

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRA

&

THE HONOURABLE MR.JUSTICE P.G. AJITHKUMAR

MONDAY, THE 14<sup>TH</sup> DAY OF FEBRUARY 2022 / 25TH MAGHA, 1943

D.B.P.NO.2 OF 2022

IN THE MATTER OF TRAVANCORE DEVASWOM BOARD - MATTER  
PERTAINING TO SABARIMALA TEMPLE - HUGE CORRUPTION BEHIND  
FAKE BILLS SUBMITTED BY DEVASWOM - SUO MOTU PROCEEDINGS  
INITIATED - REGARDING.

PETITIONER:

SUO MOTU

BY ADV SUO MOTU

RESPONDENTS:

- 1 STATE OF KERALA  
REPRESENTED BY CHIEF SECRETARY TO GOVERNMENT,  
GOVERNMENT SECRETARIATE, THIRUVANANTHAPURAM -  
695001.
- 2 PRINCIPAL SECRETARY TO GOVERNMENT,  
REVENUE (DEVASWOM DEPARTMENT) GOVERNMENT  
SECRETARIAT, THIRUVANANTHAPURAM - 695001.
- 3 TRAVANCORE DEVASWOM BOARD  
REPRESENTED BY ITS SECRETARY, NANTHOCODE,  
KOWDIAR POST, THIRUVANANTHAPURAM - 695003.
- 4 DEVASWOM COMMISSIONER,  
TRAVANCORE DEVASWOM BOARD, NANTHANCODE, KOWDIAR  
POST, THIRUVANANTHAPURAM - 695003.

- 5 THE CHIEF VIGILANCE SECURITY OFFICER  
(SUPERINTENDENT OF Police - VIGILANCE), TRAVANCORE  
DEVASWOM HEAD QUARTERS, NANTHOCODE, KOWDIAR POST,  
THIRUVANANTHAPURAM - 695003.
- 6 ADDL. R6 RENJITH B.G.,  
AGED 38, S/O K.R. BHUVANENDRAN, RESIDING AT TC.16/1061,  
K.R.BHAVAN, K.R.NAGAR, JAGATHY, THYCAUD P.O.,  
THIRUVANANTHAPURAM - 695014  
\*IS IMPEADED AS ADDL R6 AS PER ORDER DATED 4/2/2022 IN  
IA 1/2022 IN DBP 2/2022

BY ADVS.  
GOVERNMENT PLEADER  
SC, TRAVANCORE DEVASWOM BOARD - TDB  
SHRI.G.BIJU, SC, TRAVANCORE DEVASWOM BOARD  
D.AJITHKUMAR

OTHER PRESENT:

SRI. S. RAJMOHAN- SR. GOVERNMENT PLEADER ;

SRI. N. RAGHURAJ- AMICUS CURIAE ;

SRI. G. BIJU-STANDING COUNSEL

THIS DEVASWOM BOARD PETITION HAVING COME UP FOR ADMISSION ON  
14.02.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**"C.R"****ORDER****Anil K. Narendran, J.**

By the proceedings dated 31.01.2022 Registry was directed to initiate *suo motu* proceedings based on a news item that appeared in the Mathrubhumi online edition dated 30.01.2022 alleging huge corruption in submission of fake food bills at Sabarimala Guest House. As per that news report, top officials are behind disbanding the Vigilance Wing of the Travancore Devaswom Board. The move was spearheaded by those fearing arrest if the fake bills submitted at Sabarimala Guest House and the irregularities in the toilet construction come out. Four officers, including two Sub Inspectors, were removed from the Vigilance Wing of the Travancore Devaswom Board.

2. On 01.02.2022, when this DBP came up for consideration, the learned Standing Counsel for Travancore Devaswom Board pointed out that, at present the Vigilance Wing of the Board consists of the Chief Vigilance Officer and one Officer in the cadre of Sub Inspector of Police. The learned Senior Government Pleader submitted that other officers in the

Vigilance Wing returned to their parent department, i.e., the Police department, since their period of deputation was over and there was no request by the Travancore Devaswom Board for extension of their period of deputation.

3. On 03.02.2022, when this DBP was taken up for consideration, the Special Commissioner, Sabarimala, filed a report dated 02.02.2022, as per which, the Devaswom Office Complex of the Travancore Devaswom Board situated at Sannidhanam has nine designated rooms for the President, 2 members, Devaswom Minister, Chief Police Co-ordinator, Devaswom Commissioner, Chairman of the High Power Committee, Secretary of the Travancore Devaswom Board and also the Special Commissioner, Sabarimala. The room allotted to the Special Commissioner, Sabarimala, also functions as his office. In the absence of the Special Commissioner, his Secretary or personnel staff, who are taken from the Board, will be in the Devaswom Office Complex (Devaswom Guest House). As and when State Guests, Constitutional dignitaries and VIP guests of the Board visit Sabarimala, they are accommodated in any of the vacant rooms of designated officials (except the office of the Special Commissioner,

Sabarimala) free of cost. The food for guests are taken from the Devaswom Mess at Sannidhanam. In some cases, the guests themselves arrange food from the hotels at Sannidhanam. A register is being maintained at the Administrative Block regarding the number of officials and guests who are provided with food each day.

