



GOVERNMENT OF KERALA

**Abstract**

LSGD - Engineering Wing - Establishment - Shri. Mathew Tharian Kottam, Executive Engineer (Retd) - Payment of interest on the DCRG amount for the delayed period - Order dated 26-03-2014 of the Hon'ble Kerala Administrative Tribunal in OA No.2678/2013 and the judgement dated 24-07-2015 of the Hon'ble High Court in RP No.185 of 2015 (Z) in OP (KAT) No.280/2014 - Directions complied with – Interest on DCRG sanctioned - Orders issued.

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**LOCAL SELF GOVERNMENT (EW) DEPARTMENT**

G.O. (Rt) No.2074/2016/LSGD. Dated, Thiruvananthapuram, 05-07-2016.  
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- Read:-
1. Interim Order dated 22-01-2014 and Order dated 26-03-2014 of the Hon'ble KAT in OA No.2678/2013 filed by Shri. Mathew Tharian Kottam, Executive Engineer(Rtd).
  2. Interim Order dated 25-08-2014 of the Hon'ble HC in OP (KAT) No. 280/2014 (Z).
  3. Proceedings No. E18/4326/2012(1) dated 18-09-2014 of the CE, LSGD, Thiruvananthapuram.
  4. Judgement dated 04-11-2014 of the Hon'ble High Court in OP (KAT) No.280/2004 (Z).
  5. Letter No. LC 3/15-210 (144)/13-14/660/1235 dated 05-11-2014 from the Principal Accountant General (A&E) Kerala, Thiruvananthapuram.
  6. Judgement dated 24-07-2015 of the Hon'ble High Court in R.P. No. 185 of 2015(Z) in OP(KAT)280/2014.
  7. Letter No.E18/4326/2012/CE/LSGD dated 20-10-2015 and 24-11-2015 from the CE, LSGD, Thiruvananthapuram

**ORDER**

Shri. Mathew Tharian Kottam, Executive Engineer (Retd), Idukki District Panchayat filed OA No.2678/2013 before the Hon'ble KAT to get the DCRG amount due to him released and to get 18 % interest for the period the amount was withheld by the Government. As per the orders in the said OA read as paper 1<sup>st</sup> above, the Hon'ble KAT directed the respondents to release the DCRG due to the applicant with a specific direction to the 2<sup>nd</sup> respondent, ie., Government in LSGD, to sanction 9 % interest for the amount of DCRG

due to the applicant for the period from 01-03-2012 up to the date of payment of the same to him.

2. Government preferred appeal against the aforesaid order of the Hon'ble KAT and accordingly OP (KAT) No.280/2014 (Z) was filed before the Hon'ble High Court. In the interim order read as paper 2<sup>nd</sup> above, the Hon'ble High Court stayed the operation of the order passed by the Tribunal in OA No.2678/2013 and directed that the DCRG amount due to Shri. Mathew Tharian Kottam shall be paid after deducting ₹. 1,16,906/- (One lakh sixteen thousand nine hundred and six rupees only) and without interest.

3. In compliance with the above direction of the Hon'ble High Court, sanction was accorded by the Chief Engineer, LSGD as per the proceedings read as paper 3<sup>rd</sup> above, for releasing the pensionary benefits to Shri. Mathew Tharian Kottam after deducting an amount of ₹. 1,16,906/- from the DCRG. The Principal Accountant General (A&E) of Kerala as per the letter read as 5<sup>th</sup> paper above, informed that authorisation has been given for releasing DCRG of ₹. 5,83,094/- out of the total due of ₹. 7,00,000/- after withholding liability amount of ₹. 1,16,906/-.

4. In the judgement read as 4<sup>th</sup> paper above, the OP (KAT) No.280/2014 was dismissed by the Hon'ble High Court. Government have preferred a Review Petition on this judgement and as per the judgement read as 6<sup>th</sup> paper above, the Hon'ble High Court has corrected the date of payment of interest as 01-12-2012 instead of 01-03-2012 and made it clear that Shri. Mathew Tharian Kottam is entitled to get interest on DCRG as ordered by the Hon'ble Tribunal from 01-12-2012 onwards.

5. Government have examined the matter in detail and hereby accorded sanction to the Chief Engineer, LSGD to pay interest at 9 % on the amount of ₹.5,83,094/- (Rupees Five lakhs eighty three thousand and ninety four only),

the amount admissible after deducting the liability of ₹.1,16,906/- from the due amount of ₹.7,00,000/- for the delayed period, ie., from 01-12-2012 to 17-09-2014 (the date immediately prior to the date of 18-09-2014 on which the Chief Engineer, LSGD ordered payment of DCRG)

6. The expenditure in this regard shall be met from the Head of Account "2071-01-104-88 (C) NP"

7. The matter is disposed of as ordered above and thereby the direction of the Hon'ble Kerala Administrative Tribunal and the Hon'ble High Court are complied with accordingly.

(By Order of the Governor)

**B.S. PAVANAKUMARI**

Additional Secretary to Government

To

1. The Chief Engineer, LSGD Thiruvananthapuram.
2. The Principal Accountant General (A&E/Audit) of Kerala, Thiruvananthapuram (This is issued with the concurrence of the Finance Department)
3. Shri. Mathew Tharian Kottam, Executive Engineer (Rtd.), G-307, Panampally Nagar, Kochi 682 036.
4. The Advocate General, Ernakulam / Thiruvananthapuram (with C/L)
5. The District Treasury Officer / Sub Treasury Officer concerned (through the CE, LSGD)
- ~~6.~~ The Executive Director, IKM, Thiruvananthapuram.
7. The Web and New Media, I&PRD
8. The Finance (Pension – A) Dept. (Ref: 13233/Pen.A1/14/Fin dated 10-12-2014 and 146375/Pen A1/15/Fin. Dated 28-12-2015)
9. The Fisheries and Ports (D) Dept. (Ref:16613/D2/13/F&PD dated 02-02-2014.
10. Stock File/Office Copy.

Forwarded/By Order



Section Officer

