



## GOVERNMENT OF KERALA

### Abstract

Local Self Government Department - Judgment dated 08/01/2018 in WP(C)No.33606 of 2014 before the Hon'ble High Court of Kerala - Complied with - Orders issued.

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### LOCAL SELF GOVERNMENT (IA) DEPARTMENT

**G.O.(Rt) No. 3042/2018/LSGD Dated, Thiruvananthapuram, 30/11/2018.**

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- Read:-
1. G.O(Ms)No.53/1990/LAD dated 07/04/1990.
  2. G.O.(P)No.85/2011/Fin dated 26/02/11.
  3. G.O(Ms)No.275/13/LSGD dated 03/08/13.
  4. Letter No. No.KURDFC/A2 /228/2011 dated 26/08/2013 from the Managing Director, Kerala Urban and Rural Development Finance Corporation Ltd.
  5. Govt letter No.55066/IA2/2013/LSGD dated 15/07/14.
  6. Judgment dated 08/01/2018 in WP(C)No.33606/14 of the Hon'ble High Court of Kerala, Ernakulam.
  7. Letter No. KURDFC/375/14-15 dated 06.10.18 from the Managing Director, Kerala Urban and Rural Development Finance Corporation Ltd.

### ORDER

As resolved by the Board of Directors of the Kerala Urban and Rural Development Finance Corporation, the Managing Director had taken up the proposal for pay revision of the employees of KURDFC on par with the 9<sup>th</sup> pay revision order of State Government employees issued, vide G.O. read as 2<sup>nd</sup> paper above and accordingly, as per G.O. read as 3<sup>rd</sup> paper above, orders were issued revising the scale of pay of the employees of KURDFC, subject to certain conditions. One of the conditions incorporated in the pay revision order was that 'the benefit of revision of scale of pay will not be admissible to those posts which are created without the approval of Government. Details of such posts shall be brought to the notice of Government within one month from the date of the order.' The posts considered / included for the said pay revision was based on the annexure to G.O. read as 1<sup>st</sup> paper above. Some of the categories of employees who had been enjoying the benefits of pay revision of previous years were not included. Following the issuance of the Government Order read as 3<sup>rd</sup> paper above, the Managing Director had submitted a proposal

pointing out the discrepancies which were crept up in the Government Order read as 3<sup>rd</sup> paper above and to rectify the same. Having examined the proposal Government have directed the Managing Director, KURDFC to implement the said Government Order at once and to furnish proposal for the modified staff pattern without any creation of post, vide Govt letter read as 5<sup>th</sup> paper above.

2) Aggrieved by this, Sri. Shaji.K. Section Officer, KURDFC and others has filed WP(C) before the Hon'ble High Court of Kerala praying to rectify the discrepancies in revising the scales of pay of the employees of the Corporation, based on the Government Order read as 3<sup>rd</sup> paper above and obtained a stay order against Government direction dated 15/07/2014 read as 5<sup>th</sup> paper above. The Hon'ble High Court in its judgment dated 15/11/2016 has set aside the said Government direction to implement the Pay Revision order.

3) By disposing of the case, the Hon'ble High Court in its final judgment read as 6<sup>th</sup> paper above has ordered that Government shall re-consider the request of the Corporation contained in its letter read as 4<sup>th</sup> paper above in consultation with Respondents 2 & 3 (ie. MD, KURDFC) untrammelled by its decision in Ext.P8 (5<sup>th</sup> paper read above) and before arriving at a final decision the representatives of the petitioners shall also be given an opportunity of being heard.

4) The following are the discrepancies pointed out in the proposal read as 4<sup>th</sup> paper above.

