GOVERNMENT OF KERALA

Abstract

IFS – MONETARY BENEFITS FOR THE INTERVENING PERIOD BETWEEN RETIREMENT FROM SFS AND JOINING IN IFS IN RESPECT OF SRI.P.MURALEEDHARAN NAIR IFS, SRI.A.SCHARAFUDEEN KUTTY IFS, SRI. M.I.VARGHESE IFS, SRI.PATRIC GOMEZ IFS, SRI.K.V.RAVIKUMAR IFS, SRI.B.P.VARGHESE IFS, SRI.L.KRISHNAPRASAD IFS, SRI.M. SREEDHARAN NAIR IFS AND SRI.P.S.MANI IFS – SANCTIONED - ORDERS ISSUED.

GENERAL ADMINISTRATION (SPECIAL C) DEPARTMENT


3. G.O.(Rt.) No. 2165/2015/GAD dated 25.03.2015.
4. Letter No. IFS I-1047/2009 dated 08.05.2015 and 28.05.2015.

ORDER

Nine IFS officers had filed OA’s before the Hon’ble CAT, Ernakulam Bench and obtained favourable orders for regularising the intervening period from the date of retirement from SFS to induction into IFS as duty in the IFS for all purposes and to grant them arrears of pay & allowances and to consider their promotion to the respective grades with effect from the date of their entitlement as determined on assigning the year of allotment and to pay arrears of pay and allowances due to them on such promotion and also to issue pensionary benefits accordingly.

2. Challenging the orders of the Hon’ble CAT and seeking stay against the implementation of the CAT order, the State of Kerala filed WPs(C)/OP before the Hon’ble High Court of Kerala. The Hon’ble High Court of Kerala passed interim orders in the said WPs(C)/OP ordering interim stay on condition that if the Writ Petition is dismissed the petitioners will pay the amount due to the respondents with 10% interest from the date of interim order.

3. As per common judgment dated 18.03.2014 in the above said cases the Hon’ble High Court of Kerala has delivered the following:-

“………. Accordingly, it is ordered that the intervening period from the State Service and induction into the All India Service will be regularised notionally and all benefits, including monetary benefits, for that period and reckoning such period shall be granted to the private respondents herein (applicants before the Tribunal).

We may also record that the Hon’ble Apex Court had dismissed an application for review against the aforesaid judgment in UPSC and Another’s case (Supra) holding that the intervening period has to be regularised notionally and the said direction would make the person entitled to claim monetary benefits after his retirement from the state service.
These petitions are ordered accordingly, further directing that the benefits in terms of the judgment, including pay fixation and all other due benefits in accordance with law, shall be released and paid to the private respondents (applicants before the Tribunal) with interest at 10% due thereon in terms of the interim orders granted in these writ petitions within a period of three months from the date of receipt of a copy of this judgment. Subject to that direction infavour of the applicants/respondents these petitions are dismissed.

4. Government have, examined the matter in detail. In compliance with the judgment dated 18.03.2014 of the Hon'ble High Court of Kerala read as 1st paper above Government have regularised the intervening period between retirement from SFS and joining IFS in respect of the 9 officers notionally as duty for all benefits including monetary benefits, considering it as a special case, and to make payment with 10% interest from the date of interim orders of the Hon'ble High Court of Kerala in the WPs(C) filed by the State of Kerala till the date of the Government Order, read as third paper above.

5. As per the report of the PCCF read as 4th paper above and after examining the matter in detail, Government are pleased to grant the amount admissible to the officers for the intervening period as detailed below. The 10% interest shall be met from the Head of Account “2406-01-001-99-O/o the Chief Conservator-34-OC (NP-Charged)”.

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Name of Officer</th>
<th>Date of Interim Order</th>
<th>Interest payable @ 10% (Rs.)</th>
<th>Pay and allowances for the intervening period (Rs.)</th>
<th>Pension received (Rs.)</th>
<th>Total amount to be paid (Rs.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Sri.P.Muraleedharan Nair</td>
<td>22/03/2009</td>
<td>5,44,613</td>
<td>14,21,353</td>
<td>5,15,322</td>
<td>14,50,644</td>
</tr>
<tr>
<td>2</td>
<td>Sri.A.Sharafudeen Kutty</td>
<td>24/02/2009</td>
<td>2,81,977</td>
<td>7,66,075</td>
<td>3,02,251</td>
<td>7,66,024 (reckoning the excess payment made)</td>
</tr>
<tr>
<td>3</td>
<td>Sri.M.I.Varghese</td>
<td>04/11/2009</td>
<td>3,33,724</td>
<td>9,66,689</td>
<td>3,47,954</td>
<td>9,52,459</td>
</tr>
<tr>
<td>4</td>
<td>Sri.Patric Gomez</td>
<td>04/11/2009</td>
<td>73003</td>
<td>3,25,832</td>
<td>1,9,0481</td>
<td>2,08,354</td>
</tr>
<tr>
<td>5</td>
<td>Sri.K.V.Ravikumar</td>
<td>25/03/2010</td>
<td>1,72,980</td>
<td>5,28,151</td>
<td>1,82,192</td>
<td>5,18,939</td>
</tr>
<tr>
<td>6</td>
<td>Sri.B.P.Varghese</td>
<td>25/05/2010</td>
<td>1,48,289</td>
<td>5,41,971</td>
<td>2,35,346</td>
<td>4,54,914</td>
</tr>
<tr>
<td>7</td>
<td>Sri.L.Krishna Prasad</td>
<td>27/06/2011</td>
<td>67998</td>
<td>4,00,020</td>
<td>1,81,646 (After adjusting the excess CVP drawn)</td>
<td>2,49,644</td>
</tr>
<tr>
<td>8</td>
<td>Sri.M.Sreedharan Nair</td>
<td>25/05/2010</td>
<td>51180</td>
<td>1,05,825</td>
<td>Nil</td>
<td>1,57,005</td>
</tr>
<tr>
<td>9</td>
<td>Sri.P.S.Mani</td>
<td>25/05/2010</td>
<td>1,97,733</td>
<td>6,45,764</td>
<td>2,36,892</td>
<td>6,06,605</td>
</tr>
</tbody>
</table>
6. The Accountant General is authorised to make payment to the officers as detailed in the above Table.

(By Order of the Governor),

Jiji Thomson
Chief Secretary to Government.

To

All officers concerned
The Principal Accountant General (Audit)/(A&E), Kerala, Thiruvananthapuram.
The Advocate General, Kerala, Ernakulam. (with CL)
The Principal Chief Conservator of Forests & Head of Forest Force, Thiruvananthapuram.
The Secretary, Government of India, Ministry of Environment, Forests and Climate Change, Indira Paryavaran Bhawan, 6th Floor, Prithvi Block, Jor Bagh Road, Ali Ganj, New Delhi – 110 003.
The Forest & Wildlife Department.
The General Administration (SC) Department.
The Web & New Media Division in I&PRD

Copy to: - The Principal Secretary to Chief Minister.
The Private Secretary to Chief Minister
The Private Secretary to Minister (Forest, Environment, Transport, Sports & Cinema)
The Additional Secretary to Chief Secretary.
The PA to Principal Secretary (Forests & Wild life) Department.
The CA to Additional Secretary, General Administration Spl. (A & C)Depts.

Forwarded/By Order

signature

Section Officer