



**GOVERNMENT OF KERALA**

**Abstract**

Local Self Government Department - Rural Development Department - Establishment -  
Order of the Hon'ble Kerala Administrative Tribunal dated 16.03.2018 in OA No.  
347/2018 filed by Smt. K. Geethakumari and another – Complied with - Orders issued.

**LOCAL SELF GOVERNMENT (ERA) DEPARTMENT**

**G.O.(Rt) No.2423/2018/LSGD**

**Dated, Thiruvananthapuram, 14.09.2018.**

- Read: 1. Representation dated 06.03.2018 from Smt. K. Geethakumari (Annexure-A11 in OA)
2. Order of the Hon'ble Kerala Administrative Tribunal dated 16.03.2018 in OA No. 347/2018 filed by Smt. K. Geethakumari and another
3. Letter No. LC1/15-210(489)/17-18/160/Desp.682 dated 29.06.2018 from the Accountant General, Kerala, Thiruvananthapuram addressed to the Principal Secretary, Finance Department.
4. Government Letter No. LSGD-ERA3/90/2018/LSGD dated 24.07.2018.
5. Letter No. LA03/II/BOR68693 dated 18.08.2018 from the Accountant General, Kerala, Thiruvananthapuram addressed to the Principal Secretary, Finance Department.

**ORDER**

Smt. K. Geethakumari, Asst Project Officer (Rtd.), Rural Development Department and Sri P.K Mohanan filed O.A No.347/18 seeking direction to the respondent to return the documents submitted by the applicants while availing House Building Advance for house construction and to return excess amount recovered from the D.C.R.G of the first applicant ie; Smt.K.Geethakumari. As per order read as 2<sup>nd</sup> paper above, the Hon'ble Kerala Administrative Tribunal disposed of the case directing the additional 4<sup>th</sup> respondent to consider and pass orders on Annexure A11 in accordance with law after giving an opportunity of being heard to the applicant within three months from the date of receipt of a certified copy of the order.

2. In compliance with the directions of the Hon'ble Kerala Administrative Tribunal, Under Secretary, Local Self Government Department heard the applicant on 25.04.2018.

3. The applicants were Government servants retired from service on superannuation on 31.05.2016 and 31.07.2008 respectively. While in service, the applicants availed House Building Advance (HBA) of Rs.2,65,000/- as per Annexure-A1 Government Order dated 3-11-1999. The applicants were jointly responsible for repayment and they also offered security by deposit of title deeds in respect of the property. As per Annexure-A1 order, the advance should be recovered in 70 monthly instalments at the rate of Rs.1892/- from the salary of the 2<sup>nd</sup> applicant and in 150 monthly instalments at the rate of Rs.883/- from the salary of the 1<sup>st</sup> applicant. Since there would still be balance outstanding in the loan account, even after 1<sup>st</sup> applicant retired on 31-5-2016, it is specifically provided in Annexure-1 that the two applicants will both assign Rs.33,125/- each from the DCRG admissible to them in favour of the Government. It is informed that regular deductions were made to this effect from their salary without fail.

4. The 2<sup>nd</sup> applicant, Sri. P K Mohanan, retired from service on superannuation on 31-7-2008. On retirement, all pensionary benefits including DCRG had been disbursed to him. The 1<sup>st</sup> applicant, Smt. K. Geethakumari, retired from service on 31-5-2016. The 1<sup>st</sup> respondent, Accountant General, Kerala, then issued Annexure-A2 letter dated 20-3-2017 stating that the 1<sup>st</sup> applicant has to pay an amount of Rs.77,649/- (Rs.70,276/- interest and Rs.7,373/- penal interest). The 1<sup>st</sup> respondent also passed Annexure-A5 order dated 31-7-2017 fixing the DCRG at Rs.6,59,232/- and deducted an amount of Rs.1,21,402/- from the DCRG towards HBA dues.

5. The 1<sup>st</sup> respondent has also issued Annexure-A7 communication dated 7-7-2017 stating that the 2<sup>nd</sup> applicant is also liable to pay an amount of Rs.70,024/- (Rs.42,747/- towards interest and Rs.27,277/- towards penal interest). The applicants claim that as per Annexure-A6 reply under the Right to Information Act given to the 2<sup>nd</sup> applicant, the 1<sup>st</sup> respondent has stated that his office committed a mistake in assigning loan number erroneously and therefore interest was not recovered. The contention of the applicants is that since the mistake was committed by the 1<sup>st</sup> respondent, the 2<sup>nd</sup> applicant is not liable to pay any interest and penal interest, that too 9 years after his retirement and the deduction of huge amount from the 1<sup>st</sup> applicant's DCRG is absolutely unjust.

6. The Accountant General, as per letter read as 3<sup>rd</sup> paper above informed that the Utilisation Certificate furnished by the loanee was not counter signed by the Loan



Sanctioning Authority and the same was returned to Smt. K.Geethakumari on 15.05.2017 for obtaining countersignature of the Loan Sanctioning Authority. It was also informed that in the above letter it was mentioned that, in the case of non-submission of Utilisation Certificate with countersignature by the Loan Sanctioning Authority, penal interest would also be charged in addition to the outstanding balance of HBA. Hence, as per letter read as 4<sup>th</sup> paper above, the Commissioner for Rural Development was directed to furnish duly countersigned Completion Certificate/Utilisation Certificate, to the Accountant General.

7. On receipt of the necessary documents, the Accountant General, Thiruvananthapuram, as per letter read as 5<sup>th</sup> paper above, has informed the Principal Secretary, Finance department to accord sanction to refund the excess amount (Rs.43,753/-) remitted by the applicant towards interest under the head of account '0049-04-900-Deduct Refunds'.

8. As the grievance of the applicant has been redressed as stated above, the directions contained in the order of the Hon'ble Kerala Administrative Tribunal read as 2<sup>nd</sup> paper above stands complied with.

**By Order of the Governor**

**JAYASREE M.  
UNDER SECRETARY**

To

Smt. K. Geethakumari, W/o P.K.Mohanan, Harisree, Post Pinarayi, Thalasserry 670 741

Sri. P.K.Mohanan, S/o P. Kelu, Harisree, Post Pinarayi, Thalasserry 670 741

The Advocate General, Kerala, Thiruvananthapuram (with C/L)

The Commissioner for Rural Development, Thiruvananthapuram.

The Principal Accountant General (Audit), Kerala, Thiruvananthapuram

The Accountant General (A & E), Thiruvananthapuram/Thrissur.

- The Director, Information Kerala Mission, Thiruvananthapuram.

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Section Officer