



GOVERNMENT OF KERALA

Abstract

Local Self Government Department – Pensionary benefits – Shri.K.Sasidharan Nair, former State Election Commissioner – eligible pension benefits - sanctioned - Orders issued.

LOCAL SELF GOVERNMENT (EM) DEPARTMENT

G.O(Rt)No. 103/2017/LSGD

Thiruvananthapuram, Dated, 12.01.2017

- Read:- 1) Letter No.PM/1/SEC/16-17/34134/272 dated 01.06.2016 from Accountant General (A&E), Thiruvananthapuram.
2) Letter No. 4311/M/2016/SEC dated 18.07.2016 from the Secretary, State Election Commission, Thiruvananthapuram.
3) Request from Shri.K.Sasidharan Nair, former State Election Commissioner

ORDER

As per the letter read as 1st paper above , the Accountant General (A&E), Kerala requested to examine and issue orders specifying the rate of pension and other benefits admissible to Shri.K.Sasidharan Nair, former State Election Commissioner. Shri.K.Sasidharan Nair assumed charge as State Election Commissioner on 18.04.2011 and demitted office on the A.N of 19.02.2016 on attaining the age of 65 years. As per letter read as 3rd paper above, Shri.K.Sasidharan Nair, former State Election Commissioner has requested Government to sanction pension and other pensionary benefits to him in accordance with Part 1 of First Schedule of the High Court Judges(Salaries and Conditions)Act,1954.

2.The Accountant General vide letter 1st cited informed that,if the pension benefits of Shri.K.Sasidharan Nair are regulated as per Rule 6(2) of State Election Commissioner (Conditions of Service)Amendment Rules,2013, he will be eligible for additional pension calculated as follows:

Table-1

Additional Pension	@ Rs.13139 for the first 11 months and at Rs.13141 for the last month of the year (total pension Rs.32915 + Rs.13139 = Rs.46054)
Commuted Value of Pension (Rs. 6569 x 7.591 x 12)	Rs. 598384
DCRG	No further benefits as he had already paid Rs.100000 (maximum limit)
Family pension: (Eligible amount of Rs.24,000 limited to pension)	Rs.13139 (total family pension Rs.19749 + Rs.13139 = Rs.32888)

3. If the pension benefits are regulated as per Rule 6(1) of State Election Commissioner (Conditions of Service) Amendment Rules, 2013, the benefits accrued will be as follows:

Table-11

Pay drawn in the post of SEC	Rs.80,000	
Pension admissible	Rs.4,80,000 per annum (Rs.40,000 x 12)	Rs.40,000 per month with effect from 20.02.2016
Commuted portion of Pension	50% of pension, Rs.20,000	
Commuted Value of Pension	Rs. 20,000 x 7.591 x12 (age at next birthday 66)	Rs.18,21,840 (less Rs.16,18,184 already paid)
DCRG	Rs.80,000 + Rs.1,00,000) x 16.5 DA 125% Rs.29,70,000 Limited to Rs.10,00,000	Rs.10,00,000 (Rs.10,00,000 has already been paid and hence no authorization needed)
Family Pension	Higher rate 50% of Last Pay for a period upto the date of attaining 65 years of age Lower Rate 30% of Last Pay	Higher Rate – not eligible Normal Rate Rs.24,000 to Sasikumari P (wife)

4. As per letter read as 2nd paper above the Secretary, State Election Commission has furnished a report in this regard.

5. Government have examined the matter in detail. As per Rule 6(2) of State Election Commissioner (Conditions of Service) Amendment Rules, 2013 where the State Election Commissioner demits office in any manner as specified in sub rule(3), he shall, on such demission be entitled to a pension which is equal to the pension payable to a Judge of a High Court. As per section 14 of the High Court Judges (Salaries and Conditions of Service) Act, 1954, every Judge shall on his retirement be paid a pension in accordance with the scale and provisions in Part 1 of the first schedule and as per the proviso, if a judge at the time of his appointment is in receipt of a pension in respect of his previous service with Union or a State, the pension payable under this act shall be in lieu of and not in addition to that pension. As per the proviso to section 15, every judge shall elect to receive pension payable under Part 1 of First Schedule and Shri K. Sasidharan Nair has given option for fixing his pension under Part 1 of First Schedule as provided in the explanation to section 14 and in the proviso to clause (b) of section 15 of the High Court Judges (Salaries and Conditions of Service) Act.

6. In the light of the provisions contained in Rule 6(1)&6(2) of the State Election Commissioner (Conditions of Service) Rules and the relevant provisions in the High Court Judges (Salaries and Conditions of Service) Act, 1954, even though the pensionary benefits according to the first table shown above, is more beneficial to him, the calculations made there will not apply to him, since it is specifically stated in the proviso to paragraph 9 of part 1 of the first schedule that nothing in that paragraph shall apply to a judge who at the time of his appointment

is in receipt of a pension in respect of any previous service under the Union or State.

7. In the circumstances, Government are pleased to order that Shri.K.Sasidharan Nair,Former State Election Commissioner is eligible for pensionary benefits as per the second table shown above, in accordance with relevant provisions in part 1 of the First Schedule of the High Court Judges(Salaries and Conditions of Service)Act, 1954 and Rule 6(1) & 6(2) of the State Election Commissioner(Conditions of Service) Amendment Rules 2013 .

(By Order of the Governor)
T.P VIJAYAKUMAR
SPECIAL SECRETARY

To

The Accountant General, (Audit/A&E), Kerala, Thiruvananthapuram.
Shri. K.Sasidharan Nair, former State Election Commissioner, Kerala.
The Secretary; State Election Commission, Kerala, Thiruvananthapuram.
The Executive Director, Information Kerala Mission, Thiruvananthapuram
(For publishing in the website of Local Self Government Department)
Information and Public Relation(Web & New Media)Department
Stock File/Office Copy

Forwarded/By Order


Section Officer