



GOVERNMENT OF KERALA

Abstract

Agriculture Department- WP(C)No.40573/2023 Filed by Sri.K.Sivaprasad, Former Managing Director, State Farming Corporation of Kerala Ltd- Judgement Complied -Reg.

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Agriculture (PU) Department

G.O.(Rt)No.924/2024/AGRI Dated,Thiruvananthapuram, 01-10-2024

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Read 1 G.O.(Ms) No.271/95/AD, dated 16/08/1995

2 G.O.(Ms)No.271/96/AD dated 16.05.1996

3 G.O.(Ms)No.32/2003/AD dated 14/02/2003

4. Judgement dated 10/11/2022 in O.P.No. 7708/2003

5. G.O.(Rt)No.696/2023/AGRI dated 19-07-2023

E-mail letter from the Senior Government pleader dated 06/12/2023

6. regarding WP(C) No.40573/2023 filed by Sri.K.Sivaprasad before the Hon'ble High Court of Kerala

ORDER

Sri.K.Sivaprasad (the petitioner in WP(C) No.40573/2023) was appointed as the Managing Director of State Farming Corporation of Kerala (SFCK) on a deputation basis for a period of 5 years, from Matsyafed on 16/06/1988, and later it was extended for 2 years from 16/06/1993. As per Government Order read as 1st paper above, the petitioner's lien was shifted to SFCK from Matsyafed, from 16/06/1995 on his request and as per Government Order read as 2nd paper above, he was granted Schedule 'B' scale, in the scale of pay included in the State BPE schedule, as Managing Director of SFCK w.e.f the date of shifting of his lien to SFCK. Subsequently, Sri.K.Sivaprasad was appointed on a deputation basis, as the MD of Horticultural Products Development Corporation, Kerala State Film Development Corporation, Plantation Corporation of Kerala Ltd. In these postings also he was drawing the salary fixed for the post of MD of SFCK. Later the petitioner submitted a representation for revision of the pay scale since he was drawing a scale lower than that of his subordinates.

2. As the lien of the Petitioner was shifted from Matsyafed to State Farming Corporation of Kerala Ltd without identifying a permanent post in State Farming Corporation of Kerala Ltd, the Government have issued orders read as 3rd paper above, thereby accommodating the petitioner in the scale of pay of Rs.10000-15150 of the General Manager, SFCK which is the permanent post next below the post of Managing Director. In

O.P.No.7708/2003 the petitioner had sought an order to retain his lien as Managing Director in the State Farming Corporation of Kerala Ltd.

3. The Hon'ble High Court in its Judgment read as 4th paper, has set aside the Government Order 3rd cited and directed the 1st respondent (State of Kerala represented by principal Secretary, Agriculture Department) to reconsider the matter, after giving an opportunity of hearing to the petitioner. Hence, a hearing was conducted on 16.01.2023 on behalf of the respondent.

4. Based on the hearing conducted on 16/01/2023 and after examining the facts, the Government as per the 5th paper above, ordered to fix the lien of Sri.K.Sivaprasad, accommodated against the post of General Manager in the State Farming Corporation of Kerala Ltd, a permanent post next below the post of Managing Director in State Farming Corporation of Kerala Ltd. It was also ordered that financial benefits and liabilities if any including anomaly in Pay Revision, recovery proceedings against him etc will be considered later separately after consultation with the Finance Department.

5. The Government have examined the matter in detail and it is ordered that the pay of Sri. Sivaprasad is to be fixed in the scale of pay of Rs.10000-15150 w.e.f 14.02.2003 in the post of General Manager, SFCK, as per Government Order read as 3rd paper above. Also, as per G.O (Ms) No.146/2007/AD dated 16.08.2007, the pay and allowances of the employees of SFCK were revised w.e.f 01.07.2004 in line with G.O(P) No.145/2006/Fin dated 25.03.2006 and the last pay payable to the petitioner (Sri.K.Sivaprasad) is revised in the Scale of pay of 16650-23200 in the post of General Manager, SFCK.

(By order of the Governor)

LETHAKUMARI M B

ADDITIONAL SECRETARY

To:

1. Sri.K.Sivaprasad, Bhagya Karauna, Silver Sand Island, Vytila PO, Cochin-683019
2. Managing Director, State Farming Corporation of Kerala Ltd.
3. The Advocate General (with covering letter)
4. Finance (PU-D) Department (2469188/PU-D3/93/2023-Fin)
5. The Web & New Media, Information & Public Relations Department
6. Stock File / Office Copy

Forwarded /By order

Section Officer