



GOVERNMENT OF KERALA

Abstract

Local Self Government Department - Establishment - Final Order in OA No.1317/2015 filed by Sri.Tomy K. Thomas, Block Development Officer (Rtd.) before Hon'ble Kerala Administrative Tribunal, Thiruvananthapuram - Complied with - Orders issued.

LOCAL SELF GOVERNMENT (ERA) DEPARTMENT

G.O(Rt) No.467/2017/LSGD

Dated, Thiruvananthapuram, 18.02.2017.

- Read: 1) Proceedings No.Estt.B1/13868/10/CRD dated 05.06.2010 of the Commissioner of Rural Development, Thiruvananthapuram.
- 2) Proceedings No.30059/Estt.B1/2009/CRD dated 12.12.2013.
- 3) Representation dated 06.07.2015 from Sri.Tomy K. Thomas, Block Development Officer (Rtd.)
- 4) Final Order dated 18.09.2015 in OA No. 1317/ 2015 filed by Sri.Tomy K. Thomas, Block Development Officer (Rtd.) before Hon'ble Kerala Administrative Tribunal, Thiruvananthapuram.
- 5) Letter.No.4934/Estt.B1/15/CRD dated 01.01.2016 of the Commissioner for Rural Development, Thiruvananthapuram.

ORDER

Sri.Tomy K. Thomas, Block Development Officer (Rtd.) had filed OA 1317/ 2015 before the Hon'ble Kerala Administrative Tribunal, praying to issue orders to release his annual increments due 1.6.2011, 1.6.2012, 1.6.2013 and 1.6.2014 and also to consider and pass favourable orders on Annexure A9 representation.

2. Sri.Tomy.K.Thomas, BDO (Rtd.), who commenced regular service as Village Extension Officer on 7.1.1985 and while working as Joint Block Development Officer was promoted to the cadre of Block Development Officer vide Proceedings read as 1st paper above. At the time of promotion, the petitioner was working on deputation basis in the Total Sanitation Campaign and on promotion he was allowed to continue on deputation in the same scheme under the same Department. On promotion, his pay was fixed at Rs. 23,480/ in the higher scale on 7.6.2010 and thereafter he was not granted annual increments for want of declaration of probation. His service has been regularized under Rule 28 (a) (i) of Part I, KS&SSRs as per the Proceedings read as 2nd

paper above with effect from 1.12.2013 and was on probation for 2 years with effect from 1.12.2013 i.e., the date of regularisation of appointment, and he was retired from service on superannuation on 28.02.2015.

3. Aggrieved by the denial of annual increments from 2011 onwards, he had submitted representations to Accountant General, CRD and Principal Secretary, LSGD. In his representation dated 6.7.2015 (Annexure A9) he has stated that due to the denial of annual increments from 2011 onwards, his pensionary benefits were calculated based on pay fixed on 2010 as per General Pay Revision. He claims that as per Rule 9(a) V of Part II of KS&SSR, he is entitled to yearly increments. It is also stated that as the date of regularisation in the cadre of Block Development Officer is 1.12.2013 and the period of probation insisted was 2 years, there was no sufficient period for him to complete the period of probation before retirement. His prayer is to issue orders to release his annual increments due on 1.6.2011, 1.6.2012, 1.6.2013 and 1.6.2014.

4. The Hon'ble Kerala Administrative Tribunal, vide order read as 4th paper above, has disposed of the said OA with a direction to the Government to take a decision on Annexure A9 representation, after affording an opportunity of hearing to the applicant within three months from the date of receipt of a certified copy of the order. As per the direction of Hon'ble Kerala Administrative Tribunal, the petitioner was heard on 4.1.2016. At the time of hearing he stated that a similar case was sanctioned as per G.O(Rt) No.4/15/LSGD dated 01.01.2015.

5 Government have examined the case in detail. As per Rule 31(f), Part II, KSSRs, the pay of the temporary promotees can be fixed in the scale of the promotion post and increments in the time scale at appropriate time intervals can be sanctioned. Hence Sri.Tomy K.Thomas is eligible for getting regular increments during his period of temporary service in the post of BDO. As per Rule 37 (B) (b) (i) P I KSRs, a probationer whose period of probation is two years and whose increment is annual is eligible for the first increment in the time scale of probation post after putting in the service required to earn an increment. As the probation of Sri.Tomy K.Thomas in the cadre of BDO starts w.e.f 1.12.13 as per Rule 37(B) (b) (i) P I KSRs, he is eligible for the first increment in the time scale of BDO after putting in one year qualifying service in the time scale, i.e., on 1.6.2014. He retired from service on 28.02.2015 before declaration of his probation for considering the sanction of next increment. Hence Sri.Tomy K.Thomas is eligible for increments in the post of BDO which due on 1.6.2011 and 1.6.2012, 1.6.2013 and 1.6.2014.

6. In the circumstances, Government are pleased to accord sanction for granting annual increments to Shri.Tomy K.Thomas, Block Development

Officer (Rtd.) in the post of Block Development Officer, which is due on 1.6.2011, 1.6.2012, 1.6.2013 and 1.6.2014. The Commissioner for Rural Development shall take further action in the matter.

7. The Hon'ble Kerala Administrative Tribunal's order read as 4th paper above is complied with accordingly.

By Order of the Governor

**JAYASREE M.
Under Secretary**

To

Sri.Tomy K. Thomas, Block Development Officer (Rtd), Kumminiyl House, Mariyapuram P.O., Idukki - 685 602

The Commissioner for Rural Development, Thiruvananthapuram.

The Advocate General, Advocate General's Office,
Thiruvananthapuram Branch, Vanchiyoor, Thiruvananthapuram
(with covering letter)

The Principal Accountant General (Audit), Kerala, Thiruvananthapuram

The Accountant General (A&E), Thrissur.

Finance Department (Vide u.o(f) No.DEV-1/53/2016-Fin dated 10.05.2016)

Persoannel & Administrative Reforms Department (Vide u.o (f) 1437/B2/2016/P&ARD dated 3.2.2016).

✓ Information Kerala Mission, Thiruvananthapuram.

I & PR Department (For publication in the Government Website)

Stock File/Office Copy.

Forwarded/by Order


Section Officer