

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN  
&  
THE HONOURABLE MR. JUSTICE BABU MATHEW P.JOSEPH

FRIDAY, THE 20TH DAY OF DECEMBER 2013/29TH AGRAHAYANA, 1935

OP(KAT).No. 4666 of 2013 (Z)

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AGAINST THE ORDER/JUDGMENT IN OA 2416/2012 of KERALA  
ADMINISTRATIVE TRIBUNAL, THIRUVANANTHAPURAM DATED 22-05-2013

PETITIONER(S) :

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1. STATE OF KERALA  
REPRESENTED BY THE SECRETARY TO GOVERNMENT  
GENERAL EDUCATION DEPARTMENT,  
GOVERNMENT SECRETARIAT  
THIRUVANANTHAPURAM-695 001.
2. THE DIRECTOR OF PUBLIC INSTRUCTION  
JAGATHY, THIRUVANANTHAPURAM-695 033.
3. THE ACCOUNTANT GENERAL (A & E) KERALA  
OFFICE OF THE ACCOUNTANT GENERAL (A & E)  
THIRUVANANTHAPURAM-695 009.
4. THE SUB TREASURY OFFICER  
CHATHANNOOR, KOLLAM.
5. THE BLOCK PROGRAMME OFFICER  
SSA, BLOCK RESOURCE CENTRE, KUNDRA.

BY ADV.SRI.P.M.JOSEPH, SR.GOVERNMENT PLEADER

RESPONDENT(S) :

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JANAMMA.P  
MOTHER OF LATE SOMARAJAN.R,  
VIJAYAMANDIRAM, KIZHAVOOR  
MUKHATHALA.P.O., KOLLAM DISTRICT-691 577.

THIS OP (KAT) HAVING COME UP FOR ADMISSION ON 20-12-2013,  
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP(KAT).No. 4666 of 2013 (Z)

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APPENDIX

PETITIONER(S) ' EXHIBITS

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P1- COPY OF ORDER DATED 22.05.2013 IN OA 2416/12.

P2- COPY OF ORIGINAL APPLICATION.

P3- COPY OF REPLY STATEMENT DATED 12.03.2013 FILED BY 2ND  
RESPONDENT IN OA.

P4- COPY OF REJOINDER DATED 20.05.2013 FILED BY THE APPLICANT  
IN O.A.

P5- COPY OF MISCELLANEOUS APPLICATION FOR CORRECTION FILED BY  
THE APPLICANT.

P6- COPY OF LIABILITY CERTIFICATE DATED 6.11.12 ISSUED BY  
DEPUTY DIRECTOR OF EDUCATION, KOLLAM.

P7- COPY OF GO(P) 591/97/FIN DATED 17.6.97.

RESPONDENT(S) ' EXHIBITS

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NIL

//True Copy//

PA to Judge.

THOTTATHIL B.RADHAKRISHNAN &  
BABU MATHEW P.JOSEPH, JJ.

.....  
OP(KAT) No.4666 of 2013  
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Dated this the 20<sup>th</sup> day of December, 2013.

“C.R.”

J U D G M E N T

Thottathil B.Radhakrishnan, J.

1. We have heard the learned Government Pleader.
2. The only issue is as to whether the learned Tribunal has correctly interpreted the Government Order dated 17.06.1997. That Government Order was a measure of compassion to the families of State Government servants and All India Service Officers, who died in harness. Government had ordered that in the unfortunate event of a Government employee dying-in-harness, his liabilities due to the Government up to ₹2,00,000/- (Rupees two lakhs only) will be written off. The next sentence of that Government Order says that such “liabilities” will include House Building Advance, Motor Conveyance Advance and any interest free loan given for the treatment of the employee. The use of the word “include” in the second sentence clearly indicates that the said sentence was not intended as a tool to define the entire concept of liabilities

that would fall within the canopy of ₹2,00,000/- (Rupees two lakhs only), which was to be written off. We have looked into this from this angle, though what is for interpretation and construction is a Government Order and not a statutory provision. The predominant declared intention is that in the unfortunate event, an amount of ₹2,00,000/- shall be set off. Any other view would be violative of that Government Order.

3. For the foregoing reasons, we find no illegality or jurisdictional error or infirmity in the order of the Tribunal warranting interference in exercise of authority under Articles 226 and 227 of the Constitution of India. Hence, this original petition fails.

In the result, this original petition is dismissed in limine.

(THOTTATHIL B. RADHAKRISHNAN, JUDGE)

(BABU MATHEW P. JOSEPH, JUDGE)