



GOVERNMENT OF KERALA

Abstract

Finance Department – SLP(C)No.27604/17 filed against the judgment dated 17.07.2017 of Hon'ble High Court of Kerala in WA 146/16 (WP(C)No.10405/2009) filed by Sri. M.V. Mathai, HSA (Rtd) – Judgment Complied – Orders issued.

FINANCE (PENSION - B) DEPARTMENT

G.O.(Rt)No.10616/2018/Fin. Dated, Thiruvananthapuram, 27.12.2018

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- Read:-
1. Judgment dated 22.09.2015 of Hon'ble High Court of Kerala in WP(C)10405/2009.
 2. Judgment dated 17.07.2017 of Hon'ble High Court of Kerala in WA 146/2016.
 3. Judgment dated 26.11.2018 of the Hon'ble Supreme Court of India in SLP(C)No.27604/2017.

ORDER

Sri. M.V. Mathai was working as High School Assistant in Ganapathi Vilasam High School, an aided institution. He joined service on 02.06.1980 and he superannuated from service on 31.03.2007 as his date of birth was 14.11.1951. Thus he had a total service of 26 years 5 months and 29 days which was rounded to 26 years. He had completed 26 years service on 02.06.2006. When the number of days calculated for reckoning qualifying service, the total days from 02.06.2006 to 30.11.2006 (date of superannuation) comes to 182 days. As per Rule 57 Part III KSRs fraction less than half year will be ignored and half year and above rounded to the next completed year. As the incumbent had 182 days of service the Hon'ble High Court of Kerala has allowed the Writ Petition and directed to fix the qualifying service of the petitioner as 27 year for all pensionary benefits vide Judgment read 1st above.

Government have filed WA 146/2016 against the judgment dated 22.09.2015 in the above WP(C), but the same has been dismissed by the Hon'ble High Court of Kerala vide Judgment read 2nd above. Against this, Government moved SLP (C)No.27604/2017 and vide order read 3rd above Hon'ble Supreme Court of India has ordered that on the peculiar facts of this

case, they are not inclined to entertain this petition, accordingly the Special Leave Petition is dismissed.

In these circumstances, Government have examined the matter in detail. Considering the observation of the Hon'ble High Court of Kerala vide judgement read 1st and 2nd above, Government are pleased to reckon the qualifying service of the petitioner as 27 years for all the pensionary benefits viz Pension, DCRG, Commutation of Pension etc w.e.f 01.12.2006. The Accountant General (A&E) shall authorize revised pensionary benefits accordingly.

The Order of the Hon'ble Supreme Court of India 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.
Sri. M.V. Mathai, HSA (Rtd), Malkudi House, Vengoor (P.O),
Kuruppampady (via), Ernakulam, 683546.
General Education Department.
The Director of Public Instruction, Thiruvananthapuram.
The Deputy Director of Education, Ernakulam.
The District Educational Officer, Ernakulam.
Liaison Officer, Office of the Advocate General, Kerala, Ernakulam,
The Nodal officer, www.finance.kerala.gov.in for publishing on the
website.
Stock File / Office Copy (Pen-B1/53/2015-Fin (E-138906)).

Forwarded/By Order


Section Officer