



GOVERNMENT OF KERALA

Abstract

Finance Department – Order dated 06.10.2016 in O.A No. 401/2014 filed by Smt. R. Santhakumari Amma and Others – Complied with - Orders issued.

FINANCE (RULES – A) DEPARTMENT

G.O.(Rt)No.5926/2018/Fin

Dated,Thiruvananthapuram, 11/07/2018

- Read :- (1) G.O.(P)No.515/2007/Fin dated 19/10/2007.
(2) Circular No. 5/2010/Fin dated 14/01/2010.
(3) Order No.FW (spl cell) 94660/2006/DHS dated 15.05.2007.
(4) Letter No. FW A4-97789/2010/DHS dated 05.01.2011.
(5) Order No.AC4- 84400/2012/DHS dated 18.01.2014.
(6) Order dated 06.10.2016 in O.A. No.401/2014 filed by Smt. R. Santhakumari Amma and Others.

ORDER

As per the reference cited 3rd above retrospective promotions were ordered in the cadre of ANMS/JPHN Gr. I for the period from 28.04.1975 to 30.01.1994 on condition that the promotees are not eligible for any back arrears. Later, based on the Government Order read 1st above all ANMS/JPHN Grade I, who were promoted, were made eligible for fixation and back arrears for one year prior to the promotion by the reference cited 4th above. As per the Circular read 2nd above, instructions were issued by the Government that Officers who are granted promotion which do not involve change of duties against vacancies occurred prior to 01.03.2007 are eligible for arrears of pay and allowances in the promoted post with effect from the date of effect of promotions even if the promotions are ordered after 01.03.2007.

2. As per the reference read 4th above back arrears were paid to the Petitioners. Finance Inspection Wing during its inspection has found out that back arrears were paid to the Petitioners misinterpreting Circular read as 2nd above. There upon, vide reference cited 5th above, all promotees were directed to refund the entire arrears drawn in lump with 18% interest. Against this the Petitioners filed O.A No.401/2014 and in its Order dated 06.10.2016, the Hon'ble KAT directed the petitioners to submit appropriate representation before the Secretary, Finance Department highlighting their right to get the benefit of Circular read as 2nd above and it was directed to provide an opportunity for hearing on the receipt of such a representation, before any final decision is taken.

3. In accordance with the Order, petitioners were heard on 5-06-2017. At the time of hearing the applicants requested either to waive the entire recovery of arrears or to permit them to remit the amount in equal instalments without interest.

4. Government have already examined the question of eligibility for arrears of pay and allowances to those Junior Public Health Nurses who were promoted to the post of Junior Public Health Nurse Grade I by Order No.FW(Special Cell)94660/2006/DHS dated 15.05.2007 in file No.92077/FIW-B1/2011/Fin and decided to pursue action only in cases where arrears were paid more than once, in cases where its details were not entered in the Service Books of the employees concerned and where District Medical Officers furnished incomplete details of payment of arrears to the Inspection Wing.

5. Government have examined the case of the Applicants in O.A No.401/2014 in the light of the decision quoted above and are pleased to order that the Applicants will be eligible for arrears provided they have not been paid arrears more than once on promotion to the post of Junior Public Health Nurse Grade I subject to the condition that in case it is noticed in future that there occurred any duplication in payment of arrears paid to them the same will be recovered with interest fixed by the Government. The Director of Health Services will ensure that there is no duplication in arrears.

6. The Order dated 06.10.2016 in O.A No.401/2014 is thus complied with.

(By order of the Governor)

G.ASOK KUMAR
ADDITIONAL SECRETARY

To

The Principal Accountant General (A&E), Kerala, Thiruvananthapuram
The Principal Accountant General (G&SSA), Kerala, Thiruvananthapuram.
The Accountant General (E&RSA), Kerala, Thiruvananthapuram.
The Director of Health Services, Thiruvananthapuram.
The Director of Treasuries, Thiruvananthapuram.
The Advocate General, Kerala, Thiruvananthapuram.
The Nodal Officer, www.finance.kerala.gov.in.
The Health and Family Welfare (C) department.
The Web and New Media, I&PRD.
The Incumbents concerned.
The Stock File/Office Copy.

Forwarded / By order,



Section Officer.