



GOVERNMENT OF KERALA

Abstract

Finance Department – Order dated 03.11.2017 of the Hon'ble KAT in OA (EKM) No.2478/2017 filed by Sri.Mohandas T V, Lecturer in Mechanical Engineering, Government Polytechnic College, Kodumbu, Palakkad and others – Complied with – Orders issued

FINANCE (PAY REVISION CELL - C) DEPARTMENT

G.O (Rt) No.5630/2018/Fin

Dated, Thiruvananthapuram 03/07/2018

Read : 1. G.O (Ms) No.75/2014/Fin dated 20.02.2014.

2. G.O (Ms) No.262/2015/Fin dated 01.07.2015.

3. Order dated 03.11.2017 of the the Hon'ble Kerala

Administrative Tribunal in OA (EKM) No.2478/2017.

ORDER

As per Government Order read as 1st paper above, Government implemented AICTE scheme in Government and Aided Polytechnics w.e.f 01.07.2013 and orders have been issued placing teaching staff of Government and Aided Polytechnic Colleges in eligible Central Scale w.e.f 01.07.2013. Sri. Mohandas T.V, Lecturer in Mechanical Engineering, Govt Polytechnic College, Kodumbu, Palakkad and others filed OA (EKM) No.2478/2017 before the Hon'ble KAT requesting that their pay may be fixed by protecting 1.11 times the basic pay of the State scale on the date of effect of the order by modifying the fitment tables annexed to the Government Order read as 1st paper above.

2. The Hon'ble KAT in its Order read as third paper above, directed the second respondent ie, the Secretary to Government, Finance Department, to consider and pass appropriate orders on Annexures A11 to A21 representations after affording an opportunity of personal hearing to the applicants or their representatives within a period of three months from the date of receipt of a copy of the order. The applicants were heard on 10.01.2018.

3. The summary of contentions of the applicants is that

(a) The basic pay of State scale is always below than that of AICTE advised scale.

(b) The fixation formula followed in the pay revision w.e.f 01.01.2006 as $\text{pay(Old)} \times 1.86 + \text{bunching increments in the new scale} + \text{AGP admissible}$.

(c) The rate of increment of State scales of pay is always less than the rate of increment in the AICTE scale

(d) Pay of any incumbent Polytechnic staff following AICTE scale (with the same service) is always higher than that of the counterpart in Kerala State (with the same service) by a ratio approximately 1.11 at any time on the pay scale. Hence it is requested that their pay in AICTE scale may be fixed as 1.11 times the basic pay of State scale plus AGP admissible.

4. Government have examined the matter in detail as follows:

The placement tables attached with G.O (P) No.75/2014/Fin dated 20.02.2014 are based on the principle that "State Pay + State DA = Central Pay + Academic Grade Pay + Central DA".

(a) The pay of a person, for example, drawing a basic pay of Rs.37040/- on 01.07.2013 in the State scale of pay on change over to

AICTE scheme in the Pay band of Rs.15600-39100 + Rs.6000 AGP is fixed, as per the relevant table annexed to the Government Order read as 1st paper above, as follows.

(₹)

State Basic Pay	DA @ 63%	Total (a)	Pay in the pay band as per Table II, Annex I of G.O (Ms) No.75/2014/Fin dated 20.02.2014	AGP	Central DA @ 90%	Total (b)	Difference [(b) – (a)]
37040	23335	60375	26380	6000	29142	61522	+1147

From the above it can be seen that there is no case of reduction or drop in “State pay + State DA” drawn by the incumbent in the State scale and consequently there is no reduction or drop in the total emoluments drawn by incumbents in the State scale.

(b) The pay of same incumbent drawing a basic pay of Rs.37040/- on 01.07.2013 in the State scale of pay on change over to AICTE scheme in the Pay band of Rs.15600-39100 + Rs.6000 AGP is fixed as demanded in the petition.

