

THIRTEENTH KERALA LEGISLATIVE ASSEMBLY

**COMMITTEE
ON
PUBLIC ACCOUNTS
(2011-2014)**

FORTY FIFTH REPORT

(Presented on 28th January 2014)



SECRETARIAT OF THE KERALA LEGISLATURE
THIRUVANANTHAPURAM
2014

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On

**Action Taken by Government on the Recommendations contained in the
12th Report of the Committee on Public Accounts (2001-2004)**

363/2014.

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COMMITTEE ON PUBLIC ACCOUNTS (2011-2014)

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„ K. Mohandas, Special Secretary

Smt. M. R. Maheswari, Deputy Secretary

Shri G. P. Unnikrishnan, Under Secretary.

INTRODUCTION

I, the Chairman, Committee on Public Accounts, having been authorised by the Committee to present this Report, on their behalf, present the Forty Fifth Report on Action Taken by Government on the recommendations contained in the 12th Report of the Committee on Public Accounts (2001-2004).

The Report was considered and finalised by the Committee at the meeting held on 22nd January, 2014.

Thiruvananthapuram,
28th January, 2014.

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

REPORT

This report deals with Action Taken by Government on the recommendations contained in the Twelfth Report of the Committee on Public Accounts (2001-2004).

The Twelfth Report of the Committee on Public Accounts (2001-04) was presented to the House on 14th March, 2002. The Report contained 13 recommendations relating to Health and Family Welfare Department. Government were addressed on 21st March, 2002 to furnish the Statement of Action Taken on the recommendations contained in the Report and the final replies were received on 30th June, 2010.

The Committee examined the statements of action taken at its meeting held on 9-5-2007, 18-11-2008, 5-5-2010, 4-8-2010 and 13-10-2010.

The Committee was not satisfied with the action taken by the Government on recommendation Nos. 6, 8, 9, 10 & 13 (Para Nos. 18, 20, 21, 22 & 33) and decided to pursue the same 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. These recommendations and the statements of 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 REQUIRES REITERATION

HEALTH AND FAMILY WELFARE DEPARTMENT

Recommendation

(Sl. No. 6, Para No. 18)

1.1 The Committee note that there was leakage in the newly constructed building and that the building was handed over to Health Department, before obtaining Fitness Certificate from the Public Works Department. The Committee are also of the opinion that it is the PWD who ought to answer for the leakage. The Committee note that there was inordinate delay and laxity at all levels in getting the building repaired and the compound wall constructed. The Committee understand that the Health Department was not even aware of the
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agency to effect the repairs and to execute the construction works. The Committee would like to point out that the maintenance of Government buildings is entrusted with Public Works Department. The Committee desire to be furnished with the present position of the proposal for repairs and construction of compound wall to make the inpatient ward functional.

Action Taken

1.2 The construction of 20 bedded ward at Primary Health Centre, Vazhakkulam was carried out by the Vazhakkulam Block under NREP Scheme for 1988-89 and completed during 1991. Soon on completion of the work the building was handed over to the Health Department. The construction of compound wall of the Primary Health Centre has already been completed, which was carried out by the Grama Panchayat.

Further Recommendation

1.3 The Committee opines that the reply furnished by the Government is not to the point and hence not satisfactory. Therefore the Committee desires to get a detailed reply on the leakage.

Recommendation

(Sl. No. 8, Para No. 20)

1.4 The Committee note with displeasure several instances of indifferent behavior from the Officers and Staff of the Directorate of Health Services even towards the Members of Legislative Assembly. The Committee urge that the Director of Health Services should take suitable steps to examine the matter immediately and to take appropriate action so as to avoid inconvenience to the public in future.

Action Taken

1.5 Directions have been issued to the Director of Health Services, Thiruvananthapuram to examine the matter immediately and to take appropriate action so as to avoid inconvenience to the public in future.

