



GOVERNMENT OF KERALA

Finance (PRU) Department

CIRCULAR

No. 92/2003/Fin.

Dated, Thiruvananthapuram, 2nd December, 2003

Sub:- Pay-Revision-Re-option-Monetary Benefit-Further Clarification.

- Ref:-
1. Circular No. 46/90/Fin., dated 22-6-1990
 2. Circular No. 13/96/Fin., dated 18-03-1996.
 3. Circular No. 43/97/Fin., dated 23-05-1997.
 4. Government Letter No. 63376/2000/Fin. dated 3-11-2000 addressed to the D.E.O., Thrissur.
 5. G.O. (P) No. 1062/2001/Fin. dated 25-09-2001.
 6. G.O.(P)No. 206/2003/Fin. dated 5-04-2003.
 7. Common judgement in O.P. No. 8951/2002 & 115 other O. Ps.

In all cases of re-option, based on the revision of pay scales, the same is sanctioned under two conditions.

- (i) Excess will be refunded in lump.
- (ii) Arrears will be payable from the date of filing of re-option only.

2. In the Circular 1st cited, Government have laid down the procedure for refund of excess amount drawn while exercising re-option. The 1st condition for acceptance of re-option, i.e. excess will be refunded in lump was slightly modified to the extent that the excess amount drawn will be adjusted against the arrears due and the balance, if any, will be refunded in lump vide the Circular 2nd cited. In the Circular 3rd cited, it has again been clarified that arrears of pay on account of re-option will be payable only from the date of filing re-option and not from the date of effect of re-option.

3. In the G.O. read as 5th and 6th paper above, Government have again reiterated, among other things that arrears consequent on re-option will be allowed from the date of filing re-option only. This is the consistent stand taken by Government in all cases of re-option.

4. But in the letter 4th cited, in connection with O.P. No. 18560/2000, Government had clarified that the excess to be refunded is the excess drawal after due adjustment and the arrears are payable to the employees only with effect from the date of filing re-option. Arrears prior to the date of exercise of re-option may be adjusted against the excess drawal by the employees.

5. Now, it has come to the notice of Government that several Writ Petitions were filed in the High Court quoting the Government letter 4th cited and the Hon'ble Court have delivered judgement on the basis of the letter vide the common judgement 7 th cited. As stated

above, it is the consistent stand of Government that the arrears are payable to the employees only with effect from the date of filing re-option and excess has to be adjusted against this arrear. The Government letter 4th cited above does not reflect the correct stand of the Government and the same is issued against the consistent stand taken by the Government. Since the letter 4 th cited is a deviation from the consistent stand taken by the Government from the very inception of the Scheme of re-option, if the same is allowed to stand, it will open a flood gate of request for re-option and the financial implication will be huge, which the Government cannot resist, in the present stringent financial position.

6. Considering all these aspects, Government wish to clarify that the clarification given to the District Educational Officer, Thrissur in the letter 4th cited above does not express the stand of the Government correctly and Government have no intention to give general applicability to the said letter.

7. It is once again clarified and emphasised that arrears of pay on account of re-option will be payable only from the date of filing re-option and not from the date of effect of re-option.

SUDHA PILLAI,
Principal Secretary (Finance)

To

The Principal Accountant General (Audit), Kerala, Thiruvananthapuram.

The Accountant General (Accounts and Entitlements),

Kerala, Thiruvananthapuram

All Heads of Departments and Offices.

All Departments (all Sections) of the Secretariat.

The Secretary, Kerala Public Service Commission (with C.L.)

The Registrar, University of Kerala/Cochin/Calicut (with C.L.)

The Registrar, Mahatma Gandhi University, Kottayam (with C.L.)

The Registrar, University of Kannur, Kannur (with C.L.)

The Registrar, University of Sanskrit, Ernakulam (with C.L.)

The Registrar, Kerala Agricultural University, Mannuthy, Thrissur (with C.L.)

The Advocate General, Ernakulam (with C.L.)

The Secretary, Kerala State Electricity Board, Thiruvananthapuram (with C.L.)

The Managing Director, Kerala State Road Transport Corporation

Thiruvananthapuram (with C.L.)

All Principal Secretaries, Secretaries, Additional Secretaries, Joint Secretaries,

Deputy Secretaries and Under Secretaries to Government.

The Secretary to Governor.

The Private Secretaries to the Chief Minister and other Ministers.

The Private Secretary to Speaker.

The Private Secretary to Deputy Speaker.

The Private Secretary to the Leader of Opposition.

The Additional Secretary to the Chief Secretary.

The Director of Public Relations, Thiruvananthapuram.