



GOVERNMENT OF KERALA

Abstract

DRAWAL BY DEBIT TO SUSPENSE HEAD '8674-00-101-99' DEPOSIT OF DECETAL
AMOUNT IN COURT FOR STAYING EXECUTIONS OF DECREE—COMPLIANCE OF
GOVERNMENT CIRCULARS—MODIFIED INSTRUCTIONS—ISSUED

FINANCE (EXPENDITURE-A) DEPARTMENT

G. O. (P) No. 409/2006/Fin. Dated, Thiruvananthapuram, 10th October, 2006.

Read:—Circular No. 4/2002/Fin. dated 2-1-2002.

ORDER

The Government Circular cited above was issued to reiterate that the guidelines laid down in this circular should scrupulously be followed by all Heads of Departments/Controlling Officers/Administrative Departments in the Secretariat while sanctioning/incurred expenditure by debit to the head of account "8674-00-101-99". In the present day context of increasing number of LAR cases, culminating in attachment of Government properties especially vehicles of Government Secretaries in connection with Court decrees, Government feel the need for simplifying the existing procedures for fund release to avoid attachment of Government properties.

2. In view of the above, Government are pleased to issue the following procedural changes for provision of funds for satisfaction of Court decree in respect of LAR cases.

(a) Cases where there is scope for appeal:

- (i) In those LAR cases, where Government intend to go for appeal against a lower Court's decree in the Apex Court, the District Collector concerned should take immediate steps to file Writ Appeal and for depositing the required amount for obtaining stay on execution of the decree.

- (ii) The District Collectors will be authorized to draw the required funds for this purpose from the suspense head "8674-00-101-99" without seeking prior permission from the Government. Here, the District Collectors, in their proceedings sanctioning deposits, should record explicitly Government's intention to go for an appeal against the lower Court's decree.
 - (iii) Copies of orders sanctioning the drawal of funds from the suspense head to make such deposits will be sent to the Revenue and Finance Departments in Government, to the Accountant General, and to the Land Acquisition Authority for scrutiny without fail.
 - (iv) The District Collectors will keep proper records of such expenditure and furnish monthly statements thereof to the Revenue Department and Finance Department in Government and to the Accountant General (A&E), indicating the current stage of the Writ Appeal filed in each case.
- (b) **Cases where there is no scope for appeal:**
- (i) The powers with respect to sanction and allotment of funds by debit to "2075-00-800-54" and "2075-00-800-53" will continue to be exercised by the Revenue (B) Department.
 - (ii) The Revenue (B) Department will make allotments to the District Collectors depending on the number of LAR cases dealt within each district. While sending proposals to authorize funds, the District Collectors should certify that on the basis of the legal opinion from the Advocate General to the effect that there is "no scope for appeal" in the case, the District Collectors themselves are convinced that there is no scope for appeal.
 - (iii) The District Collectors will keep proper records of such expenditure and furnish monthly statements thereof indicating the progress of satisfaction of decree to the Commissioner, Land Revenue, who will, in turn, furnish consolidated statements to the Revenue (B) Department and Finance Department in Government.
 - (iv) The Revenue (B) Department will continue to furnish proposals for Budget Estimates in respect of these heads of account.

3. All Heads of Departments and Controlling Officers are directed to take timely action to clear the outstanding debits under the suspense head on final disposal of the Writ Appeal.

By order of the Governor,

K. JOSE CYRIAC,
Principal Secretary (Finance).

To

The Principal Accountant General (Audit), Kerala, Thiruvananthapuram.

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

All Principal Secretaries/Secretaries/Special Secretaries/Additional Secretaries/Joint Secretaries/Deputy Secretaries/Under Secretaries to Government.

All District Collectors.

All Heads of Department.

All Departments/Offices/Sections of Secretariat.

The Joint Secretary to Chief Secretary.

The Stock File.
