



GOVERNMENT OF KERALA

Abstract

Local Self Government Department - Order dated 01.02.2023 of the Hon'ble Kerala Administrative Tribunal in OA 410/2019 filed by Sri.K.G.Radhakrishnan - complied with - Orders issued.

LOCAL SELF GOVERNMENT (E.U) DEPARTMENT

G.O.(Rt)No.1056/2023/LSGD Dated,Thiruvananthapuram, 18-05-2023

Read 1. Letter No.E5-19704/2015 dated 08.09.2015 of the Director of Urban Affairs.

2 Government letter No.LSGD-EU1/346/2015-LSGD dated 17.12.2015.

Order dated 01.02.2023 of the Hon'ble Kerala Administrative Tribunal in OA 410/2019 filed by 3 Sri.K.G.Radhakrishnan, Retired Additional Director (Health),Urban Affairs Department.

ORDER

Sri. K G Radhakrishnan, joined in Municipal Common Service as Health Officer at Thiruvananthapuram. He was later appointed as Deputy Director (Health) in the Directorate of Municipal Administration. Thereafter he was appointed as Joint Director(Health) re designating the post of Deputy Director as Joint Director without any change in the scale. The post of Deputy Director (Health), MCS was re-designated as Joint Director (Health) in the same scale of pay and subsequently as per GO(Rt)No. 6295/93/LAD dated 22.09.1993, the post of joint Director (Health), MCS was re designated as Additional

Director (Health) in the existed scale of pay with out any financial commitment to Government, subject to the condition that the upgradation will automatically cease to exist on the date of retirement of Dr. K.G. Radhakrishnan or till he vacates the post whichever is earlier.

2. Dr. K.G. Radhakrishnan, Retired Additional Director (Health), Urban Affairs Department had submitted a representation dated 07.09.2015, stating that the non grant of a higher scale of pay for the aforesaid upgraded post is quite unjust and therefore requested to grant immediate next higher scale of pay Rs. 4,200-5,300 which was then applicable to the Deputy Director of Health services to the aforesaid Additional Director (Health) so that he could get a nominal increase in pay as well as in pension. The Director of Urban Affairs vide letter read as 1st above has recommended the request to consider the request of Dr.K.G. Radhakrishnan as he has been allowed to serve in the post of Additional Director (Health) and also served in the post of Joint Director (Health) for a period of ten years.

3. As per GO(Rt)No.6295/93/LAD dated 22.09.1993, the post of joint Director (Health), MCS was re-designated as Additional Director(Health) in the existing scale of pay with out any financial commitment to Govt. subject to the condition that the up gradation will automatically cease to exist on the date of retirement of Dr.K.G. Radhakrishnan or till he vacates the post whichever is earlier. Hence, the request of the petitioner to provide scale of pay corresponding to the post of the then Deputy Director of Health could not be considered and was rejected vide letter 2nd cited.

4. In the order dated 01.02.2023 in OA 410/2019, the Hon'ble Kerala Administrative Tribunal disposed the Original Application with

- direction to the 1st respondent to consider and pass orders on Annexure A7 and A8 representations, if necessary, after consulting the Finance Department, within a period of three months from the date of receipt of a copy of this order.

5. Annexure A7 and A8 are representations dated 06.01.2016 and 18.04.2017 respectively, submitted by the Applicant before the Chief Minister. In Annexure A7 and A8 applications, the applicant requested to reconsider and issue orders that the upgraded and re-designated post of Additional Director (Health) as per G.O. (Rt)No.6295/93/LAD dated 22.09.1993 which he held in the Directorate be granted the scale of pay of Rs.4200-5300 that is the scale of pay attached to the post of Deputy Director of Health Services and for sanctioning revised scales in the subsequent pay revision orders for the purpose of calculation of pension.

6. Government have examined the matter in detail and afresh. The post of Joint Director (Health) Municipal Administration Department was re-designated as Additional Director (Health) vide G.O (Rt) No.6295/93/LAD dated 22.09.1993 in accordance with the following conditions:-

i) The post of Joint Director (Health), MCS be re-designated as Additional Director (Health) in the existing scale of pay without any financial commitment to Government. The upgradation will be purely personal and will automatically cease to exist on the date of retirement of Dr.K.G.Radhakrishnan on 30.04.1994 or till he vacates the post whichever is earlier.

ii) There is no such post of Additional Director (Health), Municipal

Administration is seen included in 1992 Pay Revision. The post of Joint Director has been re-designated stating that the re-designated post under the above conditions cannot demand higher pay scale. Sanctioning of higher pay scale will lead to additional financial liability to the Government. Hence, the post so re-designated cannot be sanctioned a new scale of pay.

7. In the above circumstances, the request of Sri.K G Radhakrishnan to reconsider and issue orders that the upgraded and re designated post of Additional Director (Health) as per the G.O. (Rt)No.6295/93/LAD dated 22.09.1993 which he held in the Directorate be granted the scale of pay of Rs.4200-5300 that is the scale of pay attached to the post of Deputy Director of Health Services and for sanctioning revised scales in the subsequent pay revision orders for the purpose of calculation of pension is hereby rejected.

9. The order dated 01.02.2023 in OA 410/2019 of the Hon'ble Kerala Administrative Tribunal is complied with accordingly.

(By order of the Governor)
ANIL KUMAR G
ADDITIONAL SECRETARY

To:

The Advocate General, Kerala, Thiruvananthapuram .
The Principal Director, LSGD, Thiruvananthapuram.

The Principal Accountant General (A&E)/(Audit), Kerala, Thrissur.

The Director, Kerala State Audit Department, Thiruvananthapuram.

Shri.K.G.Radhakrishnan, Retired Additional Director (Health)
(through the Principal Director).

Finance Department (vide No. e-2351427/DEV-1/17/2023-FIN dated 06.05.2023)

✓ The Executive Director, Information Kerala Mission,