



GOVERNMENT OF KERALA

ABSTRACT

Pay Revision 2009 – Order dated 18.07.2013 of the Kerala Administrative Tribunal in OA No. 1425/2013 filed by Sri. Kuttappan K.K, Joint Director of Local Fund Audit Department and two others – Complied with – Orders Issued.

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**Finance (Pay Revision Cell-D) Department**

G.O(Rt) No.8860/2013/Fin Dated, Thiruvananthapuram, 22<sup>nd</sup> November 2013

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- Read:1). G.O (P) No. 85/2011/Fin dated 26.02.2011 read with G.O (P) No. 143/2011/Fin dated 30.03.2011.
- 2). G.O (P) No. 193/2012/(60)/Fin dated 29.03.2012.
- 3). Order dated 18.07.2013 of the Kerala Administrative Tribunal in OA No. 1425/2013.

**ORDER**

As per the Government Order read as 1<sup>st</sup> paper above, the pay and allowances of the State Government Employees and teachers were revised. Subsequently, as part of rectification of anomalies, the scale of pay of the posts from Under Secretary onwards in the Government Secretariat, Legislative Secretariat, Advocate General's Office, Kerala Public Service Commission, Kerala Raj Bhavan were further modified as per the Government Order read as 2<sup>nd</sup> paper above.

Aggrieved by the non-granting of the modified scales of pay as ordered in the Government Order read as 2<sup>nd</sup> paper above to the posts from Deputy Director to Director of Local Fund Audit Department, Sri. Kuttappan K.K, Joint Director of Local Fund Audit Department and two others filed OA No. 1425/2013 in the Kerala Administrative Tribunal. In the order dated 18.07.2013, the Kerala Administrative Tribunal directed the respondent ie,

Principal Secretary to Government, Finance Department to consider and pass orders on Annexure A7 in accordance with law after affording the 3<sup>rd</sup> applicant ie, the Secretary, Kerala Local Fund Au8860dit Union, an opportunity of being heard within three months from the date of receipt of a copy of the order. The request in the Annexure A7 representation is to modify the scale of pay of the post of Director, Joint Director, Senior Deputy Director, Deputy Director (HG), and Deputy Director of Local Fund Audit Department as allowed to the officers from Additional Secretary to Under Secretary in Secretariat and others vide Government Order read as 2<sup>nd</sup> paper above and to extend the special pay allowed to these posts to Local Fund Audit also.

In compliance of the order of the Kerala Administrative Tribunal, the 3<sup>rd</sup> applicant in the OA was heard by the Secretary (Finance Expenditure) on 22.10.2013.

Government have examined the matter in detail. The Local Fund Audit Department is a line department in the subordinate executive system established for conducting audits of accounts of Local Self Government Institutions with a Director as Head of Department like all other Departments under the Administrative Control of Government Secretariat (Apex Executive), which have no constitutional status /entity as in the case of others compared. The cadre from Deputy Secretary and above are Heads of Department and Secretary to Government as per Kerala Service Rules and Rules of Business, whereas such status is not given to any category in subordinate departments including Local Fund Audit Department. Inter Departmental transfer is

permissible only in the entry cadre ie, the Assistant in Kerala Public Service Commission, Advocate General's Office, Secretariat Service, Office of the Enquiry Commissioner & Special Judge, Office of the Vigilance Tribunal and the Auditor in Local Fund Audit Department since their appointments are from a common select list. On getting inter departmental transfer, the persons should relinquish the promoted post if any he got in his parent Department from the entry cadre since the categories are regulated by different special rules specific to the Department concerned.

The parity followed in scales of pay for maintaining the functional relation between the upper level hierarchies for transacting its business among the constitutional bodies of Legislature, Apex Judiciary and Apex Executive and the relativity maintained in the scale of pay between Secretariat (the apex administrative body of the state executive) and the upper level hierarchies in Subordinate Executive System was disturbed consequent to the issuance of ninth pay revision order by assigning higher pay scales to those in Judiciary and in Government Departments. The secretaries committee chaired by the Chief Secretary which examined this situation recommended to restore relativity in the pay scales of Under Secretary, Deputy Secretary, Joint Secretary, Additional Secretary etc, who have been empowered to transact the business of the said constitutional institutions, to maintain the functional relation with other hierarchies. Accordingly Government, vide Government Order read as 2<sup>nd</sup> paper above rectified the anomaly and it was also ordered therein that the anomalies

created due to undue and unexplainable hike given to certain categories of employees may be rectified at the time of next pay revision and this will be included in the terms of reference of the next pay revision commission as recommended by the Secretaries Committee in view of the huge financial burden to the state exchequer consequent to the anomalous situation created due to the implementation of the 9<sup>th</sup> Pay Revision.

It is quite natural that the duties and responsibilities of the categories in all the departments will definitely increase in proportion to the new development activities introduced by Government from time to time. But the situation in the case of upper level hierarchies in the State Apex Executive, Legislature, Governor's Secretariat etc compared by the applicant for parity is different and the powers delegated for the transaction of the business of the Apex Establishments are not in any way comparable with those in the Directorate/ Regional/ District level functionaries of the Subordinate Executive System. This being the position, it is important to maintain the functional relativity between the hierarchies in the Apex and Subordinate Executive system as well as between the Apex Judiciary, Apex Executive and Legislature, the Constitutional Establishments. As it is, in order to avoid difficulties that may arise in exercising the delegated powers, clear distinction/ status in scale of pay is to be upheld in the case of the functionaries in Apex System.

The rectification Order issued in Government Order read as 2<sup>nd</sup> paper above was as recommended by the Secretaries

Committee chaired by Chief Secretary and approved by the Council of Ministers considering all the above factors.

In the circumstances, the request in the Annexure A7 representation deserves no merit and hence the same is rejected.

The Order dated 18.07.2013 of the Kerala Administrative Tribunal in OA No. 1425/2013 is complied with accordingly.

By order of the Governor,

**RAJESH KUMAR SINHA**  
SECRETARY, FINANCE (EXPENDITURE)

To

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

The Principal Accountant General (General & Social Sector Audit), Kerala, Thiruvananthapuram.

The Accountant General (Economic & Revenue Sector Audit), Kerala, Thiruvananthapuram.

The Director, Kerala Local Fund Audit Department.

Sri. Kuttappan. K.K, Joint Director of Local Fund Audit Department, Kerala University of Fisheries and Ocean Studies Panangad P.O, Ernakulam - 682506.

Sri. Soman.V, Kalapakam, Panachavila, Anchal P.O, Kollam-691306.

The Secretary, Kerala Local Fund Audit Union, Sabari Buildings, Palottukonam Road, Edapazhanji, Sasthamangalam P.O, Thiruvananthapuram- 695 010.

The Stock File / Office copy.

✓The Nodal Officer, [www.finance.kerala.gov.in](http://www.finance.kerala.gov.in).

Forwarded/By Order

*Mangishree*  
Section Officer