



**GOVERNMENT OF KERALA**

**Abstract**

Finance Department – OA (EKM) No. 430/2017 filed by Shri.C.K.Bharathan, District Treasury Officer, Kottayam before the Kerala Administrative Tribunal- Judgement Complied- Orders Issued.

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**FINANCE (PENSION-B) DEPARTMENT**

G.O (Rt) No.6866/2017/Fin Dated, Thiruvananthapuram, 31/08/ 2017

Read:- (1) G.O (P) No. 07/2016/Fin dated 20.01.2016.

(2) G.O ( P) No.90/2016/Fin dated 20.01.2016.

(3) Order dated 28.02.2017 in OA (EKM) No. 430/2017.

(4) Judgement in D.S.Nakara and others Vs Union of India (1983

(1) SCC 305) of the Hon'ble Supreme Court.

**ORDER**

Sri. C.K.Bharathan while working as District Treasury Officer, Kottayam had superannuated from service on 31.08.2014. He has filed OA (EKM) No. 430/2017 before the Kerala Administrative Tribunal to notionally fix his pay with effect from 01.11.2013 to 31.08.2014 by applying the Rules for fixation of pay as per G.O read 1<sup>st</sup> above.

2) The applicant Sri. C.K.Bharathan has submitted a representation dated 16.08.2016 before the Govt, argued that, by the introduction of order read 2<sup>nd</sup> above, his juniors are drawing more pension than him and he has not entitled hike in Revision of Pension at the rate of 18%. He has

also requested to notionally fix his pay with effect from 01.11.2013 to 31.08.2014 by applying the Rules for fixation of pay in Annexure II of the G.O read first above, for the purpose of calculation of average emoluments for pension.

3) Government have received several representations regarding the same subject and this issues are under active consideration of the Government. Since the final decision is pending in this regard, aggrieved by the same, the applicant has filed OA (EKM) No. 430/2017 before the Hon'ble Kerala Administrative Tribunal.

4) As per order read 3<sup>rd</sup> above, Hon'ble Kerala Administrative Tribunal has directed to consider and pass appropriate orders on his representation dated 16.08.2016. As per Judgement read 4<sup>th</sup> above, Hon'ble apex Court has ordered that pay revision and pension revision should be essentially a policy decision of the State and no legal right exists in a person to get a revised pay or pension implemented from a particular date.

5) The pension revision order vide G.O read 2<sup>nd</sup> above has ensured a minimum increase of 18 percent of the basic pension to all pensioners retired from service before 01.07.2014. Since, he has superannuated after 01.07.2014 this benefit is not admissible to him. As several requests pointing out that persons retired prior to 01.07.2014 are getting more pension than those retire after 01.07.2014, the matter is being examined by Government and final decision has not yet taken. The decision in the matter shall also be made applicable to the applicant Sri. C.K.Bharathan.

6) In view of the existing pension rules and financial stringency of the Government and also taking in to consideration of the Judgement of Hon'ble apex Court in D.S Nakara case the request of the applicant to notionally fix his pay with effect from 01.11.2013 to 31.08.2014 by applying the Rules for fixation of pay as per G.O read 1<sup>st</sup> above is rejected and the order of Hon'ble Kerala Administrative Tribunal of thus stands complied with.

**By Order of the Governor,**

**BISHWANATH SINHA**

**PRINCIPAL SECRETARY(FINANCE EXPENDITURE)**

To

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

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

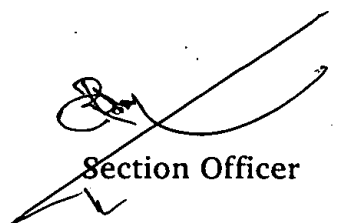
The Accountant General(E&RSA), Kerala, Thiruvananthapuram.

Sri.C.K.Bharathan, Sruthy, Arrattukulangara, Vaikom (PO), Kottayam.

The Nodal officer, [www.finance.kerala.gov.in](http://www.finance.kerala.gov.in) for publishing on the website. ✓

The Stock file /Office Copy.

**Forwarded /By Order**

  
**Section Officer**