-1982. Consequent to the bifurcation of PWD into Building and Roads, this work was transferred to Superintending Engineer, Buildings and Local works Circle, Thrissur during 1987 (being a Special component plan work). Due to the non-completion of work in time Superintending Engineer, Thrissur has terminated the contract at the risk and cost of the contractor Shri K. C. Sakaria vide dated 31-5-1989. Against this the contractors filed O.S. 24/90

in Sub Court, Muvattupuzha. The Sub Judge allowed the petitioner to realize an amount of ₹ 2 lakh with interest and also ordered to refund the security Deposit and the rearrangement of balance work shall not be at the risk and cost of the petitioner. Against this trial court judgment, the contractor filed Appeal Suit in Hon'ble High Court vide A.S. No. 697/1991 and Department filed A.S. No. 481/1992. The Hon'ble High Court has heard both appeal suits simultaneously and pronounced judgment on 12-11-2002 dismissing A.S. 697/91 and allowing A.S. 481/1992 by setting aside the J&D of Trial Court. Against this High Court Judgment, the contractor Shri K. C. Sakaria filed civil appeal in Hon'ble Supreme Court. The Hon'ble Supreme Court has issued notice dated 29-8-2003. Accordingly Advocate General Kerala vide letter C.A. 688586/03 dated 30-10-2003 has intimated that Shri K. R. Sasiprabhu, Standing Counsel, Supreme Court has been engaged to enter appearance to defend the case on behalf of State. As directed by Advocate General Vakalathunama duly executed in favour of Shri K. R. Sasiprabhu has been signed and forwarded vide this office letter dated 4-11-2003.

All the records including the work files have been submitted to the Court. Therefore Government are unable to furnish the details called for. All the details will be furnished on receipt of files back from the Court.

#### **Further Recommendation**

1.21 The Committee observed that there was delay in the execution of work relating to Thalacode-Mullaringad Road and action should be taken to avoid delay in such cases under proper monitoring.

The Committee recommended that necessary action should be taken for disposing the appeal cases pending in the court and copies of files should be kept in the Department before its submission to the Court.

#### **CHAPTER II**

#### **RECOMMENDATION IN RESPECT OF WHICH THE COMMITTEE DOES NOT DESIRE TO PURSUE ACTION IN THE LIGHT OF THE REPLIES RECEIVED FROM THE GOVERNMENT**

#### **PUBLIC WORKS DEPARTMENT**

#### **Recommendation**

*(Sl. No. 5, Para No. 28)*

2.1 In a letter dated 6-11-1993, Government has informed that Revenue Recovery Proceedings initiated against the contractor were stayed by Sub Court, Thiruvananthapuram. The Committee desire that the disposal of the case and



details of Revenue Recovery should be intimated to them. They also recommended that provisions should be incorporated in the Public Works Department Manual insisting on furnishing bank guarantee by contractors.

**Action Taken**

2.2 Government have decided to demand on bank guarantee at the rate of 10% for prequalification works. Orders in this regard have been issued vide G.O.(P) No. 84/97/Public Works Department dated 19-8-1997. Provision in this regard will also be incorporated in the Revised PWD Code/Manual which will be issued shortly. Defense statement in the O.S. challenging Revenue Recovery Proceedings was filed in the Sub Court in 1993. The O.S. has not been disposed.

**Recommendation**

*(Sl. No. 6, Para No. 29)*

2.3 The Committee urge that responsibility should be fixed against the delinquent officials for not deleting arbitration clause from the contract for the construction of Police Quarters at Kodungallur resulting in extra expenditure of ₹ 0.67 lakh by way of compensation.

**Action Taken**

2.4 At the time of publishing the tender for the work i.e. 31-5-1978 the Government Order restricting the application of arbitration clause was not received in the Superintending Engineer's Office. The G.O. (Ms.) 53/78/PWD dated 8-5-1978 restricting application of arbitration clause to the works costing up to ₹ 2 lakh could not be implemented immediately since some amendments were required to the Notice Inviting Tenders of works (Form No. 83). This was brought to the notice of the Government by the Chief Engineer vide his letter No. R.G1-41519/78 dated 4-8-1978 and it was only after the issue of amendments as per the subsequent Government Order G.O.(Ms.) 147/80/PW&T dated 18-9-1980 that the Government Order dated 8-5-1978 could be implemented. As such there was no lapse on the part of the officials in this regard.

**Recommendation**

*(Sl. No. 8, Para No. 31)*

2.5 Government have not furnished the details. The Committee recommend to fix responsibility on the officers who has neither deleted the relevant clauses for arbitration from notice inviting tenders nor issued any correction slip before the crucial date fixed for the receipt of tender (31-5-1978) and also at least from the agreement executed in December 1978, notwithstanding specific orders of Government restricting recourse to arbitration issued as early as on 3-5-1978.

