



GOVERNMENT OF KERALA

Abstract

Local Self Government Department - Establishment - Service benefits including protection of salary to Shri.Nirish Kumar.P.G, Process Server, Judicial Department, who has been appointed in Municipal Common Service as LDC/BC-Sanction Accorded - Orders issued.

LOCAL SELF GOVERNMENT (EU) DEPARTMENT

GO(MS)No.44 /2016/LSGD.

Dated, Thiruvananthapuram, 01/03/2016.

- Read:- 1. Judgment dated 22/05/2015 of Hon'ble High Court in OP(KAT)No.4373/12(Z)(T.A No.2837/12 of Kerala Administrative Tribunal(Thiruvananthapuram) filed by Shri.Nirish Kumar.P.G, Process Server,District Court,kozhikkode.
2. Letter No.E7-12493/13 dated 03/09/2013, 22/10/2013, 08/01/2014, 17/03/2014 and 19/06/2015 from the Director of Urban Affairs.

ORDER

The Hon'ble High Court in its Judgment read as 1st paper above ordered that the petitioner Shri.Nirish Kumar.P.G. will be entitled to all the service benefits including protection of salary and other service benefits as may be available with him having served as Process Server along with him wherever he goes pursuant to the advice of the PSC following the selection based on notification for selection of LDC in various department in the States.

In response to the direction of Court to comply with the judgment, Director of Urban Affairs in his letter read as 2nd paper above has reported that the State Pension scheme applicable to petitioner for his nine years service in Judiciary Department and the Municipal Common Service Pension Scheme as per the Kerala Municipality (Employees Death-cum-Retirement benefit) Rules, 1996 are entirely different. Since there is a ban on counting previous service in other department in Municipal Common Service, the judgment could not be complied with. Later Director of Urban Affairs has reported that based on the judgment, notice has been issued to the petitioner intimating him to join duty as LDC/BC in Kozhikode Municipal Corporation and requested Government to take decision on protecting his previous service for service benefits. Since Shri.Nirish Kumar.P.G has been appointed in Municipal Common Service in accordance with the judgment, he is entitled to get all benefits on appointment in the Municipal Common Service, including protection of salary and other benefits as may be available. Since there

is a ban on counting the previous service in other departments in Municipal Common Service , the service benefits cannot be allowed to him in normal case.

Government have examined the matter in detail and are pleased to accord sanction to grant all service benefits including protection of salary to Shri.Nirish Kumar.P.G, Process Server, Judicial Department,who has been appointed as LDC/BC in Municipal Common Service in accordance with the judgment read as 1st paper above as a special case.

The Judgment read above is complied with accordingly.

(By order of the Governor)
A PM Muhammed Hanish IAS,
Secretary

To.

The Advocate General,Ernakulam.(with C/L)

The Accountant General,(A&E/Audit),Kerala, Thiruvananthapuram

The Director of Urban Affairs,Thiruvananthapuram .

The Director,Local Fund Audit, Thiruvananthapuram

Sri.P.G.Nirishkumar,LDC/BC,Kozhikkode Corporation(Through Director of Urban Affairs)

The General Administration (SC)Department.

The Finance Department.(vide U.O No.Dev-1/12/2014-Fin dated 27/02/2016.)

✓ The Director,Information Kerala Mission, Thiruvananthapuram.

The Stock File/Office Copy.

Forwarded/By Order.



Section Officer.

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