



GOVERNMENT OF KERALA

FINANCE (PENSION-B) DEPARTMENT

CIRCULAR

No.88/2021/Fin.

Dated, Thiruvananthapuram, 07/10/2021

Sub:- Impleading Finance Department as a Party in Court Cases where provisions under Part III KSR are challenged – reg.

Ref:- Circular No.36/2015/Fin. Dated 27.03.2015.

As per the Circular referred above, all Departments/Sections/Officers had been instructed to mandatorily consult and obtain remarks of Finance (Pension-B) Department in preparation of Statement of Facts/counter affidavit in respect of subjects under KSR-Part III. It has come to notice of the Government that several departments have still not consulted and obtained the remarks of Finance Department in Court cases where provisions under Part III KSRs are challenged and Finance Department is also not a respondent in such cases. This may lead to failure in submitting relevant rule, in taking a uniform stand before courts and may pose difficulties for Government in vindicating its view in Courts of law. This could also lead to a situation wherein Government will be constrained to comply with judgements even in cases that are adjudicated against the standing orders of the Government for want of effectively presenting the Government side before Hon'ble Courts. Inaction on this account can also lead to contempt of court situations and might pave the way for similar claims in future from various categories leading to more litigation.

2) In order to avoid such situations, the following guidelines are issued for strict compliance and prompt action.

(a) In the court cases where Finance Department is not a respondent and the provisions under Part III KSRs are challenged, the first and second respondent of such cases shall take necessary steps to implead Finance Department in the party array.

(b) The Advocate General, Kerala shall ensure that Finance Department is impleaded in the party array of such cases.

(By order of the Governor)
SANJAY M KAUL
 SECRETARY (FINANCE EXPENDITURE)

To

The Principal Accountant General (A&E), Kerala, Thiruvananthapuram
 The Accountant General (Audit-II), Kerala, Thiruvananthapuram
 The Advocate General, Kerala, Ernakulam.
 All Heads of Departments and Offices.
 All Departments (All Sections) of the Secretariat including Law Department.
 The Secretary, Kerala Public Service Commission, Thiruvananthapuram,
 The Registrar, High Court of Kerala, Ernakulam.
 All Additional Chief Secretaries/Principal Secretaries/Secretaries/ Special Secretaries/
 Additional Secretaries/Joint Secretaries/Deputy Secretaries/Under Secretaries to
 Government.
 The Secretary to Governor.
 The Private Secretaries to Chief Minister and other Ministers.
 The Private Secretaries to Speaker, Deputy Speaker, the Leader of Opposition and
 Government Chief Whip.
 The Special Secretary to Chief Secretary.
 The Under Secretary to Additional Chief Secretary (Finance)
 The Special Liaison Officer, Office of the Chief Minister, Kerala.
 The Registrar, All Universities in Kerala.
 The Managing Director, KSRTC/KSEB, Thiruvananthapuram.
 The Housing Commissioner, Kerala State Housing Board, Thiruvananthapuram.
 The Managing Director, Kerala Water Authority, Thiruvananthapuram.
 The Member Secretary, Kerala State Pollution Control Board, Thiruvananthapuram.
 The Member Secretary, Kerala Khadi and Village Industries Board, Thiruvananthapuram.
 The Director of Public Relations, Thiruvananthapuram.
 The Senior Government Pleader (Finance), O/o the Advocate General, Ernakulam.
 The Liaison Officer (Finance), O/o the Advocate General, Ernakulam.
 The Director of Treasuries, Thiruvananthapuram.
 The Nodal Officer, www.finance.kerala.gov.in for publishing on the website.
 The Information Officer, Web & New Media.
 Stock File / Office Copy (E-1868082).

Forwarded/By Order


 Accounts Officer