4. As per the report of the Special Commissioner, the present register is not maintained properly. The number of officials attached to the office of the Special Commissioner and days on which the Special Commissioner had food are not correctly recorded. Whether amounts are claimed for the number of persons shown as guests and officials in the register for the expenses of food is a matter which requires probe and examination by the Devaswom Vigilance. Therefore, according to the Special Commissioner, the Chief Vigilance Officer of the Travancore Devaswom Board may be directed to examine the authenticity of entries in the register, its veracity and whether the amounts are claimed for persons entered as guests in the register maintained at the Administrative Block, etc.

5. The Special Commissioner also reported that, the Vigilance Wing of Travancore Devaswom Board was conducting

probes regarding instances of malpractices and irregularities alleged in various activities of the officials of the Board. The Board had recommended to the Government to extend the period of deputation of two Sub Inspectors and one Civil Police Officer for one more year and the State Police Chief had also stated no objection to the same. However, the Government extended their period of deputation only till 20.01.2022, for no obvious reason, which is evident from the relevant Government orders enclosed along with that report. As of now there is only one Sub Inspector in the Vigilance Wing on deputation from Kerala Police. Consequently, the Vigilance Wing of the Board is now weakened. The Special Commissioner reported that the Vigilance Wing of Travancore Devaswom Board has to be strengthened.

6. Along with the report of the Special Commissioner, Sabarimala, copy of the Government Orders dated 24.11.2021 and 25.11.2021, whereby the period of deputation of Sri.Manu P.Menon, Sub Inspector of Police, Sri.Shibu P.S, Senior Civil Police Officer, Sri.Aneesh P.B., Sub Inspector of Police was extended, who were on deputation in the Vigilance Wing of the Travancore Devaswom Board for the period from 03.11.2021

to 20.01.2022, are placed on record.

7. The extension of the period of deputation of the Chief Vigilance Officer was under consideration of this Court in SSCR No.8 of 2021, in which this Court passed an order dated 08.11.2021, granting extension of the period of deputation till 31.03.2022. Seeking review of that order, the State of Kerala filed R.P.No.6 of 2022. That Review Petition was allowed by the order dated 12.01.2022. Thereafter, this Court passed an order dated 20.01.2022 in SSCR No.8 of 2021, whereby permission was granted to extend the period of deputation of Chief Vigilance Officer in the Vigilance Wing of Travancore Devaswom Board till 31.03.2022.

8. In the order dated 03.02.2022 in this DBP, this Court noticed that, while SSCR No.8 of 2021 was pending consideration, it was not brought to the notice of this Court that the period of deputation of other officers in the Vigilance Wing would be over by 20.01.2022. When the Chief Vigilance Officer will be able to make follow up actions and make necessary recommendations and give suggestions to the Travancore Devaswom Board only on the basis of reports and feedbacks from the officers in the Vigilance Wing, who had

conducted various inspections till 20.01.2022, their continuance in the Vigilance Wing by extending their period of deputation beyond 20.01.2022 is highly essential.

9. On 04.02.2022, at 10.15 a.m., when this DBP was taken up for consideration, the learned Senior Government Pleader submitted that a copy of the order dated 03.02.2022 in this DBP has already been communicated to the Government and he is awaiting instructions. Therefore, we have listed the matter at 04.00 p.m., for further consideration. When the matter was taken up at 04.00 p.m., the learned Standing Counsel for Travancore Devaswom Board submitted that the Board has submitted request before the Government to depute Police personnel on deputation to its Vigilance Wing, only two days back. The learned Senior Government Pleader submitted that the aforesaid request made by the Board would be considered by the State, without any delay. By the order dated 04.02.2022, the 2<sup>nd</sup> respondent and also the Secretary of the 3<sup>rd</sup> respondent Travancore Devaswom Board were directed to file affidavits explaining the facts and circumstances, positively by 07.02.2022.

