

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

&

THE HONOURABLE MR. JUSTICE GOPINATH P.

THURSDAY, THE 12TH DAY OF NOVEMBER 2020 / 21ST KARTHIKA, 1942

OP (KAT) .No.102 OF 2020

AGAINST THE ORDER IN TA 1775/2012 DATED 14-09-2018 OF KERALA  
ADMINISTRATIVE TRIBUNAL, THIRUVANANTHAPURAM

PETITIONERS/RESPONDENTS 1 TO 4 IN T.A:

- 1 THE DEPUTY DIRECTOR OF EDUCATION,  
THODUPUZHA, IDUKKI DISTRICT.
- 2 THE ASSISTANT EDUCATIONAL OFFICER,  
MUNNAR, IDUKKI DISTRICT.
- 3 THE HEADMASTER,  
GOVT. A.T.P.SCHOOL, MUNNAR, IDUKKI DISTRICT.
- 4 THE ACCOUNTANT GENERAL (A & E) ,  
KERALA, THIRUVANANTHAPURAM.

BY SRI.T.RAJASEKHARAN NAIR, SR.GP

RESPONDENTS/APPLICANT AND RESPONDENT NOS.5 & 6 IN T.A:

- 1 JOHN JUSTIN RAJAMANI, S/O. ANTONY, VASANTHA VILAS,  
9 ROOMS LANE, NEAR R.C CHURCH, MUNNAR,  
IDUKKI DISTRICT, PIN-685 612.
- 2 THE SECRETARY,  
MUNNAR GRAMA PANCHAYATH,  
MUNNAR, IDUKKI DISTRICT - 685 612.
- 3 SRI.JAMAL, NOON MEAL INSPECTOR,  
O/O. DEPUTY DIRECTOR OF EDUCATION,  
THODUPUZHA P.O., THODUPUZHA,  
IDUKKI DISTRICT, PIN-685 584.

SRI. ARUN THOMAS, R2  
ADV.K.RAGHUKOTTAPPURAM

THIS OP KERALA ADMINISTRATIVE TRIBUNAL HAVING BEEN FINALLY HEARD  
ON 12.11.2020, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**JUDGMENT****Shaffique, J**

The original petition had been filed challenging the directions issued by the Tribunal directing the payment of interest on DCRG @ 9% from 09.07.2008 till the date of payment. The applicant/1st respondent herein retired from service as Headmaster on 31.03.2008. The Accountant General had sanctioned ₹3,01,785/- as DCRG on 17.01.2008. However the said payment was not made, alleging that some enquiry was being conducted against the applicant/1st respondent herein, regarding a work sanctioned by the Munnar Grama Panchayath. Ultimately, Non Liability Certificate had been issued on 03.05.2010, on the basis of which, DCRG was released. There was a delay of about two years in payment of the DCRG and during the pendency of the original application the applicant/1st respondent herein, sought for interest which was allowed by the Tribunal as stated above.

2. The learned Government Pleader submits that there is sufficient reason for denying the payment of DCRG as an enquiry was being conducted on the basis of the complaint given by the PTA president, regarding the work sanctioned

by the Munnar Grama Panchayath. Reference is also made to judgment of this Court in **State of Kerala and Others v. Indira C.C.** [2017 (1) KHC 399 (DB)] to substantiate the contention that there was justification in delaying the payment.

3. We have heard the learned counsel appearing for the applicant/1st respondent. The primary contention is that DCRG was not paid, since there was a complaint from the former PTA president. The complaint was given on 11.09.2007. There was ample time for the Government to consider whether the applicant/1st respondent was responsible for the alleged complaint. Apparently, it was noticed that the work was done under the supervision of Assistant Executive Engineer, Local Self Government Department and all the vouchers are kept in the custody of the Panchayath. When the records were available, necessarily the Panchayath ought to have verified the allegations in the complaint then and there especially in respect of a person, who was about to retire from service on 31.03.2008. It clearly indicates that there was negligence on the part of the respondent officials/petitioners herein in not having considered the

complaint within a reasonable time. When all the records were available with them, there was no difficulty to find out whether all the vouchers were produced by the applicant/1st respondent.

4. Under such circumstances, there is justification on the part of the Tribunal in directing the payment of interest on DCRG. However, taking into consideration the fact that 9% interest had been awarded by the Tribunal, we feel it appropriate to reduce the rate of interest to 6% from 09.07.2008 till the date of payment. If it is felt that the delay had been caused by any particular officer of the Government, it shall be open for the Government to claim the said amount from any such officer, after initiating appropriate proceedings in accordance with law.

