



GOVERNMENT OF KERALA
Abstract

Finance Department - Pay Revision 2014 - Order of the Hon'ble Kerala Administrative Tribunal in O.A No.1520/2017 filed by Shri.R.Vijayakumaran Nair & Others -Direction Compiled With -Orders Issued.

FINANCE (ANOMALY RECTIFICATION CELL) DEPARTMENT

G.O.(Rt)No.997/2018/Fin

Dated, Thiruvananthapuram, 08/02/2018

Read:-1. G.O(P)No.7/2016/Fin dated 20.01.2016.

2. Order dated 07.08.2017 of the Hon'ble KAT in OA No.1520/2017 filed by Shri.R.Vijayakumaran Nair, Senior Administrative Assistant (Rtd), Police Department and two others.
3. Representation dated 14.10.2017 from Shri.R.Vijayakumaran Nair, Senior Administrative Assistant(Rtd), Police Department.

ORDER

Sri.Vijayakumaran Nair, Senior Administrative Assistant(Rtd), Police Department and two others have filed OA No.1520/2017 before the Hon'ble Kerala Administrative Tribunal with a prayer to allow the scale of pay of Rs.45800-89000 to the post of Senior Administrative Assistant in Police Department. The Hon'ble Kerala Administrative Tribunal in its Order read as second paper above has disposed of the case with direction to the first respondent (Secretary, Finance Department) to consider and pass orders on the representation furnished by the applicants within three months from the

date of the receipt of copy of the order after hearing the applicants.

2. In compliance with the Order of Hon'ble Kerala Administrative Tribunal, the applicants were heard on 12.10.2017. At the time of hearing the applicants contended that they were appointed to the post of Senior Administrative Assistant by promotion from Administrative Assistant. Prior to 10th Pay Revision the post of Senior Administrative Assistant was in a higher scale of pay of Rs.22360-37940 than Administrative Assistant on Rs.21240-37040. But in the 10th Pay Revision Order both the posts are placed in same scale of pay of Rs.42500-87000 and hence the employees are devoid of fixation benefits on promotion which ultimately leads to relinquishment of promotion by the incumbents. They approached the Hon'ble Tribunal for a remedy for this predicament and demanded for higher scale of pay ie, Rs.45800-89000 to the post of Senior Administrative Assistant in Police Department. The volume of work of Senior Administrative Assistant is too heavy. They have to deal with the service matters of about 4000 odd police personnel which is almost double in comparison with the duty of Administrative Assistant. Only 6 posts of Senior Administrative Assistant are existing in Police Department which spreads along south to extreme north of the State. Therefore there will have definite possibility of transfer to remote

places on promotion. That is why promotion becomes a bitter fruit to employees as it causes a pain to them without having any monetary gain. The post of Senior Administrative Assistant that exists in General Education Department is in the scale of pay of Rs.45800-89000. Since only 6 posts are existing in Police Department, the financial commitment would be very meagre if the scale of pay of Senior Administrative Assistant is increased to the next level of scale of pay. Government may consider all these aspects and enhance the scale of pay of Senior Administrative Assistant in Police Department from Rs.42500-87000 to Rs.45800-89000.

3. The post of Administrative Assistant in Police Department comes under Common Category which was placed in the pre-revised scale of pay of Rs.21240-37040. The corresponding revised scale of pay of Rs.21240-37040 in the Tenth Pay Revision Order is Rs.40500-85000, but the post of Administrative Assistant in the Common Category has been placed in the revised scale of pay of Rs.42500-87000 by giving one level up-gradation. In a very few number of Departments, viz Police, General Education, Health Services, etc there exists the post of Senior Administrative Assistant as promotion post of Administrative Assistant in the Common Category. The post of Senior Administrative Assistant is not a Common Category post, but a