Recommendation

(Sl. No. 9, Para No. 21)

1.6 The Committee note that the Department does not give replies to Audit Paragraphs contained in the Reports of Comptroller and Auditor General of India, properly. The Committee urge the Department to furnish replies to the Legislature Secretariat within three months from the date of presentation of the Report of the Comptroller and Auditor General in the Assembly as stipulated in the rules.

Action Taken

1.7 Director of Health Services, Thiruvananthapuram has been instructed to furnish the replies to the PAC within the stipulated time.

Recommendation

(Sl. No. 10, Para No. 22)

1.8 The Committee express displeasure on the inability of the department witness furnish replies to many of the questions put by them. The Committee strongly deplore the tendency of departmental witness to appear before them without studying the case properly and collecting all the relevant details.

Action Taken

1.9 Director of Health Services has been instructed to issue suitable instructions to the officers concerned in this regard.

Further Recommendation on Paras 20, 21 and 22

1.10 The Committee direct to intimate the action taken by the Director of Health Services in this regard. The Committee also desire that action should be taken against the delinquent officers who failed to give reply to the Committee within the stipulated time and that should be intimated to the Committee. But the department had not furnished the reply for the above information sought by the Committee even after six years. The Committee expresses its displeasure for the inordinate delay occurred on the part of the department to submit the reply and therefore recommends to take action against those who are responsible for the delay in submitting the details sought for by the Committee.

Recommendation

(Sl. No. 13, Para No. 33)

1.11 The Committee are alarmed at the large scale misappropriation of money by the staff of Primary Health Centre, Vilappil. The Committee urge to initiate disciplinary action against those involved in the misappropriation without waiting for Vigilance Department to take action. The Committee also desire to make good the loss suffered by the Government through recovery from the delinquent officers.

Action Taken

1.12 The investigation of the case in V.C. 5/97 SIU against the officials of Health Department and Treasury Department was completed. The Director,

Vigilance and Anti-corruption Bureau had decided to prosecute Shri V. Harikumar, UDC, Office of the District Medical Office, Thiruvananthapuram before the local court under Sections 468, 471, 477 A and 420 IPC and requested to initiate departmental action against the following officers:

Shri S. Sasidharan Nair (A2)
District Treasury Officer (Retd.),
District Treasury, Thiruvananthapuram.

Shri D. Sasikumar (A3)
Junior Superintendent,
Sub Treasury, Neyyattinkara

Shri Narayanan Nair (A4)
Junior Superintendent,
Rural District Treasury,
Kattakkada.

Government have finalized the departmental action against Shri S. Sasidharan Nair (A2), as per G.O. (Rt.) No. 4177/02/Fin. dated 1-8-2002 by awarding "Censure". The remaining officers also have been awarded the same punishment by the Director of Treasuries vide Proceedings No. Vig/8761/95 dated 21-11-2002 and Proceedings No. Vig/8761/95 (2) dated 21-11-2002. The Director of Health Services has been directed to take disciplinary action against Shri V. Harikumar, UDC and take urgent action to make good the loss sustained by the Government through recovery from the delinquent officer.

Further Recommendation

1.13 The Committee wanted to know the steps taken by the Government to recover the loss sustained by the Government from 3 delinquent officers. The Committee also wanted to know whether the amount was recovered from Shri V. Harikumar and the steps taken in this regard and directed to furnish a detailed report on the case pending against Shri V. Harikumar in the Magistrate Court. But the details were not furnished by the department. Therefore the Committee urged the department to furnish the latest position of the disciplinary action against Shri V. Harikumar, UDC and also the details regarding the recovery of the loss sustained by the Government.