10. Pursuant to the order of this Court dated



04.02.2022, the 3<sup>rd</sup> respondent has filed an affidavit dated 05.02.2022, wherein it is stated that Sri.P.Bejoy, Superintendent of Police (Vigilance and Security), Travancore Devaswom Board, was appointed on deputation basis in the service of the Board with effect from 24.11.2017. The initial appointment was for a period of one year. His term was extended four times and he is presently allowed to continue till 31.03.2022, i.e., upto the date of his retirement. The initial appointment of the Sub Inspectors, namely, P.B. Aneesh and Manu P. Menon in the Vigilance Wing of the Board, was with effect from 29.11.2019 and 03.11.2018 respectively and that of the Civil Police Officers, namely, P.S. Shibu and Anil Kumar, was with effect from 03.11.2018 and 15.03.2018 respectively. In paragraphs 6 to 9 of the affidavit, the 3<sup>rd</sup> respondent has furnished the details of their period of deputation. In paragraph 10, it is stated that, though the Board has requested extension of deputation of the aforesaid officers for a period of one year, the Government limited the period of extension up to 20.01.2022. On 01.02.2022, the Board resolved to request the Government to provide the required numbers of officers to its Vigilance Wing. Accordingly,

Annexure R3(i) request dated 02.02.2022 was forwarded to the Government, with a request to provide sufficient officers on deputation.

11. In paragraph 11 of the affidavit dated 05.02.2022, the 3<sup>rd</sup> respondent has stated that the 6<sup>th</sup> respondent is a temple employee, against whom several disciplinary actions have been taken. He was arrested for committing theft, fabrication and creation of fake Devaswom registers, etc. The Devaswom Vigilance has filed a report recommending action against him. A copy of the report dated 10.03.2020 of the Vigilance Officer against the 6<sup>th</sup> respondent is produced as Annexure R3(j). The 3<sup>rd</sup> respondent would contend that there is no basis for the allegation of the 6<sup>th</sup> respondent that the term of the officers of the Vigilance Wing was not extended to facilitate corruption.

12. In paragraph 12 of the affidavit dated 05.02.2022, the 3<sup>rd</sup> respondent has pointed out that the Board has a greater responsibility than anyone else in the conduct of proper enquiry in respect of the complaints received and to take appropriate action. Therefore, the allegation that the Investigation Officers were transferred to obstruct the ongoing

investigation is not correct. In paragraph 13 of the affidavit, it is pointed out that, there is no willful laches or delay on the part of the Board to make a request before the Government to depute officers in its Vigilance Wing. Due to busy schedule of Sabarimala festival, the Board could not convene its meetings regularly till 20.01.2022. The Board Members, Secretary and other office staff were affected with Covid and therefore, Board meeting could not be convened till 27.01.2022, after the festival season. Considering the lack of officials in the Vigilance Wing, the Board has taken up the matter in its meeting held on 01.02.2022 itself and resolved to request the Government to send two Sub Inspectors and two Civil Police Officers on deputation basis to its Vigilance Wing and Annexure R3(i) request was forwarded on 02.02.2022. Based on that request, the 2<sup>nd</sup> respondent has addressed the State Police Chief directing to take steps for deputing officers to the Vigilance Wing of the Board. As evidenced by Annexure R3(k) letter dated 04.02.2022, the 2<sup>nd</sup> respondent has also forwarded a copy of Annexure R3(i) request to the State Police Chief. Therefore, according to the 3<sup>rd</sup> respondent, there is no deliberate delay or laches on the part of the Board or its

officials to request the State Government for deploying Police officers on deputation to its Vigilance Wing.

13. The 2<sup>nd</sup> respondent has filed an affidavit dated 05.02.2022, stating that there is no willful laches on the part of the Government in deputing persons to the Vigilance Wing of the Travancore Devaswom Board. In the said affidavit, it is stated that, the Government would take all the measures by extending support to the Travancore Devaswom Board to strengthen its Vigilance Wing, which is an indispensable wing for proper administration and functioning of the Board. Paragraphs 3 to 6 of that affidavit reads thus;

"3. The Special Commissioner, Sabarimala has also placed on record its appreciation for the Vigilance Wing deputed by the State Government. The practice being followed in cases of deputing officers in the internal Vigilance Wing of different departments is that the officers are initially sent on deputation for a period of one year, which is being extended upto a period of 4 years. The maximum period so permissible is 5 years. It is submitted that the deputation of Sri. Manu P. Menon, Sub Inspector of Police commenced on 04.11.2018 and the period has been extended on two occasions. The said officer continued in deputation for over a period of 3 years by way of extensions. However, on the request made by the Travancore Devaswom Board, the

extension of the deputation was further extended till 20.01.2022, i.e., the day on which the Mandala - Makaravilakku Season comes to an end as per GO(Rt) No.4144/2021/RD dated 25.11.2021. Similarly, Sri. Aneesh P.B., Sub Inspector of Police was also on deputation from 2019 and the deputation was extended up to 20.01.2022 as per G.O.(Rt) No.4119/2021/RD dated 24.11.2021. Sri. Shibu P.S., Senior Civil Police Officer was on deputation from 03.11.2018 and his deputation was extended up to 20.01.2022 as per G.O. (Rt) No.4145/2021/RD Dated 25.11.2021. Similarly Sri. Anilkumar V.R. commenced his deputation on 20.03.2018 and the deputation was extended up to 20.01.2022 as per G.O.(Rt) No.4068/2021/RD Dated 23.11.2021.

