



## GOVERNMENT OF KERALA

### Abstract

Local Self Government Department - Engineering Wing - Reckoning of prior service and other service benefits - Order dated 21.07.2022 of the Hon'ble Kerala Administrative Tribunal in OA No.1874/2021 - Complied with - Orders issued.

### **LOCAL SELF GOVERNMENT (EWB) DEPARTMENT**

G.O.(Rt)No.218/2023/LSGD Dated, Thiruvananthapuram, 25-01-2023

Read 1 G.O(P)No.228/2001/Fin dated 02.02.2001.

2 Order of the Hon'ble Kerala Administrative Tribunal dated 21.07.2022 in OA No.1874/2021.

3 Representations submitted by Sri.Krishnankutty.N, AE (rtd) dated 22.09.2021 & 18.08.2022.

Letter No.E18/10333/2017/CE/LSGD dated 12.08.2022, 22.09.2022, 13.10.2022, 13.11.2022 and 17.11.2022 from the Chief Engineer, LSGD.

### **ORDER**

Sri. Krishnankutty.N, Assistant Engineer(Rtd) has filed an OA No.1847/2021 before the Hon'ble Kerala Administrative Tribunal, praying for a direction to reckon his prior service in the Home Department as qualifying service for pensionary benefits.

2. The Hon'ble Kerala Administrative Tribunal, in its order dated 21.07.2022, disposed of the OA directing the 1<sup>st</sup> respondent ie; Government to consider and pass appropriate orders on his representation in accordance with law after affording him an opportunity of personal hearing within a period of three months from the date of receipt of a copy of the order.

3. The prayer in Annexure A6 representation is that the applicant has joined the Police Department on 01.04.1988 as Police Constable following the advice of Kerala Public Service Commission vide letter

no. DTA (4) 774/84 dated 17.02.1988. While working as Police Constable, he relieved his duties from the Police Department on 14.11.1991 AN for joining in the Municipal Common Services as Work Superintendent which was also based on the advice memo of Kerala Public Service Commission. Accordingly he joined the said post in the Irinjalakuda Municipality on 15.11.1991. On 30.04.2017, he retired from service on superannuation while holding the post of Assistant Engineer in Local self Government Engineering Department. Following the sanction of his pension, it was noted by the applicant that his prior service as Police Constable in Home Department for the period from 01.04.1988 to 14.11.1991 has not been reckoned for total qualifying service. Upon noted the anomaly, he had approached the Chief Engineer, LSGD, Engineering Wing but no action was resorted to due to the non availability of proper records.

4. The report of the Chief Engineer in this regard is as follows. The prior service in Home Department of the applicant is not seen entered in his Service Book wherein his first entry is shown as Work Superintendent in Irinjalakkuda Municipality on 15.11.1991FN. Moreover, regarding the prior service in the Home Department in respect of the retired officer, no more documents are available in that office or mentioned anywhere in the Service Book available in that office. It is therefore reported that he was not in a position to reckon the above service which is seen endorsed by the Accountant General as well on the above ground.

5. Based on the Order read as 2<sup>nd</sup> paper above, the applicant was heard by Govt on 11.10.2022 and it is established that his prior service as Police Constable in Home Department was not entered in his Service Book that he maintained during the service period of Local Self Government Department. Since the first entry of his service is seen as noted as Work Superintendent, Irinjalakudda Municipality with effect from 15.11.1991 in his Service Book, the action in having fixed the pensionary benefits by the Chief Engineer in light of the available documents was in order.

6. During the hearing, the applicant argued that the Service Book carrying the prior service in Home Department is available in Irinjalakuda Municipality and part of the same has been got confirmed by an RTI request. Hence the Chief Engineer was directed to obtain the Service Book in respect of the applicant showing his prior service in Home Department.



7. The service Book in respect of the applicant in Home Department has been received on 23.11.2022. On examining the same, it is vindicated that the petitioner had prior service in Home Department as Police Constable. He had joined the service in Home Department on 01.04.1988 and relieved his duties on 14.11.1991 AN . After joined in the Local Self Government Department service as Work Superintendent in Irinjakkuda Municipality on 15.11.1991FN itself, he had continued there without any break of service which seems to be the eligible period for qualifying service.

8. In such a scenario, Government have examined all aspects of the matter in detail. In light of the said facts , it is established that the applicant had prior qualifying service in Home Department before his entry into LSGD. Government is therefore of the view that he is entitled to get the above period as well for reckoning his total qualifying service. In the above circumstances, the Chief Engineer is hereby directed to take urgent steps to reckon the prior regular service as Police Constable in Home Department in respect of Sri.Krishnankutty.N , Assistant Engineer (rtd) , Local Self Government Department as per the conditions laid down in GO read as 1<sup>st</sup> paper above.

9. The order of the Hon'ble Kerala Administrative Tribunal vide read as 2<sup>nd</sup> paper above is thus complied with accordingly.

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

To:

1. The Officer concerned (through the Chief Engineer, LSGD).
2. The Chief Engineer, LSGD, Thiruvananthapuram (the acknowledgement of Service Book may be intimated).
3. The Advocate General, Thiruvananthapuram (with Covering Letter).
4. The Accountant General (A&E/Audit) Kerala, Thrissur.
5. The Executive Director, Information Kerala Mission.
6. The Web & New Media, I & PRD.
7. Stock File/Office Copy.

Forwarded /By order

Signed by

Subha S

Date: 25-01-2023 16:48:44