CHAPTER II

RECOMMENDATIONS WHICH THE COMMITTEE DOES NOT DESIRE TO
PURSUE IN THE LIGHT OF THE REPLIES FURNISHED
BY GOVERNMENT

HEALTH AND FAMILY WELFARE DEPARTMENT

Recommendation*(Sl. No. 1, Para No. 4)*

2.1 The Committee note that a good intention of Government to start JPHN Training Course has turned out to be wasteful expenditure on account of the failure to conduct classes regularly and resultant idling of staff. The Committee understand that the Department lacked proper planning and expeditious action in the matter. The Committee also observe that the Department has no convincing or justifiable reason to offer for the inordinate delay in completing the procedural formalities and commencing the course in time. The Committee express their serious concern on the tendency of the Department to justify the lapse by claiming the inordinate delay only as part of administrative procedures. The Committee urge to evolve a system of finding out solution for important issues warranting expeditious action through discussion rather than making queries as had occurred in the case of preparation of prospectus for the training courses for Junior Public Health Nurses.

Action Taken

2.2 There were 13 JPHN Schools under Government of Kerala. In 1996 it was decided to wind up those institutions and later 7 centres were reopened. Due to the winding up of the remaining institutions, 52 posts have been identified as idling. But on a review, it has been found out that 17 posts are required to run the existing institutions. Hence the matter has been placed before the Council of Ministers after observing all the formalities and as decided by the Council of Ministers, Orders have been issued in G.O. (Ms.) No. 392/2007/H&FWD dated 25-8-2007, abolishing the idling 52 posts and creating 17 posts. A copy of the G.O. dated 25-8-2007 is also enclosed herewith for ready reference. The delay occurred in abolishing the idling posts is only due to the administrative formalities involved in the matter. There is no negligence on the part of any of the officers.

Recommendation

(Sl. No. 2, Para No. 6)

2.3 The Committee are of the view that the argument of the Department to justify the lapse on their part that the Government had not sustained any loss as the amount collected by way of sales tax at higher rates stands credited to Government revenue, cannot be admitted. The Committee maintain that this is not a question of loss of revenue. The Committee understand that the financial management of the department is not foolproof. The extra amount paid by way of tax at higher rate could have been utilised more prudently on purchase of other essential items. The Committee, therefore, urge to take immediate steps to get the excess amount paid by way of Sales tax refunded.

Action Taken

2.4 On verification of the relevant files and records at District Medical Stores, Palakkad it was seen that during the year 1990-91, sales tax were paid in excess, to eleven firm amounting to ₹ 2,51,939. During the year 1990-91 approved rate of sales tax were 4% tax and 25% additional tax instead of that 6% tax and 25% were paid to the firm. Out of eleven firm, excess paid amounting to ₹ 2,45,802 had already been recovered from nine firms and the remaining two firms (1) M/s Boots Pharmaceuticals Ltd., (2) M/s Venad Pharmaceutical were not existing and their amount ₹ 6,137 had already been written off vide Order No. AB3-87258/03/DHS dated 22-6-2004 of the Director of Health Services. The recovery particulars of the amount has already been audited and accepted by the Accountant General, Kerala and it was also suggested to take action to write off the irrecoverable amount of ₹ 6,137. All the above irregular payments were audited by the Accountant General as per Audit Report No. OA(HQ)11/1/12-843/92-93/1067 dated 18-9-1992 for the period from 1-12-1990 to 30-6-1992. The proposal to write off the amount was made after the closure of all possible means by Director of Health Services. Directions have already been issued to the Director of Health Services to recover an amount of ₹ 4,924 (Kerala Soaps and Oils: ₹ 4,894 and Lisie Hospital: ₹ 30) being the excess sales tax paid to them.

Recommendation

(Sl. No. 3, Para No. 8)

2.5 The Committee note that here was inordinate delay in the publication of the statutory notification specifying the area of jurisdiction of Food Inspectors. The Committee also observe that the department is not serious in the adherence to norms and conditions relating to transfers and posting and

in the publication of statutory notifications. Because of the delay in publication of notification, the Food Inspectors could not discharge their duties and responsibilities. Therefore, the Committee desire that such notifications should invariable be published without any delay in future.

