



**GOVERNMENT OF KERALA**

**Abstract**

Local Self Government Department - Utilisation of Rs. 47,80,000/- (Rupees Forty Seven Lakh and Eighty Thousand only) the amount kept under Comprehensive Capacity Building Programme (CCBP), towards the notice pay for two months salary of the 53 petitioners in compliance with the order of Hon'ble High Court dated 16.02.2018 in WP(C) No. 37416/2015 - Sanctioned - Orders Issued

**LOCAL SELF GOVERNMENT (DC) DEPARTMENT**

**G.O.(Rt)No.1482/2019/LSGD** Dated, Thiruvananthapuram, 16/07/2019

Read 1 Judgment in WP(C) No. 37416/2015 dated 16/02/2018 of Hon'ble High Court of Kerala

2. CC (C) 948/2019 before Hon'ble High Court filed by Shri V. Sayi & Others .

3 Letter No. K. 14012/101(21)/2019-CBUD/ICBP dated 04/07/2019 from MoHUA, G/I.

4 Letter No. A1-15/SMMU/2015 dated 02/07/2019 from the Mission Director, AMRUT

**ORDER**

Smt. Sathikumari P. and 57 others, who served as expert professionals on contract basis in various districts in the State under Comprehensive Capacity Building Programme (CCBP) under JnNURM filed WP(C) No. 37416/2015 before Hon'ble High Court challenging Ext.P11 order by which their service were terminated.

2. The petitioners were appointed through a process of selection on the basis of rank list published in the year 2014 and 2015. While continuing so, the Nodal Officer, Comprehensive Capacity Building Programme & Project Director, KSUDP issued an order terminating their service. This order was issued on the basis of a direction from the Ministry of Urban Development, Smart Cities Division III, Government of India dated 18.08.2015, wherein it was stated that Government of India have replaced JnNURM by new schemes namely Smart Cities Mission and AMRUT, to under take extensive capacity building activities.

3. Aggrieved by this the petitioners filed WP(C)37416/15 before Hon'ble High Court challenging Ext. P11 order by which they were ordered to be discontinued w.e.f. 31.08.2015. One of the grounds raised in the Writ Petition is that while issuing the orders of termination they were not served two month's notice as provided in Ext. P7 and P8 agreements with the Nodal Officer. Clause 3(e) of the agreement provides for termination of service of persons like petitioners by giving two calendar month's notice in writing. It is further provided that Government may, in lieu of any notice, give the employee a sum equivalent to the amount of his pay of two months.

4. The order of termination, Ext P11 order was issued on 25.08.2015 discontinuing the service of petitioners w.e.f. 31.08.2015. Therefore the petitioners claimed that they are entitled to two months pay as per agreement condition.

5. The Hon'ble High Court as per Judgment read as 1st paper above disposed of the Writ Petition with a direction to the 1st respondent ie; Union of India represented by the Under Secretary, Ministry of Urban Development to sanction funds towards payment of notice pay due to the petitioners in terms of the agreements within a period of two months from the date of receipt of a copy of the Judgment. In the meanwhile the petitioners filed Contempt Case read as 2nd paper above before the Hon'ble High Court alleging the non compliance of Judgment in WP(C) No. 37416/2015 dated 16/02/2018 .

6. The Ministry of Housing and Urban Affairs as per the letter read as 3rd paper above has directed State of Kerala to utilize the funds available under Comprehensive Capacity Building Programme (CCBP) or Administrative & Other Expenses (A&OE) component of AMRUT Mission to comply with the Judgment of Hon'ble High Court of Kerala read as 1st paper above.

7. The Mission Director, AMRUT as per the letter read as 4th paper above has informed that 5 petitioners from the list of 58 petitioners, now working in SMMU and CMMU have willingly withdrawn from the Writ Petition and as such the amount payable for the 53 employees for the notice period of two months is Rs.47,80,000/- (45,000x2x52+50000x2x1), as per clause 3 to 5 of the Employment agreement. The Mission Director, AMRUT has therefore requested to accord sanction to utilise Rs 47,80,000/-, the notice pay for two month's salary of the petitioners from the STSB Account No. 53 maintained in the Sub Treasury Vellayambalam for the balance amount kept under Comprehensive Capacity Building Programme (CCBP).

8. Government have examined the matter in detail and pleased to accord sanction to the Mission Director, AMRUT to utilize Rs. 47,80,000/- from the STSB Account No. 53 maintained in the Sub Treasury Vellayambalam for the

balance amount kept under Comprehensive Capacity Building Programme (CCBP), towards the notice pay for two months salary of the 53 petitioners in compliance with the order of Hon'ble High Court dated read as 1st paper above.

9.The Judgment of Hon'ble High Court read as 1st paper above is complied with accordingly.

(By order of the Governor)  
**SINDHU. L.**  
**SPECIAL SECRETARY**

To:

The Mission Director, AMRUT  
All Concerned (Through Mission Director, AMRUT)  
Advocate General, Ernakulam (with C/L)  
The Under Secretary to G/I, MoHUA, New Delhi  
The Principal Accountant General (Audit/ A&E/ LBA &A)  
The Information Officer, (Web & New Media) I&PRD  
Executive Director, Information Kerala Mission  
Stock File/Office Copy

Forwarded /By order  
Signature valid

Digitally signed by SMITHA S CHANDRA  
Date: 2019.07.16 13:03:37 IST  
Reason: Approved

Section Officer