

**GOVERNMENT OF KERALA****Abstract**

Home Department – Police Department - Judgment in WP(C) No.9275/2025 filed by Sri.Sabu.M.Jacob, MD, Kitex Group of Companies before the Hon'ble High Court - complied with- Orders issued.

HOME (E) DEPARTMENT

G.O.(Rt)No.2078/2025/HOME Dated,Thiruvananthapuram, 20-06-2025

Read:- 1) GO(Ms) No.117/2022/Home dated 15.06.2022.

2) GO(Ms) No.194/2023/Home dated 10.09.2023

3) GO(P) No.55/2024/Fin dated 17.07.2024.

4) GO(Ms) No.218/2024/Home dated 08.10.2024

5) Petition dated 23.01.2025 submitted before the Chief Secretary by Sri. Sabu M Jacob.

6) Judgment dated 18.03.2025 of the Hon'ble High Court in WP(C) No.9275/2025.

ORDER

Sri. Sabu.M.Jacob, MD, Kitex submitted a petition before the Chief Secretary read as 5th paper above, against the escalation in service charge for Police protection. Along with this the petitioner filed WP(C) No.9275/2025 before the Hon'ble court challenging GO read as 4th paper above, enhancing the service charges for availing the service of Police personal, with the petition read as 5th paper above as Exhibit P5 in the WP(C). As per judgment read as 6th paper above, the Hon'ble High Court disposed WP(C) No.9275/2025 by directing the second respondent to consider and dispose of Ext P5 complaint after affording the petitioner an opportunity of being heard.

2) Additional Chief Secretary, Home Department is the second respondent in the WP(C). The petitioner, Sri.Sabu.M.Jacob, had authorised

Sri.Jerom, Legal Manager, Kitex Garments Ltd is the person to attend the hearing. He has attended.As per the order of the Hon'ble High Court, conducted the hearing.

3) During the hearing he argued the following:-

i. Regarding exorbitant escalation in the rates issued as per GO read as 4th paper above.

As per GO read as 2nd paper above, the charges for rendering the service of a police personal (Civil Police Officer) was fixed at Rs.610/- and later on the rates were revised as per GO read as 4th paper above, the said rate was raised to Rs.2000/-. Hence the petitioner aggrieved that escalation from Rs.610/- to Rs.2000/- (227.86% hike from existing rate) is not justifiable and unreasonable.

ii. Refund of excess payment made by the firm

As per the GO read as 1st paper above service charges of police has been revised and in the Government order it was ordered that rates increased to 10%, but the rates were not increased proportionately. Charge enhanced from Rs.555/- to Rs.700/- (as per 10%, rate has to be increased to Rs.610/- but enhanced to 26.13%). This is a discrepancy in the order which prescribed 10%increase from the existing rates. Subsequently erratum order issued as per GO read as 2nd paper above. As per this order, the rates were revised from Rs.555 to Rs.610/-, but the rates as per the order was made applicable with effect from 01.10.2023. This decision is not reasonable and informed that revising Government order means Government committed that error occurred in issuing Government order dated 15.06.2022. Therefore GO read as 2nd paper above should have been applied retrospectively.

iii. Representation submitted by the petition has to be examined by a Committee constituted as per the GO read as 3rd paper above

The petitioner contended that he could have given an opportunity to be heard by the Committee constituted as per the GO read as 3rd paper above.

4) The petition already existed before the Government and contentions raised by the petitioner vide ,Ext P5 representation in the WP (C)No.9275/2025 had been already examined on 19.03.2025 by the Committee, constituted as per the GO read as 3rd paper above and found that it was clearly stated in GO read as 2nd paper above, by which orders has been issued revising GO read as 1st paper above that the revised rates will come into force with effect from 1st October 2023. Hence the question of refunding the excess charges collected for the period from 01.07.2022 to 30.09.2023 does not arise. As GO read as 2nd paper above does not have retrospective effect, the contentions raised by the petitioner in this regard cannot be accepted.

5) Further, the present rates as per GO read as 4th paper above is applicable to all. The Police Department, while submitting the proposal for enhancement of rates, has informed that proposal has been submitted taking into account the emoluments of police personal. Therefore the argument of the petitioner with respect to the unreasonable and exorbitant escalation also cannot be agreed to. Since the rate is applicable to all and no irregularity is found in fixing the rates, the request for constituting a committee to examine the matter, is also rejected.

6) Moreover the petitioner's submission has already been examined by the Committee constituted as per the GO read as 3rd paper above in detail and rejected on the basis of the findings mentioned above and the matter has been communicated to the Advocate General and reason for rejection has been informed the Petitioner also.

7) During the hearing he has raised the same contentions as stated in the petitioner's representation dated 23.01.2025 (Ext P5 in the WP (C)).

8) Government have examined the matter in detail and upholding the decision already taken by the committee with regard to the issue, the contentions raised by the petitioner in Ext P5 representation in the WP (C) No.9275/2025, are declined.

9) The judgment of the Hon'ble High Court of Kerala dated 18.03.2025 in WP(C) No. 9275/2025 is thus complied with.

(By order of the Governor)
AJIKUMAR G
UNDER SECRETARY

To:

The Advocate General, Kerala, Ernakulam. (with C/L)

The State Police Chief, Kerala, Thiruvananthapuram.

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

Sri. Sabu M Jacob, Managing Director, Kitex Group of Companies Ltd,
Kizhakkambalam,Ernakulam.

The Director, I&PRD. (for hoisting in the official website)

Stock File/Office Copy.

Forwarded /By order

Section Officer