Action Taken

2.6 In order to overcome the delay in the publication of notification, this department has changed the structure of notification. Instead of Notifying the Food Inspectors by name, the post only is notified. So notification of Food Inspectors on each transfer is not necessary at present. Hence the delay noted by Committee does not exist now.

Recommendation

(Sl. No. 4, Para No. 12)

2.7 The Committee find that the department went on with posting additional staff even after confirming the delay in the construction of building. The Committee recommend to conduct an enquiry into the irresponsible manner in which the matter has been dealt with by the department. The Committee are not satisfied with the vague replies of the witness who appeared before the Committee and are distressed to note that the response of the Departmental witness before the Committee was not encouraging, Deprecating the delay in submitting the replies the Committee urge to strengthen the sections at the Directorate of Health Services and the Administrative Department concerned in Secretariat to monitor the functions related to Public Accounts Committee and to avoid such lapses in future.

Action Taken

2.8 As per Letter No. 14913/P1/84/H&FWD dated 5-5-1986 all the staff posted in this unit has been transferred from this institution and utilized at other places except certain Medical Officers who were relieved during 1988-89, the reasons for posting the staff before construction of the building and the delay in redeploying the idle staff etc. cannot be clarified as the disposals leading to the Government Orders are found destroyed since the files in this regard originated 20 years ago. In the above circumstances Government is unable to give further clarification in the matter. Further the Department is not in a position to conduct an enquiry in this matter as the responsible officers might have retired from Government services. Necessary directions have already been given to all Heads of Department to constitute/Activate/Strengthen the Audit Monitoring Committee and the Joint Secretary, Deputy Secretary and Under Secretary in Administrative Department are requested to convene review meetings at their level to monitor the functions related to Public Accounts Committee recommendations.

Recommendation

(Sl. No. 5, Para No. 17)

2.9 The Committee deplore the unusual haste shown in the posting of staff to the non-functioning inpatient ward of Primary Health Centre, Vazhakulam by the Director of Health Services and the delay in their redeployment.

Action Taken

2.10 Partial IP started at PHC, Vazhakulam with effect from 10-10-1994 but closed in 12/94 since the patients refused admission as the hospital had no quarters, compound wall etc. Full functioning of IP started with effect from 29-12-1988. But due to non-availability of inpatients the IP wing could not be functioned uninterruptedly and thereafter IP restarted in full swing on 13-3-2006. But even then there were short intervals of stoppage of IP due to scarcity of inpatients. The staff available there could not be redeployed due to the uncertainty of the inflow of patients. Moreover as there were no night duty staff at PHC, Vazhakulam, the services of the Staff Nurses and Nursing Assistants were highly essential even if the number of inpatients were one or two. It is also submitted that utmost care is being given in redeploying idling staff to needy institutions.

Recommendation

(Sl. No. 7, Para No. 19)

2.11 The Committee are not convinced of the reasons given by the Department for the non-functioning of inpatient ward in PHC, Vazhakulam such as disturbance from anti-social elements, non-availability of water etc. The Committee note that the Department did not take any legal step to overcome the threat from the anti-social elements. The Committee view the same as a serious lapse on their part and hence desire to take immediate remedial action against problems created by anti-social elements.

Action Taken

2.12 PHC, Vazhakulam has been provided with sufficient facilities and staff including 2 Medical Officers for conducting I.P. treatment. I.P. treatment has already been started from 13-3-2006 onwards.

Anti-social activities have been curbed and no illegal acts or trespassing is reported from PHC, Vazhakulam at present.

In the above circumstances further action may be dropped.

Recommendation

(Sl. No. 11, Para No. 26)

2.13 The Committee refuse to accept the justification of the Department for the appointment of excess staff, which resulted in huge wasteful expenditure and the delay in their redeployment. The Committee urge that the responsibility of the lapse should be fixed upon the District Medical Officer concerned and the loss suffered by Government should be recovered from him. The Committee also desire that redeployment of excess staff may be made immediately in Public interest.

