



GOVERNMENT OF KERALA

Abstract

Finance Department – WP(C)No.7394/2018 filed by Smt. Philo Mathew – Judgment complied – Orders issued.

FINANCE (PENSION - B) DEPARTMENT

G.O.(Rt).No.8507/2018/Fin. Dated, Thiruvananthapuram, 12.10.2018

Read:- 1) Judgment dated 06.03.2018 in WP(C)No.7394/2018.
2) Judgment in D.S. Nakara and others Vs. Union of India (1983(1)SCC 305) of the Hon'ble Supreme Court.

ORDER

Smt. Philo Mathew was working as High School Assistant, Mathematics (Selection Grade) in Gopal Memorial High School, Thiruvallur, an aided school. The date of superannuation of the petitioner was on 07.07.2014 and she retired from service on 31.03.2015.

2) The main contention of the petitioner is that, pursuant to pay and pension revision order of the year 2014, petitioner's pension was revised with effect from 01.04.2015 on 25.01.2017 and that revised pension is much lower than the pension received by the petitioner, even in the pre-revised scale.

3) As per the judgement read 1st above, the Hon'ble High Court has given direction to consider and pass orders on the representation dated 03.02.2018 with notice to the petitioner within a period of three months from the date of receipt of the copy of judgement. Accordingly Government have issued a notice to the petitioner and the petitioner informed that as her date of birth is in the month of July benefit of pay revision could be availed for one month only. Moreover the pension was calculated on the average emoluments calculated 10 months prior to 31.07.2014. Hence the amount of pension sanctioned was less than that of the old pay revision.

4) Several requests are being received in Government requesting to revise the pension and pensionary benefits in such cases. As per rule 63 Part III KSR the term 'Average emoluments' means the average calculated

upon the last ten months of qualifying service. Further note 10 below Rule 63 stipulates 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. Therefore for calculating pension, 9 months pre-revised scale plus DA and one month's revised pay has been taken. The grievance of the petitioner is that the pension calculated is very low when compared to the persons who retired on or before 30.06.2014.

5) In view of the existing pension rules and financial stringency of the Government and also taking into consideration of the judgment of Hon'ble Apex Court in D.S. Nakara case the request of the petitioner to revise the pension and pensionary benefits cannot be agreed to and is rejected. The Order of the Hon'ble High Court of Kerala thus stands complied with.

By Order of the Governor,
K. RAJASREE
ADDITIONAL SECRETARY (FINANCE)

To

The Principal Accountant General (A&E), Thiruvananthapuram.
The Principal Accountant General (G&SSA), Thiruvananthapuram.
The Accountant General (E&RSA), Thiruvananthapuram.
The Advocate General, Kerala, Ernakulam.
Smt. Philo Mathew, Ellookkunnel (H), Chirakadavu (PO),
Kottayam - 686520.
General Education Department.
The Director of Public Instruction, Thiruvananthapuram.
The Deputy Director of Education, Palakkad - 678001.
The District Educational Officer, Palakkad - 678001.
Liaison Officer, Office of the Advocate General, Kerala, Ernakulam,
The Nodal officer, www.finance.kerala.gov.in for publishing on the
website.

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Forwarded/By Order


Section Officer