



GOVERNMENT OF KERALA

Abstract

Home Department - Order of the Hon'ble Kerala Administrative Tribunal in OA (EKM)No.150/2019 filed by Sri. M.P. Jose Prakash & others - complied with - Orders issued

Home (K) DEPARTMENT

G.O.(Rt)No.4365/2025/HOME Dated,Thiruvananthapuram, 16-12-2025

- Read 1 Order No.F1/16455/2010 W dated:12-07-2010 of the Superintendent of Police,Wayanad.
- 2 GO(Rt)No.3281/2018/Home, dated 09.11.2018
- 3 G O (Rt) No.680/2022/Home dated 12.03.2022
- 4 Order of the Hon'ble Kerala Administrative Tribunal in OA (EKM) No.150/2019 dated 18.10.2024
- 5 Letter No. E8/120751/2023/PHQ, dated 25.01.2025 from the State Police Chief, Kerala.

ORDER

OA (EKM) No.150/2019 was filed by Sri. M.P. Jose Prakash and others before the Hon'ble Kerala Administrative Tribunal, Ernakulam, challenging the recovery of Special Allowances erroneously paid to them for the period from 2006 to 2019.

2.The applicants in OA (EKM) No.150/2019, who were Technical Police Personnel in categories such as Bugler, Carpenter, Electrician, etc., had earlier been granted Special Allowances applicable to the general category of Police Constables. Technical Police Personnel are not eligible for all allowances admissible to regular Police Constables. Consequent to the Pay Revision

Orders issued vide G.O.(P) No.145/2006/Fin dated 25.03.2006 and G.O.(P) No.85/2011/Fin dated 26.02.2011, certain Special Allowances were withdrawn in respect of Technical Police Personnel. However, the payment of such allowances was continued by the unit heads due to oversight even after the issuance of the said Pay Revision Orders.

3.During audit, the Accountant General observed that Technical Police Personnel, who are not expected to discharge the same duties and responsibilities as other Police Personnel, are not eligible for the allowances mentioned in Annexure 6 and 9 of G.O.(P) 145/06/Fin dated 25.03.2006, and accordingly raised objection and directed recovery of the amounts erroneously paid. Based on this, the Superintendent of Police, Wayanad, issued the order read as the 1st paper above for recovery of the excess payment.

4. Against the recovery , Sri. C.T. Jose and others, Technical Police Constables of Wayanad District, had filed TA No.5704/2012 before the Hon'ble Kerala Administrative Tribunal. In compliance with the final order in the said TA, Government, as per the order read as the 2nd paper above, rejected the request of the petitioners and clarified that the observation made by the Accountant General was in order and that the payment of allowances made to them was irregular. Based on this, the unit heads concerned initiated action to recover the allowances erroneously disbursed to the applicants for the years 2006 to 2016. Aggrieved by the initiation of recovery, the applicants filed OA (EKM) No.150/2019.

5. The Hon'ble Kerala Administrative Tribunal, as per the order read as 4th paper above, disposed of the OA with a direction to the 1st respondent (Additional Chief Secretary, Home Department) to reconsider the matter and examine whether the proposed recovery is required, in the light of the

circumstances stated in paragraph 9 of the order. The Annexure A2 order in OA (EKM) No.150/2019, read as the 2nd paper above, was set aside to enable such reconsideration, and the Tribunal directed that a fresh decision shall be taken within three months from the date of receipt of the order. The Tribunal further directed that no recovery shall be made from the applicants until such decision is taken.

6. In compliance with the order of the Hon'ble Kerala Administrative Tribunal dated 18.10.2024 in OA (EKM) No.150/2019, a report was obtained from the State Police Chief as per the letter read as 5th paper above. He has reported that in a similar matter, Sri. Saju M. and others had filed OA No.1348/2018 seeking grant of Special Allowances for the period from 31.01.2008 to 31.01.2015 and stoppage of recovery of the allowances already drawn. The Hon'ble Tribunal, in that case, allowed the OA and held that there was no valid ground for recovery of the Special Allowances paid during the said period, directing Government to issue appropriate orders restoring the allowances. Accordingly, in compliance with the Tribunal's directions in OA No.1348/2018, the Government issued the order read as the 3rd paper above, restoring the Special Allowances drawn by the applicants for the period from 31.01.2008 to 31.01.2015 and ordering refund of any amounts recovered. In view of the identical nature of the present case, the State Police Chief has suggested that the principles adopted in the Government order read as the 3rd paper above may be applied for compliance with the final order read as the 4th paper above.

7. Government have examined the matter in detail, in compliance with the order of the Hon'ble Tribunal read as the 4th paper above, taking into consideration the contentions raised by the petitioners, the relevant records, and the report furnished by the State Police Chief. The applicants were found

to have drawn payments in excess of their entitlement for the periods from 01.03.2006 to 10/2007 and from 11/2007 to 08/2019. It is noted that the erroneous payment of Special Allowances to the applicants during the period from 2006 to 2019 was not made on account of any misrepresentation on the part of the applicants. It is also observed that the applicants in OA (EKM) No.150/2019 have already retired from service. Accordingly, Government are pleased to exempt the applicants in OA (EKM) No.150/2019 from the recovery of the Special Allowances already granted to them, as per the Annexure A5 proceedings in the OA read as the 1st paper above.

8. The order of the Hon'ble Kerala Administrative tribunal read as 4th paper above is thus complied with.

(By Order of the Governor)
BISHWANATH SINHA
ADDITIONAL CHIEF SECRETARY

To:

The Advocate General, Kerala (with C/L)

The State Police Chief, Thiruvananthapuram.

Sri.M. P Jose Prakash , Maraparambil House, Vattakkari Gardens,

P.O.Kalpetta,Wayanad,Kerala (Through the State Police Chief)

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

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