**Action Taken**

2.6 No action is required as there was no lapse on the part of the officials in view of the details furnished as answer to para 29.

**Recommendation**

(Sl. No. 9, Para No. 32)

2.7 The Committee notice that the brickwork was done in a damaged condition prohibiting further work on it, and the doors and windows fixed had also been damaged and not fit for re-use. The Committee recommend that the details regarding the utilization of ₹ 4 lakh lost on this account should be furnished to them.

**Action Taken**

2.8 In the first arrangement of the work the brickwork was carried out up to lintel level in some portion and as directed by the Arbitrator the contractor was paid for the unfinished brickwork also. The cost of brick so paid is ₹ 17,497.02. Since the work was left unattended for a long time the miscreants and the local people had taken away the bricks necessitating reconstruction. Details of utilisation of ₹ 4 lakh are as follows:

<i>Item Nos.</i>		<i>(₹)</i>
1.	Earth work for levelling 82.59m <sup>3</sup> @ ₹ 36.08/10m <sup>3</sup>	297.98
2.	Earth work for foundation 185.78m <sup>3</sup> @ ₹ 40.92/10m <sup>2</sup>	760.21
9.	Earth filling with contractor's own earth 2248.46m <sup>3</sup> @ ₹ 239.58/10m <sup>3</sup>	53868.60
11.	Cement concrete 1:4:8 using 20mm broken stone 68.993m <sup>3</sup> @ ₹ 44.42/10m <sup>3</sup>	16863.26
12.	RR Masonry in CM 1:6 for foundation and concrete 470.26m <sup>3</sup> @ ₹ 150.14/m <sup>3</sup>	70604.83
13.	Brickwork in CM 1:6 using country bricks of size 19x9x9 20.10m <sup>2</sup> @ ₹ 203.88/10m <sup>3</sup>	4097.98
14.	Brickwork in CM 1:6 using country bricks of size 19x9x9 92.29m <sup>2</sup> @ ₹ 203.88/10m <sup>3</sup>	18816.08
17.	Irul wood planned and framed with window and ventilator 48647.90m <sup>3</sup> @ ₹ 35.02/10m <sup>2</sup>	170364.24

<i>Item Nos.</i>	<i>(₹)</i>
32. Providing 16 mm size M.S. rod for window and ventilators 711.16 @ ₹ 362.50/Qtl.	2577.95
42. Providing flat iron hold fast 250x5060 233.94 Kg. @ ₹ 447.08/Qtl.	1045.90
	<hr/>
	339297.03
Difference in cost of rubble and brick	1251.18
Charged expenditure in 5/83	66908.00
Expenditure in 10/84	635.00
	<hr/>
Total	<u>408091.21</u>

### **Recommendation**

*(Sl. No. 11, Para No. 34)*

2.9 The Committee learn that on account of making changes in specification without prior approval of competent authority in contravention to departmental instructions resulted in avoidable loss of ₹ 1.41 lakh in the construction of abutment of culverts. The Chief Engineer reported that change in specification was essential considering the site conditions and the action of his subordinate officers was ratified by him. Government in letter dated 9-11-1993 (Since the date of evidence) stated that the Chief Engineer has been directed to explain whether the Chief Engineer, PWD was competent to issue such a ratification after reporting to Government in 3/91 that the action of the Superintending Engineer, Asst. Exec. Engineer concerned in changing the specification was irregular. The Committee desire to be furnished with the copy of the proceedings issued by the Chief Engineer and also the date of issue of the ratification.

### **Action Taken**

2.10 No proceedings were issued by the Chief Engineer ratifying the action of the Superintending Engineer and Asst. Exec. Engineer concerned in changing specification. The change in specification from random rubble masonry to cement concrete 1:3:6 was necessary due to the peculiar site condition. The sub soil available for the culverts are very loose and the water table rises during monsoon and that during heavy floods the mortar below the boulders will be washed away rendering the whole structure unsafe for taking heavy loads and under these circumstances that the change of specification was made from RR to the cement concrete 1:3:6. Timely actions have been initiated by the Departmental Officers

for getting the change in design approved by the superior officers. Proposals for change in design have been sent by the Asst. Exec. Engineer to the Exec. Engineer vide letter No. D2-3563/83 dated 27-1-1987 and the Exec. Engineer in turn has submitted the same to the Superintending Engineer in letter No. DCI-19181/84 dated 26-5-1987 approved the same who is also the agreement authority of the above work in this case. The Chief Engineer has agreed to the above proposal as per his letter No. FGB3-59982/89 dated 19-8-1991. Therefore it is very clear that the change in specification from random rubble masonry to cement concrete in the ratio 1:3:6 was made after getting the approval of the higher authorities concerned. The change in specification was made in the best interest of the Government. The delay occurred in completing the work was not due to the change in specification. Belated payment to the contractor and issue of supply materials also contributed to great extent for the delay in completing the work in time.

