



GOVERNMENT OF KERALA

Abstract

Local Self Government Department -LID&EW - Order of the Hon'ble KAT in OA (EKM) No. 1459 /2024 filed by Sri. Subhash K.S. Executive Engineer (Rtd) - Complied With - Orders Issued.

LOCAL SELF GOVERNMENT(EBW) DEPARTMENT

G.O.(Rt)No.3096/2025/LSGD Dated, Thiruvananthapuram, 29-12-2025

Read 1. GO(P) No.46/2023/Fin dated 08.05.2023

2. Judgment dated 06.08.2024 of the Hon'ble High Court in OP(KAT) No.39/2024
3. Representation dated 29.08.2024 submitted by Sri. Subhash K.S
4. G.O.(Rt) No.506/2025/LSGD dated 19.02.2025
5. Final order dated 04.11.2025 of the Hon'ble KAT in OA(EKM) No.1459/2024

ORDER

Sri. K.S. Subash, Executive Engineer (Retired), has filed OA(Ekm) No.1702/2020 before the Hon'ble Kerala Administrative Tribunal, aggrieved by the withholding of his terminal benefits including DCRG, Leave Surrender and the non-finalisation of monthly pension on account of the pending vigilance case and non-regularisation of his suspension period. He sought directions for sanction and release of his eligible pensionary benefits, and the Tribunal, vide common judgment dated

16.09.2021, directed the authorities to sanction and disburse the terminal benefits within two months.

Against the order in OA(Ekm) No.1702/2020, the Government filed OP(KAT) No.39/2024 before the Hon'ble High Court of Kerala. The Hon'ble High Court, vide judgment read as 2nd paper above, observed that the final report in VC.7/2014 had already been filed and that C.C. No.2/2017 is pending before the Court of the Enquiry Commissioner & Special Judge, Muvattupuzha. On that ground, the Court found that withholding of DCRG and other terminal benefits cannot be faulted. The Court further held that the Tribunal's order was based on the Full Bench judgment in *Chandran K. & Others v. Secretary, LSGD* [2020 (5) KHC 273 (FB)], which has since been reversed by the Hon'ble Supreme Court in Civil Appeal Nos.7437-7438/2021 dated 15.03.2022, and accordingly set aside the order passed in OA(Ekm) No.1702/2020. However, liberty was reserved to the applicant to approach the Government by way of a representation for redressal of grievance.

In pursuance to the judgment in OP(KAT) No.39/2024, the applicant submitted a representation vide paper read as 3rd paper above before Government seeking sanction of all eligible retirement benefits including DCRG, Leave Surrender, Commutation of Pension and regularisation of pay with consequential increments. The applicant had also filed OA(Ekm) No.1459/2024 before the Hon'ble Tribunal seeking similar reliefs. In compliance with the interim order dated 08.11.2024 in OA(Ekm) No.1459/2024 Government rejected the request of the applicant vide order . read as 4th paper above .

But, the Hon'ble KAT, as per the final order in OA(EKM)- 1459 /2024 read as 5th paper above , has ordered as follows-

"It is seen that, at the time when the applicant retired from service, the Vigilance case was not converted as CC. It is settled law that in order to

say that judicial proceedings are pending there should be a final report filed before the court in the Vigilance case. However in Annexure A16 order (GO(P)N0.46/2023/Fin dated 08.05.2023), Government has made clear that in vigilance cases the judicial proceedings are deemed to be instituted only when Magistrate takes cognizance ie when the Vigilance case becomes a Calendar case and pensionary benefits shall be released in such cases after obtaining an undertaking on a stamp paper of denomination of Rs 200/-. Though Annexure A16 order is issued only on 08.05.2023, it only provides for the settled legal position. Therefore Annexure A15 order is set aside.

There shall be a direction to the respondents to see that full pension, DCRG, commuted value of pension and arrears of pension are disbursed to the applicant after getting an undertaking from him as provided in Annexures A16 order. Respondents would be free to take appropriate action against the applicant in the event of his conviction, in tune with the provisions contained in Rule 2 of Part III KSR. The payment shall be made within a period of two months from the date of receipt of a copy of this order"

As directed by the Hon'ble KAT, Government are pleased to order that the Chief Engineer (Pension Sanctioning Authority) shall sanction and disburse to Sri. Subhash K.S the eligible pensionary benefits viz. full pension, DCRG, commuted value of pension, arrears of pension and leave surrender benefits, after obtaining a written undertaking on ₹200/- stamp paper in the format prescribed in Annexure 2(C) to GO(P) No.46/2023/Fin dated 08.05.2023.

Action under Rule 2, Part III, KSR will be taken, if found necessary, upon conclusion of CC No.2/2017.

The order of the Hon'ble Kerala Administrative Tribunal vide read as 5th paper above is thus complied with accordingly.

(By order of the Governor)

BIJUKUTTAN M S
ADDITIONAL SECRETARY

To:

1. The Advocate General, Kerala (with covering letter).
2. The Principal Director, LSGD, Thiruvananthapuram.
3. The Chief Engineer, LSGD, Thiruvananthapuram.
4. The Accountant General (A&E)/(Audit), Kerala,
Thiruvananthapuram.
5. Sri. Subhash K.S (through the Principal Director, LSGD).
6. The Web & New Media, I&PRD.
7. Stock File / Office Copy.

Forwarded /By order

Section Officer