Sd/-

**A.M.SHAFIQUE, JUDGE**

sd/-

**GOPINATH P., JUDGE**

AMV/12/11/2020

APPENDIXPETITIONER'S/S EXHIBITS:

- EXHIBIT P1 (TA) TRUE COPY OF THE TRANSFERRED APPLICATION (ORIGINALLY THE SAME WAS WRIT PETITION IN CIVIL), ALONG WITH THE EXHIBITS.
- EXHIBIT P1 (TA) (1) A TRUE COPY OF THE ORDER NO.P03/2100811023/4/P/08/10/70010722 DATED 17.01.2008
- EXHIBIT P1 (TA) (2) A TRUE COPY NLC IN RESPECT OF S.S.A/D.P.E.P DURING THE RELEVANT PERIOD OF SERVICE OF THE PETITIONER IN KANNIMALA
- EXHIBIT P1 (TA) (3) A TRUE COPY OF THE LETTER DATED 12.01.2009 ISSUED BY BLOCK PROGRAMME OFFICER, S.S.A , B.R.C. MUNNAR
- EXHIBIT P1 (TA) (4) A TRUE COPY OF CERTIFICATE NO.76/08 DATED 20.11.2008
- EXHIBIT P1 (TA) (5) A TRUE COPY OF CERTIFICATE OF NON LIABILITY OF THE PETITIONER ISSUED FROM THE GOVT. ATP SCHOOL, MUNNAR.
- EXHIBIT P1 (TA) (6) A TRUE COPY RELEVANT PORTION OF M-BOOK
- EXHIBIT P1 (TA) (7) A TRUE COPY OF PETTY CONTRACT BILL DATED 29.03.2004.
- EXHIBIT P1 (TA) (8) A TRUE COPY OF LETTER NO.C-4/2317/2008 DATED 17.07.2008 REGARDING.
- EXHIBIT P1 (TA) (9) A TRUE COPY OF LETTER NO.G5/13815/07 DATED 05.01.2009
- EXHIBIT P1 (TA) (10) A TRUE COPY OF THE LETTER NO.A304/09 DATED 19.01.2009
- EXHIBIT P1 (TA) (11) A TRUE COPY OF THE LETTER NO.A5/109/08 DATED 08.12.2009
- EXHIBIT P1 (TA) (12) A TRUE COPY OF THE COMPLETION CERTIFICATE DATED 27.03.2007

EXHIBIT P1 (TA) (13) A TRUE COPY OF REPRESENTATION DATED 20.11.2009

EXHIBIT P1 (TA) (14) A TRUE COPY OF REPRESENTATION DATED 03.04.2009.

EXHIBIT P1 (TA) (15) A TRUE COPY OF REPRESENTATION DATED 28.11.2009.

EXHIBIT P1 (TA) (16) A TRUE COPY OF G.O(P) 185/2002/FIN DATED 27.03.2002.

EXHIBIT P2 (TA) TRUE COPY OF THE PETITION FOR AMENDMENT FILED BY THE APPLICANT.

EXHIBIT P3 (TA) TRUE COPY OF THE IA IN THE WRIT PETITION FOR IMPEADING THE 6TH ADDITIONAL RESPONDENT.

EXHIBIT P4 (TA) TRUE COPY OF THE COUNTER AFFIDAVIT FILED BY THE 1ST RESPONDENT

EXHIBIT P4 (TA) R1 (A) TRUE COPY OF LETTER NO.G5/13815/07 DATED 11.10.2007.

EXHIBIT P4 (TA) R1 (B) TRUE COPY OF THE LETTER G5/13815/07 DATED 15.12.2008.

EXHIBIT P4 (TA) R1 (C) TRUE COPY OF LETTER NO.A5/109/08 DATED 08.12.2009

EXHIBIT P4 (TA) R1 (D) TRUE COPY OF LETTER A/4710/07 DATED 06.05.2010.

EXHIBIT P5 (TA) TRUE COPY OF THE REPLY AFFIDAVIT ALONG WITH THE EXHIBIT.

EXHIBIT P5 (TA) (17) A TRUE COPY OF GOVERNMENT ORDER VIDE GO(P) 185/2002/FIN DATED 27.03.2002.

EXHIBIT P6 (TA) TRUE COPY OF THE ORDER DATED 14.09.2018 IN TA NO.1775/12.

RESPONDENTS EXHIBITS : NIL

TRUE COPY

P.A.TO JUDGE