



GOVERNMENT OF KERALA
Abstract

Local Self Government Department - Rural Development- Establishment- Final order dated 12.06.2015 of the Honourable Kerala Administrative Tribunal in OA(EKM)221/2015 filed by Sri.K.P.Chackochan, Driver(HG) Retired - Complied with- Orders issued.

LOCAL SELF GOVERNMENT (ERB) DEPARTMENT
G.O.(Rt).No.3525/2015/LSGD. Thiruvananthapuram, Dated, 27.11.2015

- Read:- (1) G.O.(Rt)No.3058/2012/LSGD, dated 06.11.2012.
(2) Representation dated 31.12.2014 from Shri.K.P.Chackochan, Driver(HG), Retired (A7).
(3) Final Order dated 12.06.2015 of the Honourable Kerala Administrative Tribunal in OA(EKM)221/2015 filed by Sri.K.P.Chackochan, Driver(HG) Retired.
(4) Letter No.13850/Estt.C1/15/CRD, dated 06.11.2015 from the Commissioner for Rural Development.
(5) Order No.MA 2561/2015 in O.A.(EKM) 221/2015, dated 21.10.2015 of Hon'ble Kerala Administrative Tribunal.

ORDER

Shri.K.P.Chackochan, Driver (HG) Retired, Poverty Alleviation Unit, District Panchayath Office, Idukki has submitted representation before the Government as per 2nd paper read above, requesting to grant pensionary benefits in pursuance of the Order read as 1st paper above. He has stated that he entered service as Driver in Rural Development Department on 04.09.1986. He retired from service on 31.03.2011 while working at the Office of the Assistant Development Commissioner, Poverty Alleviation Unit, District Panchayath Office, Painavu in Idukki District. Grade promotion granted long before was objected by the Accountant General recently and Pension proposal of him was accordingly returned and minimum pension is sanctioned.

As per the order dated 15.05.2012 of the Hon'ble Kerala Administrative Tribunal in O.A.No.619/12 filed by the petitioner earlier directed the Government to pass orders upon the representation submitted by the Petitioner. Purported to be compliance, the Government directed the Commissioner for Rural Development to rectify the anomalies in grade promotion granted to Shri.Chackochan and to disburse the pensionary benefits at the earliest as per Government Order read as 1st paper above. Being delayed,

petitioner approached the Tribunal again and filed O.A.No.92/13. As per the Order dated 28.01.2013 in O.A.No.92/2013, the Tribunal directed the Commissioner for Rural Development to implement the order and release the consequential benefits to the Applicant within three months. Due to non-compliance with the Order, the petitioner moved C.P.No.76/2013 and the Tribunal directed the Commissioner to comply with the Order. The Project Director, Poverty Alleviation Unit, Idukki issued orders fixing the liability of Rs.90583/- to the Petitioner.

Aggrieved by this Petitioner filed O.A.(EKM) 221/15 before the Kerala Administrative Tribunal. As per the order read as 4th paper above, the Honourable Kerala Administrative Tribunal has directed the first respondent, the Secretary, Local Self Government Department to consider and pass orders on the representation read as 2nd paper above in accordance with law after affording an opportunity of being heard to the applicant within 3 months from the date of receipt of a copy of the Order.

In compliance to the order of the Kerala Administrative Tribunal, the applicant was heard by the Under Secretary, Local Self Government (ERB) Department on 29.09.2015. During the hearing the petitioner stated that the Project Director, Poverty Alleviation Unit assessed a liability of Rs.90583/- against him towards excess pay drawn by him while fixing the pay at Rs.19240/- w.e.f. 01.09.2010, he was drawing the basic pay of Rs.19,240/- at the time of retirement on 31.03.2011, but his pensionary benefits have not been settled based on the last pay drawn. He requested that his pensionary benefits may be settled after adjusting the liability of Rs.90583/- against his DCRG or other pensionary entitlements so as to arrive at a speedy settlement in view of his poor health condition and indigent circumstance of his family as there are no other resource to depend on.

On the expiry of the stipulated time limit on 06.10.2015, a time extension petition has been filed and as per read as fifth paper above the Hon'ble Court granted two months from 07.10.2015.

As per 4th paper read above, the Commissioner for Rural Development has reported that the petitioner had been sanctioned the Grade promotion as per Order No.Estt.C1/3584/2001/CRD dated 12.07.2001 of Commissioner for Rural Development with effect from 04.09.1986 (date of entry in service). In the Inspection report, Accountant General pointed out that the promotion granted with effect from the date of appointment itself, ie. before completion of

probation is irregular and the promotion granted may be reviewed and revised, and pay fixation regulated accordingly.

The Commissioner for Rural Development, as per Order No. 29161/Estt.C1/11/CRD dated 10.05.2013 directed Project Director, Poverty Alleviation Unit, Idukki to fix the date of Grade Promotion with effect from 31.05.1989 and recover the excess pay consequent of the revision of Pay. As per the direction of the above, an amount of Rs.90,583/- was fixed as liability by the Project Director, Poverty Alleviation Unit and informed the petitioner to remit the excess amount of Rs.90,583/-. The Commissioner for Rural Development has also reported that after submitting the remittance certificate, the revised pension proposal will be submitted to the Accountant General. But the petitioner has not remitted the amount so far.

Government have examined the matter in detail and are pleased to order that the Commissioner for Rural Development should take action to settle the pensionary claim of Shri.K.P.Chackochan, Driver (H.G.) Retired within one month by adjusting the liability of Rs.90,583/-(Rupees ninety thousand five hundred and eighty three only) from the DCRG of the petitioner after accepting an undertaking from him and thereby complying with the Final Order dated 12.06.2015 of the Honourable Kerala Administrative Tribunal in OA(EKM)221/2015.

By Order of the Governor

JAYASREE.T.

UNDER SECRETARY

To: Sri.K.P.Chackochan, Kizhakkedath.P.O, Avoly, Muvattupuzha, Pin- 686677.

The Commissioner for Rural Development, Thiruvananthapuram.

Advocate General, Thiruvananthapuram Branch (With C/L)

The Principal Accountant General, (Audit) Kerala,

Thiruvananthapuram

The Accountant Genral (A&E), Kerala, Kottayam

✓ Information Kerala Mission, Thiruvananthapuram

The Stock file/Office copy

Forwarded/By Order



Section Officer