1. The scale of pay of Company Secretary cum Finance Manager has not been revised.
2. The post of Accounts Officer has not been incorporated.
3. The post of Section Officer (HG) has not been included.
4. Third Higher Grade of Stenographer Grade II (Steno cum PA to MD) and Steno-Typist-Clerk has not been incorporated.
5. The post of Selection Grade Assistant has been avoided.
6. Grade promotion scale of Peon cum Driver has not been allowed. The corresponding scale of 5250-8390 has not been sanctioned to Peon cum Driver.
7. Already abolished posts of Watchman cum Sweeper and Room Boy cum Waiter have been incorporated in the pay revision order. However, the post of Peon has not been included and the scale of pay of Part Time Sweeper is much lower than that is prescribed in the Government Order.

5) In pursuance of the direction contained in the judgment, the petitioners were heard in person by the Deputy Secretary. The contentions advanced by them during the course of hearing are given hereunder:-

- i. The staff pattern followed in G.O(Ms)No.275/2013/LSGD dated 3/8/2013 was the one fixed during 1990 and thereafter the Corporation enhanced its activities to rural as well as urban areas. After 24 years, the direction to follow the same staff pattern is patently erroneous and illegal.
- ii. The staff pattern of the Corporation as shown in G.O(Ms)No.53/90/LAD dated 07/04/1990 had not shown in any of the Government Orders issued subsequently. There was no disagreement regarding the staff pattern.
- iii. In between 1990 & 2011 various pay revision orders were issued and the benefits of those revisions were given to all the employees irrespective of the staff pattern of 1990.

6) Government have re-examined the proposal from the Managing Director, KURDFC read as 4<sup>th</sup> paper above, regarding the discrepancies as pointed out therein in detail, after having consulted the matter with Managing Director, KURDFC. In the case of the post of Company Secretary cum Finance Manager the revision is considered after the finalization of WP(C)No.28425/12. Government felt that the post of Accounts Officer is not required in KURDFC as Administrative Officer who is promoted from the post of Accounts Officer can perform the duties of Accounts Officer. Since KURDFC is a financing company, an officer in charge of Finance Wing and Administrative Wing is necessary, if Company Secretary cum Finance Manger handles the financial functions there is no need for the post of Accounts Officer. Administrative functions can be in charge of Administrative officer, a post for which revision is already given. The MD may choose which post is necessary in the KURDFC i.e Company Secretary cum Finance Manger or Accounts Officer for effective financial management and furnish proposals for the same to Government.

7) As KURDFC is only a Company undertaken by the Government, Secretariat staff pattern cannot be implemented there. The benefits of general pay revision orders issued from time to time are extended to the employees of KURDFC through separate Government Orders. Hence separate Government Orders are to be issued for creation of posts, upgradation of posts, abolition of posts, re-designation, ratio promotion etc. granted subsequent to each pay revision order. As no valid Government Orders are seen issued in connection with granting of ratio promotion and abolition/re-designation of posts in KURDFC, such higher grades are to be abolished and the incumbents in the post of Section Officer (HG), Stenographer Grade II (Steno cum PA to MD), Steno Typist, Clerk, Selection Grade Assistant, Peon cum Driver may be reverted to the respective lower grades with protection of pay drawn by them

and the incumbents in the posts of Peon and Part-time Sweeper without valid Government sanction need not be sanctioned scale revision and may be continued on daily wage basis, if required.

8) In this circumstances the request of the petitioner is rejected and the Hon'ble Court's direction in the judgment read as 6<sup>th</sup> paper above is complied with accordingly.

**(By order of the Governor)**

**SREEKALA C.S.**  
**Deputy Secretary to Government**

To

The Advocate General, Ernakulam (with C/L)

Sri.Shaji, S.O. Higher Grade(Rtd), KURDFC (through the MD,  
KURDFC)

The Managing Director, KURDFC, Thiruvananthapuram

The Principal Accountant General (Audit), Kerala, Thiruvananthapuram

The Accountant General (A&E)/LBA) Kerala, Thiruvananthapuram.

The Executive Director, IKM, Thiruvananthapuram.

SF/OC.

**Forwarded/By order**

  
**Section Officer**