
(2014) 10 KL CK 0082
In the High Court Of Kerala
Case No : D.B.P. No. 33 of 2014

V. Kamalam

APPELLANT

Vs

The Secretary, Cochin Devaswom Board

RESPONDENT

Date of Decision : 20-10-2014

Acts Referred:

Citation : (2014) 4 KLJ 686

Hon'ble Judges : P.N. Ravindran, J;P.B. Suresh Kumar, J

Bench : Division Bench

Advocate : P. Jayaram, Advocate for the Appellant; Unnikrishnan V. Alapatt, SC, A. Ranjith, G.P. and Krishnakumar Mangot, Amicus Curiae, Advocate for the Respondent

Judgement

P.B. Suresh Kumar, J.—These are matters registered on the basis of reports submitted by the Ombudsman for Travancore and Cochin Devaswom Boards with reference to the complaints received by him. Among these matters, DBP No. 33 of 2014 pertains to the complaint of one Smt. V. Kamalam, an employee of Pazhayannur Devaswom under the Cochin Devaswom Board, seeking directions to the said Board to regularise her service. DBP No. 83 of 2014 pertains to the complaint of one Sri N. Sarasijadharan Nair, an employee of the Travancore Devaswom Board, seeking directions to the Board for disbursement of his salary and pension. DBP No. 97 of 2014 pertains to the complaint of one Sri K.R. Sivasankaran, an employee of Thiruvannikkavu Devaswom, under the Cochin Devaswom Board, seeking directions to the Board for disbursement of his salary. DBP No. 108 of 2014 pertains to the complaint of one Sri K.K. Radhakrishnan Namboothiri, a retired employee of the Travancore Devaswom Board, seeking directions to the Board for disbursement of his death-cum-retirement gratuity.

2. The complaints referred to above being complaints preferred for redressal of the personal grievances of the complainants, we entertained a doubt as to whether the Ombudsman should burden himself with the investigation of such complaints. We have, in the circumstances, heard the learned Standing Counsel

for the Devaswom Boards and the learned Government Pleader, on this point. We have also perused the order dated 27/11/2007 passed by this Court in O.P. No. 3821 of 1990 and connected cases, by which the Ombudsman was appointed.

3. A committee appointed earlier by this Court to review the working of the Devaswom Boards constituted under the Travancore Cochin Hindu Religious Institutions Act, 1950 had reported to this Court the various instances of mismanagement, misappropriation of funds, corruption etc, in the Devaswom Boards and also in the Temples under the Boards. While considering the recommendations of the said committee, this Court noticed that the Travancore Cochin Hindu Religious Institutions Act, 1950 has not invested any powers on the State Government over the affairs of the Devaswom Boards constituted for management of the temples and that the legislature in its wisdom has only conferred powers on this Court to supervise the functioning of the Boards and its officers and also to supervise the audit of the accounts of the Boards. It was also noticed that as per the provisions of the said Act, the auditors of the Boards have to specify in the reports all cases of irregularities, illegal or improper expenditure or failure to recover money or other properties due to the Board or to the institutions under the management or loss or waste of money or other properties caused by neglect or mistakes and it is for this court to initiate remedial actions thereof. It was further noticed that the High Court as *parens patriae* has a duty to protect the temple properties and curb corruption, mismanagement and maladministration in the affairs of the temples and institutions under the control of the Devaswom Boards. It is in the said circumstances, this Court felt that an Ombudsman with a full fledged system would be of considerable help to the High Court in the discharge of its duties and accordingly, appointed the Ombudsman. In other words, the purpose of appointment of the Ombudsman was to enable this court to discharge its duties under the Travancore Cochin Hindu Religious Institutions Act, 1950 and as *parens patriae* over the affairs of the Temples and its properties. The broad functions of the Ombudsman as prescribed in the order would reinforce the said conclusion of ours. The function of the Ombudsman as regards the complaints received from the devotees, temple employees, members of the Board etc. as prescribed in the order reads thus:

"Ombudsman is authorised to investigate all complaints received from the devotees, temple employees, members of the Board or on a reference by the High Court or from the Government or that come to his notice with regard to misappropriation, maladministration, corruption, etc. in the functioning of the Board or the temples or the institutions under the management and administration of the Boards and submit a report to this court periodically"

(underline supplied)

It is thus evident that the mechanism of the Ombudsman was intended to protect public interest and not for resolving the personal grievances of the employees of the Boards and Temples. Necessarily, the complaints directed to be investigated by the Ombudsman are complaints filed with regard to

misappropriation, maladministration, corruption etc. in the functioning of the Board or the temples or the institutions under the management and administration of the Boards.

In other words, only complaints involving an element of public interest were required to be gone into by the Ombudsman and to that extent the order of this court dated 27/11/2007 in O.P. No. 3821/1990 and connected cases is clarified. In this view of the matter, the petitions are closed, without prejudice to the rights of the complainants to institute other appropriate proceedings for redressal of their grievances.