(₹)

State Basic Pay	DA @ 63%	Total (a)	Pay in the pay band arrived at by multiplying with 1.11 [Old basic pay * 1.11]	AGP	Central DA @ 90%	Total (b)	Difference [(b) – (a)]
37040	23335	60375	41114	6000	42403	89517	+29142

5. If the demand of the applicant is agreed to, they will be in receipt

of undue benefits and such increase in pay is not allowable even in general pay revisions. The case of Sri. Mohandas and others is not a case of revision from 5th Central Pay Commission scales to 6th Central Pay Commission scales and hence the regular pay revision benefits of scale to scale revision is not permissible. Pay in State scale is not equivalent to pay in Central scale due to difference in the percentage of Dearness Allowance merged with basic pay on the date of revision and the interval between two consecutive revisions. State revision is effected once in 5 years while central revision is effected once in 10 years. The State scale were formed in 9th Pay revision order by merging 64% DA w.e.f 01.07.2009. Central pay revision was effected w.e.f 01.01.2006 and 7th Central pay revision became due on 01.01.2016. The financial benefit as demanded in the petition is not given on account of placement from State scale to Central scale. In case of placement from State pay revision scales to Central scales during the currency of a particular central revision, placement alone is given protecting the State pay + DA.

6. Moreover Government have given option to those employees whose date of superannuation is between 31.07.2013 and 31.12.2015, to continue in the State scale as one time measure, as per the Government Order read as 2nd paper above. It is also noteworthy that the incumbents are eligible for Central revision w.e.f 01.01.2016 as per AICTE scheme which confers further benefit of another pay revision. They would be in a more benefitted position w.e.f 01.01.2016 than what they would have earned, had they continued in State scales after 01.07.2013 and availed 10th State pay revision w.e.f 01.07.2014. Therefore modification of the table annexed to the Government Order read 1st above is not necessary as the request is without basis and aimed at undue enrichment of incumbents who had enjoyed the benefits of 9th State pay revision

order. The request is also detrimental to the State finances and if allowed will cause drain on limited State resources. Therefore the claim of the applicants is devoid of merits and hence declined. The order of the Hon'ble KAT read as 3rd above is complied with and orders issued accordingly.

(By order of the Governor)

DR.SHARMILA MARY JOSEPH IAS

SECRETARY

To

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

The Principal Accountant General (G&SSA), Kerala, Thiruvananthapuram.

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

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

The Advocate General, Kerala, Ernakulam, Kochi 682 031.

The Secretary to Government, Higher Education Department.

The Director of Technical Education, Thiruvananthapuram.

Sri Mohandas T.V, Lecturer in Mechanical Engineering, Govt Polytechnic College, Kodumbu, Palakkad.

Sri.Manikandan T V, Lecturer in Mechanical Engineering, Govt Polytechnic College, Perinthalmanna, Malappuram.

Sri.Muhammed Salim K, Lecturer in Mechanical Engineering, Govt Polytechnic College, Perinthalmanna, Malappuram.

Sri.Asokan P, Lecturer in Mechanical Engineering, Govt Polytechnic College, Perinthalmanna, Malappuram.

Sri.Mohanakumaran M, Lecturer in Mechanical Engineering, Govt Polytechnic College, Perinthalmanna, Malappuram.

Sri.Joseph Sebastian, Lecturer in Mechanical Engineering, Govt Polytechnic

College, Meenangadi, Wayanad.

Sri.Premadas T P, Workshop Superintendent, Govt Polytechnic College, Meenangadi, Wayanad.

Sri.Hareendran Ullattil, Lecturer in Electronics, Govt Polytechnic College, Meenangadi, Wayanad.

Sri.Varghese K P, First Grade Instructor in Civil Engineering, Govt Engineering College, Thrissur.

Sri.Remesh T M, Lecturer in Electrical & Electronics Engineering, Maharajas Technological Institute, Thrissur.

Smt.Lalitha P K, Lecturer in Civil Engineering, MTI, Thrissur.

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