



GOVERNMENT OF KERALA

Abstract

Finance Department- Judgement of Hon'ble High Court of Kerala dated 31/01/2022 in WP(C) No.20989/2021 – Complied with - Orders issued.

FINANCE (SFC Cell - A) DEPARTMENT

GO (Rt) No.4625/2022/Fin.

Dated, Thiruvananthapuram, 24 June 2022

- Read: 1. G.O (Rt) No.9823/2019/Fin dated 12/12/2019.
2. G.O (Rt) No.1381/2020/Fin dated 19/02/2020
3. G.O (Rt) No.1604/2019/Fin dated 19/02/2021.
4. Judgement of Hon'ble High Court dated 31/01/2022 in WP(C) No.20989/2021
5. G.O (Rt) No.4462/2022/Fin dated 17/06/2022.
6. Letter No. PW8/6190/20 dated 18/06/2022 from the Secretary, Kottayam Municipality.
7. Letter No. A4-1514/2022 dated 18/06/2022 from the Executive Engineer, Minor Irrigation Division, Kottayam.
8. Letter No. PW8/6190/20 dated 23/06/2022 from the Secretary, Kottayam Municipality.

ORDER

A special allocation of Rs. 250 crore was authorised to the Local Governments that were severely affected by 2018 floods during the FY 2019-20, as per G.O read as 1st and 2nd papers above. On the recommendation of Administrative Department, the amount that remained unspent in 2019-20 was reauthorised to the Grama Panchayats vide G.O read as 3rd paper above.

2) The Hon'ble High Court, vide judgement read as 4th paper above, disposed of the writ petition directing the Secretary, Finance Department to take immediate steps to enable Kottayam Municipality to raise appropriate bills at District Treasury for transferring the fund to the Executive Engineer, Minor Irrigation Division, Kottayam for disbursing the amount due to the petitioner.

3) In compliance to this, Government, vide G.O read as 5th paper above, directed the Kottayam Municipality to transfer credit an amount of ₹ 9,75,061 to the Executive Engineer, Minor Irrigation Division, Kottayam within 3 days time, failing which the amount would be recovered by the Government from the Development Fund due to the Municipality for the current FY and the same be transfer credited to the Bank Account/Head of Account of the Executive Engineer, Minor Irrigation Division, Kottayam.

4) The Secretary, Kottayam Municipality, vide letter read as 6th above, informed his inability to transfer credit the amount to the Executive Engineer, Minor Irrigation Division, Kottayam citing technical difficulty.

5) The Executive Engineer, Minor Irrigation Division, Kottayam, vide letter read as 7th above, reported that ₹ 9,75,061/- is not sufficient to comply with the court order and informed that an amount of ₹ 12,10,000/- is required to settle the claim of petitioner and other statutory deductions like GST, IT, KCWWF etc. The Secretary of the Kottayam Municipality, as per letter read as 8th above, has confirmed the amount of ₹ 12,10,000/-.

6) Government have examined the matter in detail and are pleased to accord sanction to transfer credit an amount of ₹12,10,000/- (Rupees Twelve Lakh Ten Thousand only) from the head of account "3604-00-200-81-(02)-35(NP)" to the H/a "8443-00-108-00-00-PW Deposit" operated by the Executive Engineer, Minor Irrigation Division, Kottayam to comply with the judgement of Hon'ble High Court in WP(C)No.20989/2021. The Executive Engineer, Minor Irrigation Division, Kottayam shall immediately disburse the aforesaid amount to the aggrieved petitioner. The amount so transfer credited shall be recovered from the second instalment of Development Fund due to the Kottayam Municipality for the FY 2022-23.

7) The Under Secretary, Finance (Accts) Department is authorized to effect the transfer credit forthwith.

8) The judgement of the Hon'ble High Court is thus complied with by the Finance Department.

9) The G.O read as 5th paper above stands cancelled.

(By Order of the Governor)
RAJESH KUMAR SINGH IAS
Additional Chief Secretary to Government (Finance)

To

The Principal Accountant General (Audit-I), Kerala, Tvpm
The Principal Accountant General (A&E), Kerala, Tvpm
The Accountant General (Audit-II), Kerala, Tvpm
The Director of Urban Affairs, Tvpm
The Secretary, Kottayam Municipality.
The Executive Engineer, Minor Irrigation Division, Kottayam.
The Executive Director, Information Kerala Mission, Tvpm.
The Director, Information and Public Relations Department, Tvpm.
The Local Self Government (FM) Department
The Nodal Officer, Finance Department(www.finance.kerala.gov.in)
The Finance (BW-J/ Dev. Wing/ SS) Department
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Forwarded/ By order


Section officer.