4. It is pertinent to point out at this juncture that, the Travancore Devaswom Board, has not raised any objection regarding the extension of deputation of this officers up to 20.01.2022, nor have they submitted the request for extension of the deputation of the above said officers.

5. It is submitted that a proposal for deputation was received from the Travancore Devaswom Board for borrowing the service of new officers in the existing 4 vacancies which has now arisen in the Vigilance Wing of the Travancore Devaswom Board. The Government can process the proposal for deputation only if it is received from the Travancore Devaswom Board. Thereafter the Government is taking speedy steps to appoint new officers in the existing vacancies in the Vigilance Wing of

Travancore Devaswom Board by deputation after complying with the due procedures. The officers whose deputation has ended in 20.01.2022 has rejoined in the parent department and they have been posted at various stations. Therefore the Government would be acting upon the proposal made by the Travancore Devaswom Board as expeditiously as possible after complying due procedures. It is once again reiterated that the Government would be deputing the most efficient and upright officers available in the department, who are willing to proceed on deputation, to the Travancore Devaswom Board towards the posts which has been proposed by the Board. The process of deputation has already commenced and all endeavors would be made to ensure that new officers are deputed to the Vigilance Wing within the least possible time.

6. There has been no willful laches on the part of the Government in this regard and Government would make all measures, would extend all support to the Travancore Devaswom Board to strengthen Vigilance Wing which is an indispensable wing for the proper administration and functioning of the Travancore Devaswom Board.”

14. The additional 6<sup>th</sup> respondent has filed a reply affidavit to the affidavit filed on behalf of the 3<sup>rd</sup> respondent, wherein it is stated that the disciplinary proceedings referred to in the affidavit filed by the 3<sup>rd</sup> respondent Board culminated in the Appointing Authority imposing a punishment of barring

two increments with cumulative effect, vide Annexure R6(e) order dated 14.05.2018. Against the order of punishment, the 6<sup>th</sup> respondent filed an appeal before the Appellate Authority, which ended in dismissal by Annexure R6(k) order dated 25.01.2019. Challenging the said order, the 6<sup>th</sup> respondent filed W.P.(C)No.16161 of 2019, which is now pending consideration before this Court.

15. Heard the learned Senior Government Pleader for respondents 1 and 2, the learned Standing Counsel for Travancore Devaswom Board for respondents 3 to 5 and also the learned counsel for the additional 6<sup>th</sup> respondent.

16. Travancore-Cochin Hindu Religious Institutions Act, 1950 enacted by the State Legislature makes provision for the administration, supervision and control of incorporated and unincorporated Devaswoms and of other Hindu Religious Endowments and Funds. Sabarimala Devaswom is an incorporated Devaswom mentioned in Schedule I of the Act, under Chengannur Group, Pathanamthitta Taluk.

17. Section 15A of the Act, inserted by Act 5 of 2007, with effect from 12.04.2007, deals with duties of the Board. As per Section 15A, it shall be the duty of the Board to perform the

following functions, namely, (i) to see that the regular traditional rites and ceremonies according to the practice prevalent in the religious institutions are performed promptly; (ii) to monitor whether the administrative officials and employees and also the employees connected with religious rites are functioning properly; (iii) to ensure proper maintenance and upliftment of the Hindu religious institutions; (iv) to establish and maintain proper facilities in the temples for the devotees. As per Section 16 of the Act, the Board shall, subject to the provisions of Part I of the Act, exercise supervision and control over the acts and proceedings of all officers and servants of the Board and of the Devaswom Department.

18. As per Section 31 of the Act, subject to the provisions of Part I and the rules made thereunder, the Board shall manage the properties and affairs of the Devaswoms, both incorporated, and unincorporated as heretofore, and arrange for the conduct of the daily worship and ceremonies and of the festivals in every temple according to its usage.

19. In **Ram Mohan Das v. Travancore Devaswom Board and others [1975 KLT 55]** a learned Single Judge of this Court held that, under Section 31 of the Travancore-



Cochin Hindu Religious Institutions Act the Travancore Devaswom Board shall manage the properties and affairs of the Devaswoms, both incorporated and unincorporated and arrange for the conduct of the daily worship and ceremonies and of the festivals in every temple according to its usage. The position of the Board in regard to the Devaswoms - incorporated and unincorporated - is analogous to that of trustees. Any improper act of the Trustees could be questioned by a worshipper.

20. In **S. Mahendran v. Secretary, Travancore Devaswom Board and others [AIR 1993 Kerala 42]** a Division Bench of this Court held that, under Section 31 of the Travancore-Cochin Hindu Religious Institutions Act a duty is cast on the Travancore Devaswom Board to arrange for the conduct of the daily worship and ceremonies a temple in accordance with its usage. The Board has no right to alter or modify the same. The Government have no power or authority to issue any order or direction in this matter and the management is within the prerogative of the Devaswom Board subject to the provisions of the said Act.

