



GOVERNMENT OF KERALA



Abstract

LSGD - Engineering Wing – OA(EKM) 729/2019 filed by Sri. Ananda Raju, Executive Engineer (Rtd) - Order dated 11.04.2019 of the Hon'ble Kerala Administrative Tribunal- Complied with - Orders issued.

LOCAL SELF GOVERNMENT (EW) DEPARTMENT

G.O.(Rt)No.1791/2019/LSGD

Dated, Thiruvananthapuram, 19/08/2019

- Read 1 Representation dated 15.03.2019 from Sri. Ananda Raju
- 2 Order of the Hon'ble Kerala Administrative Tribunal dated 11.04.2019 in OA(EKM) 729/2019.
- 3 Letter no.E18/5969/17/CE/LSGD dated 24.06.2019 from the Chief Engineer, LSGD.

ORDER

As per the Order read as 2nd paper above, the Hon'ble Kerala Administrative Tribunal have disposed of the OA directing the 1st respondent, ie Govt to consider and pass appropriate orders on Annexure A5 representation , read as 1st paper above and if nothing else stood in the way of the disbursement of the benefits due to the applicant, it shall be ensured that the DCRG and commuted value of pension are disbursed to the applicant within a period of six weeks from the date of receipt of a copy of the order subject to the right of the applicant to pursue his grievance against the final orders in the disciplinary proceedings.

2. The request of the applicant, who retired from service on superannuation on 31.05.2017, in Anneuxre A5 is to sanction and disburse the entire DCRG and Commuted Value of Pension with interest minimum at the treasury rate w.e.f 01.06.2017.

3. The Chief Engineer, LSGD vide letter read as 3rd paper above has reported that the applicant was sanctioned only provisional pension due to the pendency of disciplinary action for major penalty in two cases against him at the time of his retirement and he was sanctioned full pension and pensionary benefits vide proceedings dated 21.03.2019 only after the finalisation of these disciplinary cases. Thereafter, in order to sanction DCRG, the Absolute NLC in respect of the incumbent was issued as per letter dated 27.05.2019. The Chief Engineer has informed that the request of the applicant for interest for his pensionary benefits can be considered only by Government.

4. In the disciplinary action cases for major penalty pending against the applicant at the time of his retirement, one was subsequently finalized by recovering Rs 3000/- from his monthly pension for a

period of 3 years, vide GO(Rt)no.207/2019/LSGD dated 31.01.2019 and in another case, recovery of Rs 5000/- from his monthly pension for a period of 2 years was ordered, vide GO(Rt)no.548/2019/LSGD dated 07.03.2019.

5. Government have examined the matter in detail. The applicant is only eligible for a nominal pension but no DCRG or other benefits as per Rule 3(A)(a), KSR Part III, as disciplinary action for major penalty was pending against him at the time of his retirement. The DCRG/ final pension / pension commutation could be awarded to him only after conclusion of aforesaid proceedings. Also, he was not permitted to commute any part of his pension during pendency of such disciplinary proceedings, as per Rule-3 in Appendix-X, Part III KSR. In the instance of commutation, reduction of pension begins only after the next month of commutation. Hence the applicant can't demand interest for an amount that shall be commuted in the future. As the disciplinary proceedings against the applicant was concluded only on 07/03/19 the request for interest on entire DCRG and commuted value of pension does not merit consideration and is hereby declined.

6. The order of the Hon'ble KAT in OA(EKM) 729/2019 read as 2nd paper above, is complied with accordingly.

(By order of the Governor)
BIJUKUTTAN.M.S
ADDITIONAL SECRETARY

To

- 1 Sri. Ananda Raju, Exc.Engineer (Rtd) (*through the Chief Engineer, LSGD*)
- 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 Executive Director, Information Kerala Mission.
- 6 The Web & New Media, I & PRD.
- 7 Stock File/Office Copy.

Forwarded /By order


 Section Officer

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