



GOVERNMENT OF KERALA

Abstract



Local Self Government Department – Order of the Hon'ble Administrative Tribunal in T. A No. 7395/2012 filed by Sri. Baby George – Complied with – Orders issued

LOCAL SELF (AB) DEPARTMENT

G.O.(Rt.)No. 1504/2022/LSGD

Dated, Thiruvananthapuram 22.06.2022

- Read :
1. Proceeding No-E1-3079/2007 dated 05/04/2008 issued by the Deputy Director of Panchayath, Kottayam, Kerala.
 2. Non Liability Certificate bearing No-E3 10899/03 dated 12/06/2008 issued by the Deputy Director of Panchayath, Kottayam, Kerala
 3. Revenue Recovery notice bearing No. B5-1785/08/753 dated 20/09/2008 issued by the Tahasildar, Revenue Recovery, Pala, Kottayam, Kerala.
 4. Letter No. BS/TA 7395/2012/AGO, dated 22/12/2021 from Advocate General, Ernakulam.
 5. Order of the Hon'ble Kerala Administrative Tribunal in No TA-7395/2012, dated 24/09/2018 (W.P.(C)/OP No. 30434/2008) filed by Sri. Baby George.

ORDER

Sri. Baby George retired from service on superannuation while serving as Grama Panchayath Secretary on 30/11/2003. He had uninterrupted service in the Dept with effect from 21/10/1971. He was granted his terminal benefits based on the Non-liability certificate, read as first paper above, issued by the Deputy Director of Panchayath, Kottayam.

However, as per paper read as second paper above, Revenue Recovery Notice was served to him on 20/09/2008 by the Tahasildar, Revenue Recovery, Pala long after his retirement from service based on the proceedings of the Deputy Director of Panchayath, Kottayam. The explanation of the Applicant was rejected, fixing an amount of Rs. 1,43,682/- (One lakh forty three thousand six hundred and eighty two only) as his liability towards excess pay and allowances drawn by the applicant owing to the refixation of pay and

increments from 1993 to 2003, which were challenged by the Applicant in the Transferred Application.

The Hon'ble Tribunal in their Order, read as fifth paper above, ordered that Non Liability Certificate, read as first paper above, by the Deputy Director of Panchayath, Kottayam was issued after being convinced that there were no liabilities outstanding against the applicant, whereas the Revenue Recovery notice, read as second paper above, was issued on more than five years after the retirement of the applicant from service and Hon'ble Tribunal also observed that the Deputy Director of Panchayath, Kottayam had no jurisdiction to fix such liability on a pensioner and also observed that as per the General rules (Note 3 of the part III KSR) even the power vested with the Government to fix any liability on a pensioner should be exercised within a period of three years from his retirement.

Government have examined the matter in detail and are pleased to order that the revenue recovery proceedings initiated, read as papers first and second above, against Shri Baby George has been withdrawn with immediate effect. The Director of Panchayath is directed to take urgent necessary steps to comply with Orders of the Hon'ble Kerala Administrative Tribunal in this regard.

The orders of Hon'ble Administrative Tribunal, read as fifth paper above, is complied with accordingly

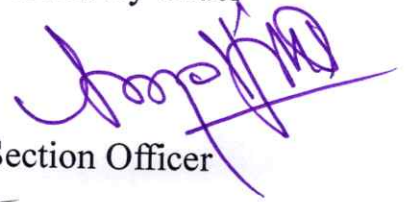
(By Order of the Governor)
BIJUKUTTAN.M.S
ADDITIONAL SECRETARY

To:

1. The Advocate General, Ernakulam. Kerala (with C/L)
2. The Director, State Audit Department, Kerala
3. The Director Panchayath, Directorate of Panchayath,
Thiruvananthapuram
4. The Deputy Director of Panchayath, Kottayam
5. Revenue Department, Kerala Government Secretariat (Requested to take necessary action to drop the revenue recovery proceedings initiated against the petitioner as per notice no. B5-1785/08/753 dated 20/09/2008 issued by the Tahasildar(RR), Pala, Kottayam, Kerala.)
6. The District Collector, Kottayam

7. The Tahasildar (RR) Revenue Recovery Office, Pala, Kottayam.
8. Sri. Baby George, Challuvayalil House, Thalanad P O, Erattupetta via, Kottayam
9. Information Kerala Mission, Thiruvananthapuram (For publishing in Website)
10. Web & New Media, Information and Public Relations Department
11. Stock File/Office Copy.

Forwarded/By Order



Section Officer

