



GOVERNMENT OF KERALA

Abstract

Local Self Government Department – Establishment – OA(EKM) 945/15 (CP(C) No.206/2016) filed by Sri.K.Radhakrishnan, Secretary, Kerala Municipal Pensioners' Welfare Society – Order dated 19/01/2016 of the Hon'ble Kerala Administrative Tribunal – Complied with – Orders issued.

LOCAL SELF GOVERNMENT (EU) DEPARTMENT

GO(Rt) No. 674/2017/LSGD

Thiruvananthapuram, Dated:13 /03/2017

Read:- 1) Representation dated 19/08/2015 submitted by Sri.K.Radhakrishnan, Secretary, Kerala Municipal Pensioner' Welfare Society (Annexure - A10)
2) Order dated 19/01/2016 of the Hon'ble Kerala Administrative Tribunal in OA(EKM) 945/15 (CP(C) No.206/2016) filed by Sri.K.Radhakrishnan, Secretary, Kerala Municipal Pensioners' Welfare society.
3) GO(MS) No.49/2016/LSGD dated 04/03/2016

ORDER

Sri.K.Radhakrishnan filed OA(EKM) No.945/15 with a prayer to take over the pension liabilities of Municipal Common Service by Government of Kerala and disburse the same through the Bank / Treasury. In the order read as 2nd paper above, the Hon'ble Kerala Administrative Tribunal directed the 1st Respondent (State Of Kerala) to take a decision in Annexure – A10 representation, read as 1st paper above, after affording an opportunity of being heard to the applicant.

2) In accordance with the direction contained in the said Order of the Hon'ble Kerala Administrative Tribunal, the applicant was heard on 04/05/2016. During the hearing the applicant submitted the following;

The Pension Scheme started on 01/10/1991 and they have been getting pension from 01/04/1997 onwards. But now, the pensioners have not getting pension as expected and are not receiving the same timely, which is causing hardships. The fund / amount and other allied matters are insufficient and priority is given to the

present employees in the Municipalities. They are getting salary but the pensioners are avoided and are not getting pension timely. They have contributed and have settled their contribution to the Central Pension Fund before retirement but they are not getting pension uninterruptedly. The applicant demanded that the Government should take over the pension liabilities completely and the pension authority should be the Government. They cannot depend on the Municipality since they are afraid that they get pension only in the mercy of the Municipal Council. They requested to implement the recommendations of "Kutty Amammed Kutty Commission" which is favourable to them.

3) Government have examined the case in detail. As per Government Order read as 3rd paper above, direction was given to Municipalities / Corporations to utilize the amount from the General Purpose Grant for the purpose of payment of pension and other retirement benefits of the retired employees of the Municipal Common Service. "Kutty Ahammed Kutty Commission" has made various recommendations to Government. The direction contained in the order, vide reference 1st paper above, is to dispose Annexure – A10 representation, vide reference 2nd paper above, after affording an opportunity of hearing and to take a decision. But during the hearing the applicant demanded to implement the recommendations of "Kutty Amammed Kutty Commission" which is not mentioned in Annexure – A10 representation.

4) At present State Government is implementing the recommendations of State Finance Commission regarding the share of tax/fund etc. allotted to Local Self Govt. Institutions. The expenditure of LSGIs viz, salary, pension etc. which are of recurring nature are to be born by such institutions from their own fund. However, with a view to filling the gap between such recurring expense of Local Self Government Institutions (LGSIs) and their own fund, every year State Govt. is providing 3.5% of its tax receipts as general purpose fund to these institutions. But such fund given are not as an alternative to their own funds of LGSIs. It is solely the duty of every institution to initiate necessary steps to ensure their own revenue growth and to achieve financial stability with a view to bearing such basic

recurring expenses viz, salary, pension etc. Moreover, in the present fiscal position of the State no additional financial commitment can be borne by Govt. towards pension expenses.

5) Thus the request of the Kerala Muncipal Pensioners Welfare Society to disburse pension through Bank / Govt. treasuries by transferring the corpus of Central Pension Fund to the Govt. at this juncture is unwise and unjustifiable and it is against the general principles evolved out based on the recommendations of State Finance Commission. Moreover, Municipalities / Corporations are permitted to utilize the amount from the General Purpose Grant given by the State Government for the purpose of payment of pension and other retirement benefits of the retired employees of Muncipal Common Service.

6) In these circumstances, it is ordered that the request in the Annexure – A10 representation read as 1st paper above stands rejected.

7) Hence the Order read as 2nd paper above of the Hon'ble Kerala Administrative Tribunal is complied with accordingly.

(By Order of the Governor)
S.MOHANDAS
Joint Secretary

To

The Director of Urban Affairs, Thiruvananthapuram
The Advocate Genral, Kerala; Thiruvananthapuram (With C/L)
Principal Accountant Genral (Audit), Thiruvananthapuram
Sri.K.Radhakrishnan, Secretary, Kerala Muncipal Pensioner' Welfare Society,
Palakkad.

Finance Department (vide WW1/184/15/Fin dated 25/02/2017)

✓ The Executive Director, Information Kerala Mission, Thiruvananthapuram
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Section Officer