21. In **A.A. Gopalakrishnan v. Cochin Devaswom**

**Board [(2007) 7 SCC 482]** a Three-Judge Bench of the Apex Court held that the properties of deities, temples and Devaswom Boards, require to be protected and safeguarded by their trustees/archakas/shebaites/employees. Instances are many where persons entrusted with the duty of managing and safeguarding the properties of temples, deities and Devaswom Boards have usurped and misappropriated such properties by setting up false claims of ownership or tenancy, or adverse possession. This is possible only with the passive or active collusion of the authorities concerned. Such acts of 'fences eating the crops' should be dealt with sternly. The Government, members or trustees of boards/trusts, and devotees should be vigilant to prevent any such usurpation or encroachment. It is also the duty of courts to protect and safeguard the properties of religious and charitable institutions from wrongful claims or misappropriation.

22. In **Travancore Devaswom Board v. Mohanan Nair [2013 (3) KLT 132]** a Division Bench of this Court noticed that, in **A.A. Gopalakrishnan [(2007) 7 SCC 482]** a Three-Judge Bench of the Apex Court emphasised that it is the duty of the courts to protect and safeguard the interest and

properties of the religious and charitable institutions. The Division Bench further noticed that the relevant principles under the Hindu law will show that the deity is always treated similar to that of a minor and there are some points of similarity between a minor and a Hindu idol. The High Court is the guardian of the deity and apart from the revisional jurisdiction under Section 103 of the Kerala Land Reforms Act, 1963, the High Court is having inherent jurisdiction and the doctrine of parens patriae will also apply in exercising the jurisdiction.

23. In **Rajani P. Kuttan and another v. State of Kerala and others [2021 (6) KHC 513]** a Division Bench of this Court noticed that among the 1250 Temples managed by the Travancore Devaswom Board, only 60 major Temples are self-sufficient and the rest are being managed utilising the surplus income from Sabarimala Devaswom. The total number of sanctioned posts in various categories in the Travancore Devaswom Board is 5692 and the total number of pensioners is 5749. The major source of revenue of the Travancore Devaswom Board is the income received by way of offering by the devotees, the amount received from vazhipadu and the

revenue generated through the auction of temple premises for various activities in connection with rituals and festivals in the Temples. Paragraph 59 of the said decision reads thus:

"59. The Financial position of the Devaswom Board:-  
The competent officer of the Devaswom Board filed an affidavit dated 14.06.2021 stating its financial position. It is submitted that there are 1250 temples under the Administrative Control of the Devaswom Board. The total number of sanctioned posts in various categories in the Devaswom Board is 5692, and the total number of pensioners is 5749. It is further submitted that the major sources of revenue of the Devaswom Board are the income received by way of offerings from devotees, the amount received from vazhipadu, and the revenue generated through the auction of the temple premises for various activities in connection with rituals and festivals in the temples. Besides this, the Devaswom Board gets an approximate sum of 14 crores per annum by way of the rent of the buildings owned by it. The annual contribution from the State Government under Article 290A of the Constitution of India is Rs.80 lakhs. It is further submitted that among the 1250 temples managed by the Devaswom Board, only 60 major temples are self-sufficient, and the rest are being managed utilising the surplus income from Sabarimala Devaswom. Now, due to the spread of the Covid-19 pandemic, the temples remain closed, and the major source of income has come down. The Devaswom Board is finding it difficult even to pay the salary of the

existing employees. The pleadings regarding the financial position of the Devaswom Board in the affidavit dated 14.06.2021 have not been controverted by the petitioners.” (underline supplied)

24. In view of the provisions under the Travancore-Cochin Hindu Religious Institutions Act and also the law laid down in the decisions referred to supra, the 3<sup>rd</sup> respondent Travancore Devaswom Board is duty bound to ensure proper administration, supervision and control of Sabarimala Devaswom, which is an incorporated Devaswom mentioned in Schedule I of the said Act, under the Chengannur Group. The Board has a statutory duty to monitor whether its administrative officials and employees and also the employees connected with religious rites are functioning properly. The Board is duty bound to exercise proper supervision and control over the acts and proceedings of all officers and servants and to manage the properties and affairs of Sabarimala Devaswom and conduct daily worships and ceremonies and also festivals in the temple according to its usage. Position of the Board in this regard is analogous to that of trustees, as held by this Court in **Ram Mohan Das [1975 KLT 55]**. Any improper act of the trustees could be questioned by a worshiper.

