

19010

2/9/17



GOVERNMENT OF KERALA

Abstract

LSGD - Engineering Wing - OA No.712/2017 filed by Smt. M. Radha, Building Inspector(Rtd) - Order dated 09.6.2017 of the Hon'ble Kerala Administrative Tribunal- Complied with - Orders issued

**LOCAL SELF GOVERNMENT (EW) DEPARTMENT**

GO (Rt) No.2915/2017/LSGD.

Dated, Thiruvananthapuram, 24.08.2017.

- Read:-
- 1 Representation dated 13.12.2016 from Smt. M. Radha.
  - 2 Order dated 09.06.2017 of the Hon'ble Kerala Administrative Tribunal in OA No.712/2017.
  - 3 Letter No. E4-18468/2017 dated 08.08.2017 & 30.06.2017 from the Director of Urban Affairs.
  - 4 Letter No. E9/13475/2016/CE/LSGD dated 08.08.2017 from the Chief Engineer, LSGD.
  - 5 Letter No. GE5/35641/16/Vol.II dated 08.08.2017 from the Secretary, Corporation of Thiruvananthapuram.

ORDER

As per order read as 2<sup>nd</sup> paper above, the Hon'ble Kerala Administrative Tribunal have disposed of the OA No.712/2017 directing the first respondent, the Government to consider the request of the petitioner in Annexure A7 representation, read as 1<sup>st</sup> paper above, in accordance with law and pass orders after affording an opportunity of being heard to the applicant within a period of two months from the date of receipt of a copy of the order.

2. The applicant Smt. M. Radha entered into Kerala Municipal Common Service as Public Work Overseer Gr II on 02.02.1987 and retired from service on superannuation on 31.03.2010 as Building Inspector from the Corporation of Kozhikode. There were certain anomalies in the fixation of her pay and allowances and grant of Higher Grade. The computation of Leave Account also was not proper. The pay revision benefit has not been properly extended to her and this is reflected in the pension and other pensionary benefits.

3. Main contentions of the applicant in the Annexure A7 representation read as 1<sup>st</sup> paper above are as follows:

i). to correct the scale of pay as Rs 11070-18450 instead of Rs 9190-15510 for regulating her pay in accordance with GO (P) 145/2006 Fin. Dated 25th March 2006.

ii). to recalculate the Earned Leave acquired on 1<sup>st</sup> year of service in the ratio 1/11 instead of 1/22 in accordance with circular No. 48/2007/ Fin dated 16th June 2007 and to sanction arrears of Terminal Surrender.

iii). to regulate her pay and allowances as per the provisions envisaged in GO (P) 85/2011 Fin Dated 26.2.2011 and revise her pensionary benefits accordingly.

iv). to sanction and issue penal interest @ 18% from 1.4.2011 for DCRG and commutation including revised benefits up to the date of disbursement.

v). to waive the liability reported from the corporation of Thiruvananthapuram due to lack of relevant records and non- sustainability according to Ruling 5 of Rule 116 of Part III, KSRs.

vi) to waive the reported liability of Scooter Advance availed by her since the same has been settled on 25 September 2008.

4. In pursuance to the Orders of Hon'ble Kerala Administrative Tribunal, the applicant was heard by the Under Secretary of the Department on 08.08.2017. During the hearing also the applicant put forward the same contentions as was made in the Annexure A7 representation.

5. With regards to the regulation of applicant 's pay in the scale of pay of Rs. 9190-15510 instead of the corresponding scale of pay of Rs. 11070-18450, it is informed by the officials of the Corporation of Thiruvananthapuram that it is due to the Audit Remarks of the Local Fund Audit Department, which suggested the scale of pay of Rs.9190-15510 to the incumbent during the above period. Regarding recalculation of Earned Leave, the contention of the petitioner is found to be genuine and the Corporation of Thiruvananthapuram has agreed to take appropriate action. Regarding the regulation of her pay and allowances as per the provisions envisaged in GO(P) 85/2011/Fin Dated 26.2.2011 and to revise pensionary benefits, the Director of Urban Affairs informed that action is being taken to obtain verification report from the Kerala State Audit Department.

6. Government have examined the matter in detail and are pleased to order that the Director of Urban Affairs Department will expedite the following so as to redress the genuine grievances of the petitioner contented in the OA and the Annexure A7 petition submitted to the Government:

a. Regulate the pay of the incumbent in accordance with GO (P) 145/2006 Fin Dated 25.3.2006 in consultation with Kerala State Audit Department.

b. Earned leave of the retired Overseer shall be recalculated in accordance with Circular No. 48/2007/ Fin dated 16.6.2007.

c. Pay and allowances may be regulated as per the provisions envisaged in GO(P) 85/ 2011 Fin Dated 26.2.2011 and to revise pensionary benefits accordingly after obtaining verification report from the Kerala State Audit Department.

d. Settlement of official advance and Scooter advance( settled as claimed) in respect of retired employee shall be settled urgently and necessary entries be made in the Service Book/ Office Records.

The orders of the Hon'ble KAT in OA No.712/2017 read as 2<sup>nd</sup> paper above, is complied with accordingly.

(By Order of the Governor)

**SREEJITH. V.P**

Under Secretary to Govt.

To

- 1 Smt. Radha. M, Devi Vilasom, TC 11/1765(1), CRA No. 21, Nanthencode, Kowdiar. P.O, Thiruvananthapuram- 695003
- 2 The Advocate General, Thiruvananthapuram Branch (with Covering Letter).
- 3 The Chief Engineer, LSGD, Thiruvananthapuram.
- 4 The Director of Urban Affairs, Thiruvananthapuram.
- 5 The Secretary, Corporation of Thiruvananthapuram.
- 6 The Accountant General (A&E/Audit) of Kerala, Thrissur.
- 7 The Executive Director, Information Kerala Mission.
- 8 The Web & New Media, I & PRD.
- 9 Stock File/Office Copy.

Forwarded/By Order



Section Officer.