



GOVERNMENT OF KERALA

Abstract

Finance Department – Order dated 19.02.2018 of the Hon'ble KAT in OA (EKM) No.436/2018 filed by Sri.Harinarayanan.P, Lecturer in Electronics, Residential Women's Polytechnic College, Payyanur, Kannur – Complied with – Orders issued

FINANCE (PAY REVISION CELL - C) DEPARTMENT

G.O (Rt) No.7845/2018/Fin

Dated, Thiruvananthapuram, 19/09/2018

- Read : 1. G.O (Ms) No.75/2014/Fin dated 20.02.2014.
2. G.O (Ms) No.252/2016/Fin dated 27.06.2016.
3. Order dated 19.02.2018 of the the Hon'ble Kerala Administrative Tribunal in OA (EKM) No.436/2018.

ORDER

As per the 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 Scales w.e.f 01.07.2013.

2. Sri. Harinarayanan.P, Lecturer in Electronics, Residential Women's Polytechnic College, Payyannur, Kannur filed OA (EKM) No.436/2018 before the Hon'ble KAT. The Hon'ble KAT vide its order dated 19.02.2018 in the above OA has directed the 2nd respondent ie, Principal Secretary to Govt, Finance Department to take a decision on the Annexure A8 representation after hearing the applicant within a period of three

months from the date of receipt of a certified copy of the order.

3. In compliance with the Order dated 19.02.2018, the applicant was heard on 30.04.2018.

4. The crux of contention in Annexure A8 representation is that:

- i. Incumbents upto seven years of service are given same AICTE pay irrespective of the State basic pay.
- ii. No common multiplying factor or formula is adopted for placement in the AICTE pay as normally happens in any pay revision/transition.

5. Government have examined the matter in detail. As per the Government order read as 1st paper above, incumbent Lecturers in the Government and Aided Polytechnic Colleges were placed in the AICTE scheme protecting their salary in the State scale as provided in para V of the G.O. Later vide Government order read as 2nd paper above, Govt have sanctioned a hike of 0.25% for each completed year (rounded to nearest multiple of ten) on AICTE pay (without AGP), in the fixation table appended to the Government Order dated 20.02.2014 to the incumbents who got a benefit of less than Rs.6000/- only, on placement in AICTE scheme as on 01.07.2013 subject to certain conditions

6. The G.O read as 1st above was issued for placing polytechnic teaching staff enjoying 9th State pay revision scales w.e.f 01.07.2009 to Central scales. The placement tables I, II and III annexed to the G.O have been prepared by adopting the criteria that salary of the incumbents will be protected while placing them in AICTE scheme ie, placement tables are based on the principle "State Pay + State DA = Central Pay + Academic Grade Pay + Central DA". As such, the Government Order provides

protection of total salary being received by the incumbent Lecturers, Heads of Section and Principal while getting placement in the AICTE scheme. As service weightage @ 0.25% has been allowed as per Government Order read as 2nd paper above, seniors will be in a higher pay in the AICTE scale than the juniors. As such the total salary of the incumbent is protected at the time of placement in the AICTE scale. There is no case for the petitioner that he has suffered from reduction in salary on placement or subsequently. Moreover the salary actually drawn in both the schemes can only be compared for determining loss in emoluments. Therefore the loss in pay as alleged by the applicant by comparing his pay in the AICTE scheme with what he would have drawn had he continued in the State scale, is baseless as the placement of polytechnic teaching staff to AICTE is a policy decision of Government.

7. The case of applicant 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 scales 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. It is also noteworthy that no common multiplication factor has been fixed by AICTE for placement of State Government employees enjoying 9th State pay revision to Central scale and hence the method adopted by Government is in order.

8. The incumbent is eligible for Central revision w.e.f 01.01.2016 as per AICTE scheme which confers further benefit of another pay revision. He would be in a better position w.e.f 01.01.2016 than what he would have earned, had he continued in State scales after 01.07.2013 and availed 10th State pay revision w.e.f 01.07.2014. Therefore modification of the tables annexed to the Government Order dated 20.02.2014 is not necessary as the request is without basis and aimed at undue enrichment of the incumbent. The request of the applicant is also detrimental to the State finances and if allowed will cause drain on limited State resources. Therefore the request of the applicant in Annexure A8 representation is devoid of merits and hence declined. The order dated 19.02.2018 of the Hon'ble KAT in OA (EKM) 436/2018 is complied with and orders issued accordingly.

(By order of the Governor)

ANILA.L

JOINT SECRETARY (FINANCE)

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.Harinarayanan.P, Lecturer in Electronics, Residential Women's Polytechnic
College, Payyanur, Kannur

✓ The Nodel Officer, www.finance.kerala.gov.in.

Stock file/Office Copy.

Forwarded/By order



Section Officer