

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN
&
THE HONOURABLE MRS. JUSTICE ANU SIVARAMAN

WEDNESDAY, THE 18TH DAY OF NOVEMBER 2015/27TH KARTHIKA, 1937

DBAR.No. 9 of 2012 ()

(IN THE MATTER OF TRAVANCORE DEVASWOM BOARD - ADMINISTRATION -
PAY REVISION 2009 - SPECIAL REPORT FILED BY THE JT. DIRECTOR
OF LOCAL FUND AUDIT, TDB AUDIT, THIRUVANANTHAPURAM)

PETITIONER(S) :

THE JOINT DIRECTOR OF LOCAL FUND AUDIT,
THIRUVANANTHAPURAM.

BY ADV.A RENJITH, SR.GOVERNMENT PLEADER

RESPONDENT(S) :

THE SECRETARY, TRAVANCORE DEVASWOM BOARD.

BY ADV. SRI.NAGARAJ NARAYANAN, SC FOR TDB
BY ADV. SMT.A.SREEKALA, SC,
TRAVANCORE DEVASWOM BOARD
BY SRI.G.BIJU,SC,TRAVANCORE DEVASWOM BOARD

THIS DEVASWOM BOARD AUDIT REPORT HAVING BEEN FINALLY
HEARD ON 18-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

THOTTATHIL B.RADHAKRISHNAN &
ANU SIVARAMAN, JJ.

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DBAR No.9 of 2012
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Dated this the 18th day of November, 2015.

O R D E R

Thottathil B.Radhakrishnan, J.

1. By order dated 10.07.2013, the audit report in hand was referred to the learned Ombudsman, who in turn gave notice to both sides and considered the matter on the basis of the remarks of the Local Fund Audit and the reply of the Travancore Devaswom Board. The learned Ombudsman has concluded his views as follows:

“It is seen from the above report, reply and remarks that the authority of the Board to decide on the method of recruitment, grant of salaries and fixing the conditions of service is not in dispute. On the side of the Devaswom Board, the rules published in Gazette dated 14.07.1979 is produced. It is stated in the rules that Kerala Service Rules promulgated by Kerala Government is applicable in so far as they

have been adopted by resolution and in so far as they are not repugnant to the context of the service under the Board. The fact that the higher benefits have been enjoyed by the superior Officers from 1988 is also not in dispute. It may not be practical to reduce the pay structure as it was being enjoyed by the Officers for a considerable time.”

2.The learned Ombudsman has rightly noted that the person who had signed the audit report cannot be imputed with personal allegations. We endorse that view.

3.As regards the suggestion of the Local Fund Audit to include a subject expert from outside while next pay revision is introduced and as to whether necessary provisions can be made without in any way reducing the existing pay of the categories of Assistant Devaswom Commissioner and Deputy Devaswom Commissioner, those are matters on which the TDB, as the head of administration of the TDB, should consider pointedly and take a pragmatic decision, having regard to all aspects of the matter, including the

interest of the establishment and the employees. It is so ordered.

The DBAR is ordered recording that nothing further remains for consideration in this matter.

(THOTTATHIL B.RADHAKRISHNAN, JUDGE)

(ANU SIVARAMAN, JUDGE)