



GOVERNMENT OF KERALA

Abstract

Finance Department - WP(C)28756/2020 filed by Smt. Mallika.E; Associate Professor (Rtd), Sreekrishnapuram V.T. Bhattathiripad College, Palakkad - Judgement complied - Orders issued.

FINANCE [PENSION-B] DEPARTMENT

G.O.(Rt) No.3287/2021/Fin

Dated, Thiruvananthapuram, 01/04/2021

Read:- 1. G.O(P)No.211/2011/Fin dated 07.05.2011.
2. G.O(P)No.230/2012/Fin dated 19.04.2012.
3. G.O(P)No.151/2020/Fin dated 05.11.2020.
4. Representation dated 09.12.2020 of Smt. Mallika.E.
5. Judgement of Hon'ble High Court in WP(C)No.28756/2020 dated 22.12.2020.

ORDER

Smt. Mallika.E, Associate Professor (Rtd), Sreekrishnapuram V.T. Bhattathiripad College, Palakkad had filed WP(C)No.28756/2020 before the Hon'ble High Court of Kerala challenging Clause 1.2 of the Government Order read 3rd above. The grievance of the petitioner is that there is an anomaly in the prescription of the factor to be taken for calculating 10 months average emoluments for the pre-revised period, as per clause 1.2 of G.O read 3rd above and hence requested to review the above clause and enhance her pay in the pre-revised scale by a factor of 2.57 for calculating average emoluments.

2) In the Judgement read 5th above, the Hon'ble High Court of Kerala directed the competent Secretary of the Government of Kerala to take up and consider the representation of the petitioner read 4th above and pass appropriate orders within three months, after affording the petitioner an opportunity of being heard - either physically or through video conferencing. As such the representative of the petitioner was heard over phone on 20/03/2021. During hearing the petitioner requested to review clause 1.2 of G.O read 3rd above and extend the benefit of G.O read 2nd above to the petitioner also.

3) Government have examined the matter in detail. Even though the pensionary benefits of the employees coming under UGC/AICTE/MES were revised for the first time vide G.O read 1st above, the monetary benefit was given only from 01/07/2019. Until then, the pension revision benefits of State Service Pensioners were extended to UGC pensioners also. In order to avoid the huge loss sustained by the UGC pensioners when their pension revision order is switched over from State Service Pension Revision Order, Para 2.2 of G.O read 1st above had been amended by G.O read 2nd above. This situation does not exist now. Also Note 10 below Rule 63 Part III KSRs clearly states that in cases where Pay Revision Orders come into effect during the period of the last ten months of qualifying service which counts for average emoluments, pay in the pre-revised scale of pay shall be enhanced notionally by adding the percentage of Dearness Allowance merged to the basic pay as per the relevant Pay Revision Orders. Moreover, there is no reduction in the pension received by the petitioner due to pension revision. In these circumstances, the request of the petitioner does not merit consideration and is rejected. The Order of the Hon'ble High Court of Kerala thus stands complied with.

(By order of the Governor)
ABDUL JALIL.M
ADDITIONAL SECRETARY (FINANCE)

To

The Principal Accountant General (A&E), Kerala, Thiruvananthapuram.
The Accountant General (Audit-II), Kerala, Thiruvananthapuram.
The Advocate General, Kerala, Ernakulam.
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The Nodal Officer, www.finance.kerala.gov.in for publishing in the Website.
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Forwarded/By Order


Section Officer