#### **Recommendation**

*(Sl. No. 15, Para No. 38)*

#### **LOCAL SELF GOVERNMENT DEPARTMENT**

2.11 The Committee observes that the object of forming a motorable road and creation of durable asset had not been achieved even after incurring an expenditure of ₹ 10.22 lakh due to the deliberate attempts on the part of Block Development Officers in the road work during different periods. The Committee also notices that the road work under different schemes was entrusted to the same nominee from another District. The Committee wants to know the details of work done under various schemes in different reaches on each time, the nature of work done, the details regarding the dates on which the work was started and completed under each scheme and the dates on which the amount was released in each scheme (7 schemes).

#### **Action Taken**

2.12 Consequent on irregularities noted in the execution of Kottamala-Moolamattom Road in Idukki Block Panchyat, Shri K. N. Bhaskaran, Shri M. S. Ismail and Shri K. B. Sankaran, the then Block Development Officers who were found involved in the irregularities in the works were suspended from service vide G.O.(Rt.) No. 1077/87/RDD dated 24-11-1987. Since then they were reinstated in service vide G.O.(Rt.) No. 182/88/RDD dated 8-6-1988.

Meanwhile, Vigilance Department has conducted enquiry in the matter and found Shri M. S. Ismail and Shri K. B. Sankaran guilty. Consequently it was ordered to realize an amount of ₹ 2,500 and ₹ 1,326 with 12% interest from Shri K. B. Sankaran and Shri M. S. Ismail respectively, being the revenue loss sustained by Government in this case. Shri K. B. Sankaran remarked an amount of ₹ 6,475 on 19-4-2001 (Penalty-interest). The disciplinary action proceeded against him is dropped. The amount due from Shri M. S. Ismail could not be recovered as he expired. So his liability of ₹ 1,326 was written off.

Since the Committee on Public Accounts wanted to know the details of work (Kottamala–Moolamattam Road) done under various schemes, in different reaches on each time, the nature of work done, the dates on which each work was started and completed and the dates on which payment was made, the Secretary to Government, Local Self Government Department in the meeting held on 3-10-2010 in his chamber directed to take all possible efforts to furnish the details required by the Committee. Accordingly, Shri K. Ramachandran, Junior Superintendent and Shri M. P. Sivan, U.D. Clerk, Commissionerate of Rural Development were deputed to Block Development Office, Idukki to collect the details called for. But it is reported that though made a thorough search for the connected files and registers, nothing could be traced out from the Block Development Office, Idukki. The Block Development Officer, Idukki has furnished a report in this regard.

#### **LOCAL SELF GOVERNMENT DEPARTMENT**

##### **Recommendation**

*(Sl. No. 16, Para No. 39)*

2.13 Copy of reports of enquiry conducted by Vigilance Department against the 3 Block Development Officers found responsible for the irregularities in the road work should also be furnished to the Committee.

##### **Action Taken**

2.14 Copy of reports of enquiry conducted by Vigilance Department against the 3 Block Development Officers found responsible for the irregularities in the road work is enclosed.

Thiruvananthapuram,  
9th July, 2014.

DR. T. M. THOMAS ISAAC,  
*Chairman,*  
*Committee on Public Accounts.*

## APPENDIX

## SUMMARY OF MAIN CONCLUSIONS/RECOMMENDATIONS

<i>Sl. No.</i>	<i>Para No.</i>	<i>Department concerned</i>	<i>Conclusions/Recommendations</i>
(1)	(2)	(3)	(4)
1	1.5	Public Works	The Committee recommended that action should be taken against the officers who are responsible for the delay in re-arranging the balance work of Kulathoormuzhi Bridge across Manimala River which led to a loss of ₹ 39.37 lakh to Public Exchequer. The Committee opined that the Government should make necessary arrangements to recover the amount.
2	1.8	„	The Committee observed that the agreement for the work was executed even before acquisition of land which was against the provisions under PWD Manual and Rules. The Committee therefore directed that such a practice should not be repeated in future.
3	1.11	„	The Committee observed that the oral orders of the Chief Engineer for taking up the work departmentally should have got confirmed.
4	1.14	„	Committee was not satisfied with the reply furnished by the Government and opined that the officer responsible for the lapse should be pinpointed and liability fixed. Action should also be taken to recover the loss caused to the Government.
5	1.17	„	The Committee opines that Public Accountant Act stipulates that action can be taken against a retired officer within three year after the retirement. The Committee would like to be informed why no action was taken against Shri M. J. Mathew who retired from service on 31-8-1992.

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(1)	(2)	(3)	(4)
6	1.21	Public Works	The Committee observed that there was delay in the execution of work relating to Thalacode-Mullaringad Road and action should be taken to avoid delay in such cases under proper monitoring. The Committee recommended that necessary action should be taken for disposing the appeal cases pending in the court and copies of files should be kept in the Department before its submission to the court.

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