Action Taken

2.14 Government Ayurveda Hospital, Sulthanbathery was a 10-bedded hospital prior to 1991. As per G.O. (Ms.) 67/91/H&FWD dated 25-3-1991. 50 beds were additionally sanctioned to the hospital. Though the Panchayat authorities had promised to give adequate land and building, they did not honour their promise. As a result the hospital began to function in the rented building given by the Panchayat with the staff created for the 50 beds additionally sanctioned and the facilities for 14 inpatients. The Accountant General in the Audit Report for the period from 25-4-1991 to 31-3-1991 requested to redeploy the excess staff appointed in the Hospital. Accordingly Medical Officer and Nursing Assistant were transferred and posted in other hospital in the District and one Sanitation Worker was appointed in the resultant vacancy consequent on the promotion of a senior most sanitation worker. The 4 Nurses Grade II who were recruited through D.R.B. and have not completed 5 years' service in the District could not be redeployed.

The Grama Panchayat, Sulthanbathery sanctioned another rented building for the hospital and the hospital with 50 beds began functioning with effect from 1-1-1997 with the sanctioned staff. In the circumstances the question of redeployment of the Nurses Gr. II did not arise and they were accommodated in the hospital. There was actually delay for redeployment to the excess staff. But there was no willful negligence on the part of the Department as timely action was taken for redeployment but could not yield result due to some technical reasons. As the Medical Officers during the period in question had retired from service years back, it is very difficult to identify them and fix the liability.

Recommendation

(Sl. No. 12, Para No. 28)

2.15 The Committee understand that the reason for non-payment of the electricity charges on due dates is non-allotment of funds. The Committee 363/2014.

strongly recommend that Finance Department should provide sufficient funds to make payments/dues to KSEB by Government especially the electricity charges of hospitals promptly. The Committee also urge that the power/water connection given to hospitals should not be disconnected for non-remittance of money.

Action Taken

2.16 A copy of the extract of the report has been forwarded to the Secretary to Government, Finance Department. As such Finance Department is now providing funds as per requirement in most cases. The Local Self Government Institutions had also been requested to take action to avoid disconnection of water/electricity connections in respect of those hospitals which are transferred to them by providing sufficient funds and they have been doing that.

Thiruvananthapuram,
28th January, 2014.

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

APPENDIX I

SUMMARY OF MAIN CONCLUSION/RECOMMENDATION

<i>Sl. No.</i>	<i>Para No.</i>	<i>Department concerned</i>	<i>Conclusion/Recommendation</i>
(1)	(2)	(3)	(4)
1	1.3	Health and Family Welfare	The Committee opines that the reply furnished by the Government is not to the point and hence not satisfactory. Therefore the Committee desires to get a detailed reply on the leakage.
2	1.10	„	The Committee direct to intimate the Action Taken by the Director of Health Services in this regard. The Committee also desire that action should be taken against the delinquent officers who failed to give reply to the Committee within the stipulated time and that should be intimated to the Committee. But the department had not furnished the reply for the above information sought by the Committee even after six years. The Committee expresses its displeasure for the inordinate delay occurred on the part of the department to submit the reply and therefore recommends to take action against those who are responsible for the delay in submitting the details sought for by the Committee.
3	1.13	„	The Committee wanted to know the steps taken by the Government to recover the loss sustained by the Government from 3 delinquent officers. The Committee also wanted to know whether the amount was recovered from Shri V. Harikumar and the steps taken in this regard and directed to furnish a detailed report on the case pending

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			against Shri V. Harikumar in the Magistrate Court. But the details were not furnished by the department. Therefore the Committee urged the department to furnish the latest position of the disciplinary action against Shri V. Harikumar, UDC and also the details regarding the recovery of the loss sustained by the Government.