25. The Travancore Devaswom Board and those entrusted with the duty of managing the properties and affairs of Sabarimala Devaswom are duty bound to protect the properties of the deity from any wrongful claims, theft or misappropriation. Position of the Board in this regard is analogous to that of trustees. Any such wrongful claims, theft or misappropriation with the passive or active collusion of the authorities concerned, which are acts of 'fences eating the crops' should be dealt with sternly. Since the deity being a perpetual minor, this Court is having inherent jurisdiction to protect and safeguard the interest and properties of the deity and the doctrine of *parens patriae* will also apply in the exercise of such jurisdiction.

26. As can be seen from the report dated 02.02.2022 of the Special Commissioner, Sabarimala, the register kept in the Administrative Block is not maintained properly. The number of officials attached to the office of the Special Commissioner and days on which the Special Commissioner had food are not correctly recorded. Whether the amounts are claimed for persons shown as guests and officials in the register for the expenses of food is a matter which is required to be probed

and examined by the Devaswom Vigilance. Therefore, in the report dated 02.02.2022, the Special Commissioner has suggested that the Chief Vigilance Officer may be directed to examine the authenticity of entries in the register, whether the amounts are claimed for the persons entered as guests in the register maintained at the Administrative Block, the number of officials and guests provided with food each day and the financial irregularities committed, if any.

27. Going by the report dated 02.02.2022 of the Special Commissioner, Sabarimala, at present the Vigilance Wing of the Travancore Devaswom Board consists of the Chief Vigilance Officer and one Officer in the cadre of Sub Inspector of Police. In addition to this, there are three Assistant Devaswom Commissioners and three clerical staff. This is as against the sanctioned strength of three Sub Inspectors and three Civil Police Officers. In addition to this, the term of deputation of Shri P. Bejoy as Chief Vigilance Officer will be over by 31.03.2022, due to his retirement from service on attaining the age of superannuation.

28. In the order dated 20.01.2022 in SSCR No.8 of 2021, while granting permission to extend the period of

deputation of the Chief Vigilance Officer, we have noticed that, the Chief Vigilance Officer has to effectively monitor and control all the officers of the Vigilance Wing of the Travancore Devaswom Board, who are posted at Sabarimala and to guide them by giving effective directions to prevent pilferage from Appam and Aravana making and its sale, Bhandaram, Annadanam, etc. The Vigilance Wing, headed by the Chief Vigilance Officer has unearthed forgery of documents and misappropriation of huge amounts allegedly committed by the Administrative Officer, Nilakkal, during the period 2018-19, in the matter relating to the purchase of materials for Devaswom mess at Nilakkal. Several other instances of malpractices were also detected by the Vigilance Wing headed by the Chief Vigilance Officer.

29. Though, the stand taken by the 3<sup>rd</sup> respondent Travancore Devaswom Board in its affidavit dated 05.02.2022 is that the Board has a greater responsibility than anyone else to conduct proper enquiry in respect of the complaints received and to take appropriate action, it is an admitted fact that, the request to the Government to send two Sub Inspectors and two Civil Police Officers on deputation to the Vigilance Wing of



the Board was made only on 02.02.2022, as evidenced by Annexure R3(i) request, despite the fact that the period of deputation of the existing officers was only up to 20.01.2022. When the process of deputation, by calling for option from the officers, etc., requires considerable time, the Board ought to have made such a request, well in advance, in order to ensure that either the deputation of the existing officers is extended further, subject to the relevant Rules, or fresh officers are sent on deputation before the expiry of the period of deputation of the existing officers.

30. Though it is stated in the affidavit filed by the 2<sup>nd</sup> respondent dated 05.02.2022 that there is no willful laches on the part of the State Government in sending officers on deputation to the Vigilance Wing of Travancore Devaswom Board and that the Government would take all the measures by extending all support to the Board to strengthen its Vigilance Wing, which is an indispensable wing for proper administration and functioning, no explanation whatsoever is forthcoming from the side of the 2<sup>nd</sup> respondent for extending the period of deputation of the Sub Inspectors and Civil Police Officers in the Vigilance Wing of the Board only till 20.01.2022,

despite no objection from the State Police Chief, for extending their term of deputation for a period of one year. In the affidavit dated 05.02.2022, the stand taken by the 2<sup>nd</sup> respondent is that the Government would be deputing the most efficient and upright officers available in the Police Department, who are willing to proceed for deputation, in the Vigilance Wing of the Travancore Devaswom Board.

31. The learned Senior Government Pleader submitted that, the 2<sup>nd</sup> respondent has already forwarded the request made by the Travancore Devaswom Board to the State Police Chief, for borrowing the service of new Police officers in the existing four vacancies in its Vigilance Wing. The Government is taking earnest efforts to ensure that the existing vacancies in the Vigilance Wing of the Board are filled up with suitable Police officers on deputation, within the least possible time.