departmental post included in the Kerala General Service Rules. The post of Senior Administrative Assistant in Police Department is specifically mentioned in the said rules and the appointment to the post is being made by promotion from the post of Administrative Assistant/Manager/Accounts Officer on Rs.42500-87000 in Police Department. The post of Senior Administrative Assistant in Police Department was placed in the pre-revised scale of pay of Rs.22360-37940, that is one level higher to the scale of pay admissible to the post of Administrative Assistant. In the Tenth Pay Revision Order this post has been given corresponding revised scale of pay, ie. Rs.42500-87000. Consequently, the post of Senior Administrative Assistant in Police and Health Services Department happened to be in the same scale of pay as that of its feeder post of Administrative Assistant. No erosion has happened in the scale of pay of the post of Senior Administrative Assistant in Police Department in the Tenth Pay Revision albeit its feeder post has been given an upgradation in scale of pay, with the result that now the feeder category and promotion posts are in same scale of pay.

4. There are so many posts in various departments as feeder or promotion posts of Common Category posts. Since last three pay revisions, one or another Common Category posts have been given upgradation in scale of pay

which triggered an upset in the existing parity in scale of pay of Common Category posts with departmental posts and hence demands have raised from various corners for similar upgradation to departmental posts too. Since it is not possible to upgrade the scale of pay of all those posts, Government have not conceded to such demands except in cases of glaring anomalies which would tantamount to administrative difficulties. In the present case there isn't any administrative difficulties due to same scale of pay to the posts of Administrative Assistant and Senior Administrative Assistant in Police Department since both the posts will not come under the same hierarchy- each one having its own distinct duties and responsibilities. The Senior Administrative Assistant does not exercise any supervisory control over Administrative Assistant. The sole concern is that the employees are devoid of benefits of fixation of pay on promotion from Administrative Assistant to Senior Administrative Assistant. There are no rules in force guaranteeing fixation of pay as per Rule 28 A Part I KSR for all promotions. In the Kerala Service Rules and in the Pay Revision Order, there is enough provision for fixation of pay on promotion to the posts carrying the same scale of pay. As per para 43 of G.O.(P)No.7/2016/Fin dated 20.01.2016, where promotion posts happen to have the same scale of pay as the feeder category posts one

advance increment will be granted to the promotee. The post of Senior Administrative Assistant in General Education Department has a different entity, wherein the post of Additional Administrative Assistant and Senior Administrative Assistant are also not Common Category posts but are under the schedule of General Education Department. The posts of Administrative Assistant and its equated posts are in a lower scale of pay in General Education Department compared with Common Category. Therefore the position prevailing in General Education Department cannot be taken as a ground for admitting the applicants' claim. Hence the demand of the applicants for enhancement of scale of pay of Senior Administrative Assistant to Rs.45800-89000 is devoid of merits and the same is rejected in accordance with rules and regulations in force.

5. As per Circular No.7/2018/Fin dated.19.01.2018, Government have issued instruction to submit all proposals for enhancement of the Scale of Pay and Allowances of various posts and to allow improved ratio to the next Pay Revision Commission as and when appointed. The applicants are free to pursue action accordingly.

6. The Order dated 07.08.2017 of the Hon'ble Kerala Administrative Tribunal is thus complied with.

By Order of the Governor,
G.ASOK KUMAR
JOINT SECRETARY(FINANCE)

To

1. Shri.R.Vijayakumaran Nair, 'Karthika', TC XI/870, Mosque Lane, Kesavadasapuram, Pattom - 695004
2. Sri.Manohar.M.N, Kaveri House, Karakulam P.O, Thiruvananthapuram-695564
3. Sri.B.Krishnakumar, Thushara,T.C 5/9258(2), Ambadi Nagar Lane, Sreekariyam P.O, Thiruvananthapuram- 695017
4. The Registrar, KAT, Thiruvananthapuram.
5. The Additional Chief Secretary to Government, Home Department
6. The Advocate General, Kerala, Thiruvananthapuram,
7. The State Police Chief, Police Head Quarters , Thiruvananthapuram.
8. The Stock file/Office Copy(E-599309).

Forwarded By Order


Section Officer