



GOVERNMENT OF KERALA

Abstract

Finance Department – WP (C) 5218/2009 filed by Shri.O.Anandan Nambiar, Full Time Contingent Menial (Rtd), Local Library Authority, Kannur before the Hon'ble High Court of Kerala – Judgement Complied - Orders issued.

FINANCE (PENSION-B) DEPARTMENT

G.O (Rt) No.3123/2017/Fin Dated, Thiruvananthapuram,04/04/ 2017

Read:- (1) Judgement dated 16.11.2016 in WP (C) 5218/2009.

(2)G.O (P) No.356/94/Fin dated 27/05/1994.

ORDER

Sri. O.Anandan Nambiar, Full Time Contingent Menial (Rtd) has filed WP (C) 5218/2009 filed before the Hon'ble High Court of Kerala to reckon the 50% of the Part Time Service rendered by him along with Full Time Contingent Menial Service for pensionary benefits. The petitioner entered service of the 'Local Library Authority' at Thalassery Kannur, as part-time sweeper, on 01.04.1959. The 'Local Library Authorities' were functioning under the Higher Education Department of the State Government, at that time. During the year 1979 the petitioner was promoted as 'Full-time Contingent Menial Staff [F.T.C.M]' with effect from 01.03.1979. The petitioner retired from service on 31.07.1990 on attaining the age of superannuation. In the meanwhile, the 'Local Library Authority' was brought under the control of the 'State Library Council' and hence the petitioner's service was transferred to the State Library Council, Thiruvananthapuram. After retirement, the petitioner was

paid with minimum pension. He raised a claim that he is entitled to get pension by reckoning 50% Part-time service also, which is for 20 years in the case of the petitioner. The petitioner relied upon Rule 14A of Part -III KSR for such a claim. It provides that the contingent employees absorbed in regular establishment will be allowed to count 50% of the contingency service, for the purpose of pension.

2. He had also placed reliance on the G.O. (P) 356/94/Fin, dated.27.05.1994 which stipulates that, in all cases of absorption into regular service, 50% of the full-time or part time contingency service will be allowed to be counted for the purpose of regular pension. The benefit will be given to the contingent employees absorbed into regular establishment and also retired from service on or after 01.07.1988. Here, the petitioner entered service as Part Time Sweeper in the Local Library Authority on 1959 and promoted to Full Time Contingent Menial on 1979. He retired from service on 1990. Hence, the petitioner had 20 years of Part time Service and 11 years Full Time Service. As the Full Time Contingent Menial post is not treated as a regular establishment in the Local Library Authority the petitioner's claim does not come under the purview of the G.O. Dated 27/05/1994, and is not- eligible to count the 50% Part time service along with his Full Time Contingent Menial Service.

3. The representative of the petitioner was heard on 15.03.2017 and 7 days time was given for producing related documents. As no documents were furnished by the petitioner and considering the fact that the case of the petitioner does not come under the purview of the G.C.

Dated 27/5/94, 50% of the part time Service of the petitioner cannot be reckoned for pensionary benefits along with full time service. The order of Hon'ble High Court of thus stands compiled with.

By Order of the Governor,
TEEKA RAM MEENA
PRINCIPAL SECRETARY(FINANCE EXPENDITURE).

To

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

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


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

Sri.O.Anandan Nambiar, Olakkal (H) Azheekode.P.O. Kannur -9

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Section Officer