32. The learned Standing Counsel for Travancore Devaswom Board submitted that since the period of deputation of Sri.P. Bejoy, Superintendent of Police (Vigilance and Security), in the Vigilance Wing of the Travancore Devaswom Board, is only upto 31.03.2022, the Board shall immediately make a request before the 2<sup>nd</sup> respondent to depute another

Police officer in his place.

33. Having considered the pleadings and materials on record and also the submissions made by the learned Senior Government Pleader, the learned Standing Counsel for Travancore Devaswom Board and also the learned counsel for the additional 6<sup>th</sup> respondent, we deem it appropriate to dispose of this DBP with the following directions;

(i) As expeditiously as possible, at any rate, within one month from the date of this order, the 2<sup>nd</sup> respondent shall obtain a list from the State Police Chief, of most efficient and upright Police Officers, from among those who have opted for deputation to the Vigilance Wing of the Travancore Devaswom Board. Based on the recommendation made by the State Police Chief, the 2<sup>nd</sup> respondent shall issue necessary orders, within a further period of two weeks, posting sufficient number of Police officers on deputation to the Vigilance Wing of the Board.

(ii) Immediately on receipt of the request made by the Travancore Devaswom Board for posting a Police officer on deputation as Chief Vigilance Officer in its Vigilance Wing, the 2<sup>nd</sup> respondent shall obtain the name(s) of most efficient and upright Police officer(s) and thereafter issue necessary orders posting a Police officer as the Chief Vigilance Officer in the Vigilance Wing of the Board, on deputation.

(iii) In order to ensure that the post of Chief Vigilance

Officer in the Vigilance Wing of the Travancore Devaswom Board and also other posts in the Vigilance Wing, which are to be filled up by Police officers on deputation, are not lying vacant, at any point of time, the Travancore Devaswom Board is directed to forward requests to the 2<sup>nd</sup> respondent for deploying suitable incumbents on deputation, at least three months before the expiry of the term of deputation of the existing incumbents. Based on such request, the 2<sup>nd</sup> respondent shall obtain a list from the State Police Chief, of most efficient and upright Police officers from among those who have opted for deputation to the Vigilance Wing of the Travancore Devaswom Board. Based on the recommendation made by the State Police Chief, the 2<sup>nd</sup> respondent shall issue necessary orders posting sufficient number of Police officers on deputation to the Vigilance Wing of the Board and such orders shall be issued before the expiry of the period of deputation of the existing incumbents.

(iv) The posting of Chief Vigilance Officer and other Police officers in the Vigilance Wing of the Travancore Devaswom Board shall be reported to the Special Commissioner, Sabarimala, by the Secretary of the Travancore Devaswom Board. On the posting of Chief Vigilance Officer in the Vigilance Wing of the Board, the Special Commissioner, Sabarimala, shall submit a report before this Court.

(v) The Chief Vigilance Officer in the Vigilance Wing of the Travancore Devaswom Board shall submit periodical status reports of the cases, once in six

months, to the Special Commissioner, Sabarimala. Such status reports of the Chief Vigilance Officer shall be placed before the Devaswom Bench, along with the report of the Special Commissioner.

(vi) Regarding the corruption alleged in the submission of the fake food bills at Sabarimala Guest House and irregularities alleged in the construction of toilets, the Vigilance Wing of the Travancore Devaswom Board shall conduct inquiry and submit report before the Travancore Devaswom Board, within a period of four months, for necessary action. The outcome of such inquiry shall be reported to the Special Commissioner, Sabarimala, who shall file a report before the Devaswom Bench.

Sd/-

**ANIL K. NARENDRAN, JUDGE**

Sd/-

**P.G. AJITHKUMAR, JUDGE**

MIN

APPENDIX OF DBP NO.2 OF 2022

## RESPONDENT'S ANNEXURES:

- Annexure R6 (A) TRUE COPY OF THE LETTER SENT BY ADV. NEENA JOSE TO THE PUBLIC INFORMATION OFFICER, VIGILANCE AND SECURITY OFFICE, TRAVANCORE DEVASWOM BOARD SEEKING INFORMATION UNDER RIGHT TO INFORMATION ACT REGARDING THE SAID CORRUPTIONS COMMITTED BY THE ABOVE SAID ERRANT OFFICIALS OF THE BOARD AND ITS STAGES OF INVESTIGATION ARE BEING CARRIED OUT BY THE VIGILANCE
- Annexure R6 (B) TRUE COPY OF THE REPLY DATED 30/12/2021 SENT BY PUBLIC INFORMATION OFFICER VIGILANCE AND SECURITY OFFICE, TRAVANCORE DEVASWOM BOARD TO ADV. NEENA JOSE.
- Annexure R6 (C) TRUE COPY OF THE REPORT SUBMITTED BY SRI. MANU P. MENON, Police SUB INSPECTOR TO Police SUPERINTENDENT DEVASWOM VIGILANCE AS PER VIDE PIN26/20/TDB/VIG DATED 11/2021 AFTER CONDUCTING INVESTIGATION REGARDING THE VARIOUS IRREGULARITIES AND LARGE SCALE CORRUPTIONS COMMITTED BY THE VARIOUS DEVASWOM OFFICIALS IN THE MARAMATH WING.
- Annexure R6 (D) TRUE COPY OF THE LETTER DATED 17/07/2021 SENT BY SECRETARY OF TRAVANCORE DEVASWOM BOARD.
- Annexure R6 (E) TRUE COPY OF THE LETTER DATED 23/10/2021 SENT BY SECRETARY, TRAVANCORE DEVASWOM BOARD.
- Annexure R6 (F) TRUE COPY OF THE LETTER DATED 23/09/2021 SENT BY SECRETARY OF THE

