



GOVERNMENT OF KERALA

Abstract

LSGD - Engineering Wing - OA(EKM) 154/2019 filed by Sri. Joly Varghese, Chief Engineer (Rtd), KSRRDA - Order dated 11.04.2019 of the Hon'ble Kerala Administrative Tribunal - Complied with - Orders issued.

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**LOCAL SELF GOVERNMENT (EW) DEPARTMENT**

GO(Rt) No.1321/2019/LSGD.

Dated, Thiruvananthapuram, 28/06/2019

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Read: Order of the Hon'ble Kerala Administrative Tribunal dated 11.04.2019  
in OA(EKM) 154/2019.

ORDER

As per the Order read above, the Hon'ble Kerala Administrative Tribunal have disposed of OA(EKM) 154/2019 filed by Sri. Joly Varghese, Chief Engineer(Rtd), KSRRDA, directing the respondents to disburse the pensionary benefits due to the applicant forthwith, at any rate within a period of three months from the date of receipt of a copy of the order and the disbursement of DCRG will be subject to the computation of the liabilities, if any, against him.

2. The applicant, who retired from service on 30.06.2018, was sanctioned provisional pension as per Rule 3A(a), Part III KSR as two Vigilance cases are pending against him. Vigilance case in VC 7/2015/ALP was registered against him on 15.10.2015 in connection with the construction of modern slaughter house for Alappuzha Municipality and another Vigilance case in VC 04/15/ALP against him in connection with the work of solid waste management plant for Alappuzha Municipality. The Director, Vigilance and Anti-Corruption Bureau, vide his letter dtd 26.11.2018, has reported that investigation in both these Vigilance cases are still under progress.

3. While disposing of OA (EKM)no. 154/2019, Hon' ble Tribunal has observed that though Rule 3A(a) Part III KSRs empowers the Govt to withhold the pensionary benefits due to an employee if a departmental or judicial proceeding instituted under Rule 3 was pending as on the date of his retirement from service, but as per explanation to Rule 3 Part III KSRs, a judicial proceeding or a criminal proceeding is deemed to be pending, a final report under section 173 of the Code of Criminal Procedure is to be laid before the court. In the present case, though investigation has been completed, however as on the date of retirement of the applicant, ie as on 30.06.2018, no final report had been submitted before the court. Therefore, the pensionary benefits due to him could not be withheld invoking Rule 3A(a) Part III KSR and he is eligible for disbursement of his pensionary benefits and DCRG, subject to liability, if any, fastened under Rule 3 Part III KSRs.

4. Government have examined the matter in detail and sanction is hereby accorded to disburse the pensionary benefits due to the applicant on condition that the loss, if any, caused to Government due to him will be recovered by filing civil suit as stipulated in Ruling No.6 below rule 116 Part III KSR or through RR proceedings if the incumbent comes under Public Accountant Act 1963 subject to finalization of two vigilance cases against the incumbent.

5. The order of the Hon'ble KAT in OA(EKM) 154/2019 read above, is complied with accordingly.

(By Order of the Governor)  
**MINIMOL ABRAHAM**  
**Additional Secretary to Govt.**

To

1. Sri. Joly Varghese, Chief Engineer(Rtd), Thachil House, Rosanne, Vidya Nagar Cross Road, Kadavanthra, Kochi - 68020.
2. The Advocate General, Ernakulam (with Covering Letter)
3. The Chief Engineer, LSGD, Thiruvananthapuram.
4. The Accountant General,(A&E/Audit) of Kerala, Thrissur
5. The Finance Department (vide UO no. Dev.1/114/2019/Fin dated 23.05.2019)
6. The Executive Director, Information Kerala Mission.
7. The Web & New Media, I & PRD.
8. Stock File/Office Copy.

Forwarded/By Order

  
Section Officer