TRAVANCORE DEVASWOM BOARD.

- Annexure R6 (G) TRUE COPY OF THE LETTER SENT BY 5TH RESPONDENT TO THE PRESIDENT, TRAVANCORE DEVASWOM BOARD.
- Annexure R6 (H) TRUE COPY OF THE SHOW CAUSE NOTICE AS PER VIDE ROC NO.21178/14/EST/MIS.A DATED 11/05/2015 ISSUED BY DEVASWOM COMMISSIONER.
- Annexure R6 (I) TRUE COPY OF THE ORDER VIDE ROC NO.21178/14/EST/MIS.A DATED 14/05/2018 ISSUED BY DEVASWOM COMMISSIONER.
- Annexure R6 (J) TRUE COPY OF THE APPEAL DATED 09/08/2018 FILED BY ADDITIONAL 6TH RESPONDENT BEFORE THE SECRETARY, TRAVANCORE DEVASWOM BOARD.
- Annexure R6 (K) TRUE COPY OF THE ORDER VIDE ROC NO.9621/18/MIS-1 DATED 25/01/2019 ISSUED BY SECRETARY, TRAVANCORE DEVASWOM BOARD.
- Annexure R6 (L) TRUE COPY OF THE ORDER OF THE DEVASWOM COMMISSIONER DATED 03/04/2019.
- Annexure R6 (M) TRUE COPY OF THE ORDER VIDE ROC NO.4103/17/MIS-A DATED 02/09/2017 OF THE DEVASWOM COMMISSIONER, TRAVANCORE DEVASWOM BOARD.
- Annexure R6 (N) TRUE COPY OF THE SHOW CAUSE NOTICE DATED 13/08/2020 ISSUED BY DEVASWOM COMMISSIONER.
- Annexure R6 (O) TRUE COPY OF THE REQUEST DATED 16/09/2020 SUBMITTED BY ADDITIONAL 6TH RESPONDENT BEFORE THE DEVASWOM COMMISSIONER, TRAVANCORE DEVASWOM BOARD.

## RESPONDENT'S ANNEXURES:

|                 |                                                                                                         |
|-----------------|---------------------------------------------------------------------------------------------------------|
| Annexure R3 (A) | TRUE COPY OF THE REQUEST DATED 23/10/2021 GIVEN BY THE 3RD RESPONDENT TO THE GOVERNMENT.                |
| Annexure R3 (B) | TRUE COPY OF THE G.O. (RT) NO.4119/2021/REV DATED 24.11.2021                                            |
| Annexure R3 (C) | TRUE COPY OF THE REQUEST DATED 17/07/2021 GIVEN BY THE 3RD RESPONDENT TO THE GOVERNMENT.                |
| Annexure R3 (D) | TRUE COPY OF THE G.O. (RT) NO.4144/2021/REV. DATED 25/11/2021.                                          |
| Annexure R3 (E) | TRUE COPY OF THE REQUEST DATED 23/09/2021 GIVEN BY THE 3RD RESPONDENT TO THE GOVERNMENT.                |
| Annexure R3 (F) | TRUE COPY OF THE G.O. (RT) NO.4145/2021/REV. DATED 25/11/2021.                                          |
| Annexure R3 (G) | TRUE COPY OF THE REQUEST DATED 17/02/2021 GIVEN BY THE 3RD RESPONDENT TO THE GOVERNMENT.                |
| Annexure R3 (H) | TRUE COPY OF THE G.O. (RT) NO. 4068/2021/REV. DATED 23/11/2021.                                         |
| Annexure R3 (I) | TRUE COPY OF THE R.O.C. NO.02/2022/EST-I DATED 02/02/2022 SENT BY BOARD TO THE GOVERNMENT.              |
| Annexure R3 (J) | TRUE COPY OF THE REPORT DATED 10/03/2020 SUBMITTED BY THE VIGILANCE OFFICER AGAINST THE 6TH RESPONDENT. |
| Annexure R3 (K) | TRUE COPY OF THE LETTER DATED 04/02/2022 ISSUED BY THE 2ND RESPONDENT TO THE STATE Police CHIEF.        |