



GOVERNMENT OF KERALA

-ABSTRACT

Pay Revision 2009 – Order dated 07.09.2016 of the Hon'ble KAT of Thiruvananthapuram in OA No. 6/2015 filed by Smt.Vedambika.P, Principal(Rtd), Govt.HSS, Kunduparamba, Kozhikode - complied with – Orders issued.

FINANCE (PAY REVISION CELL – D) DEPARTMENT

G.O(Rt)No.852/2018/Fin

Dated, Thiruvananthapuram 03.02.2018

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- Read:-
1. G.O(P)No.259/2006/Fin dated 12.06.2006
 2. G.O(P)No. 85/2011/Fin dated 26.02.2011 read with G.O(P)No. 143/2011/Fin dated 30.03.2011.
 3. G.O(P)No. 196/2012/(64)/Fin dated 31.03.2012.
 4. G.O(P)No. 168/2013(147)/Fin dated 11.04.2013.
 5. G.O(P)No. 390/2015(210)/Fin dated 07.09.2015.
 6. Lr.No.GE 36/F/V-351/11340 dated 10.01.2014 from the Accountant General (A&E), Kerala.
 7. Lr.No.GE 36/F/V-351/9730 dated 22.11.2016 from the Accountant General (A&E), Kerala.
 8. Order dated 07.09.2016 of Hon'ble KAT in OA No. 6/2013 filed by Smt.Vedambika.P, Principal(Rtd), Govt.HSS, Kunduparamba.

ORDER

As per Government Order read as 2nd paper above, Government have issued orders revising the pay and allowances of State Government Employees and teachers w.e.f 01.7.2009. Subsequently, the scale of pay of teachers coming under the General Education/Higher Secondary Education/Vocational Higher Secondary Education under the Department schedule of Education were modified w.e.f. 01.07.2009 wherein the post of Head Master (HG) was modified to 22360-37940 as per Government Order read as 4th paper above. Since the scale of pay of Head Master (HG) and Principal, Higher Secondary School was same ie., 22360-37940 the Accountant General (A&E), vide letter read as 6th paper above cancelled the 28A fixation already granted to Smt.Vedambika on promotion as Secondary School Principal and directed her to refund the excess pay drawn. Aggrieved by this Smt.Vedambika filed OA 6/2015 before the Kerala Administrative Tribunal quashing

Annexure A₈ (G.O(P) 168/2013 (147)/Fin dated 11.04.2013), Annexure A₉ (pay slip issued by the Accountant General dated 22.01.2013) and Annexure A₁₂ (Lr.No. GE36/F/V-351/11340 dated 10.01.2014 from the Accountant General (A&E), Kerala). In the order dated 07.09.2016 of the Hon'ble KAT in the above OA, the Tribunal has directed the Additional 4th Respondent to consider Annexure A₁₃ (representation dated 13.01.2015) after hearing the applicant and pass orders within 2 months from the date of receipt of a certified copy of this order.

In compliance of the order of Hon'ble KAT dated 07/09/2016, the petitioner was heard. The grievance of the applicant in Annexure A₁₃, representation is that Government Order read as 4th paper above issued for giving benefit to the employees including teachers who had suffered loss in pay resulting from the 2009 Pay Revision Order causes a loss of one Stagnation Increment to the petitioner which in turn will affect loss in the pension amount also. The said order is not applicable to the petitioner for fixing pay scale and pensionary benefits.

The petitioner commenced regular service as HSA w.e.f 17.06.1983 and completed probation on 05/11/1985. She was granted selection grade on 01.07.2005, on completion of 23 years considering prior provisional service. During 2004 Pay Revision the posts of HSA Grade II and Grade I were merged together and the grade promotions were reduced to two. The petitioner was promoted as Head Mistress w.e.f 06.06.2008. While granted 27 years higher grade in the cadre of Head Mistress considering her HSA service also w.e.f 01.07.2009 in the Scale of Pay 11910-19350, 28A fixation was allowed. She opted Pay Revision 2009 w.e.f 01.07.2009 and her pay was fixed in the revised scale of pay 21240-37040. Later she was promoted as Principal w.e.f 10.12.2010 in scale of pay 22360-37940 granting 28A fixation benefit. As per Government Order read as 4th paper above, the scale of pay of HM Higher Grade was modified to 22360-37940 with monetary benefits from the date of Government Order. Since the scale of pay of Head Master (HG) and Principal, Higher Secondary School was same ie, 22360-37940, the Accountant General (A&E) cancelled the 28A fixation already granted on promotion as Higher Secondary School Principal and directed to refund the excess pay drawn.

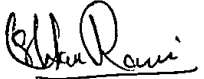
Thereafter the scale of pay of the post of Principal was modified to Rs.24040-38840, w.e.f 01.07.2009, as per Government Order read as 5th paper above, with monetary benefit from the date of issuance of the order ie., 07.09.2015. Vide letter read as 7th paper above the Accountant General (A&E) has informed that 28A fixation was given to the petitioner in the cadre Higher Secondary School Principal as the scale of pay of Principal was upgraded from 22360-37940 to 24040-38840 w.e.f 01.07.2009 and monetary benefit from the date of order. Hence the grievance of the petitioner has been redressed. The order of the Hon'ble KAT is complied with accordingly.

By order of the Governor
LETHI.S
Additional Secretary (Finance)

To

The Principal Accountant General (A&E) Kerala, Thiruvananthapuram.
The Principal Accountant General (General & Social Sector Audit) Kerala,
Thiruvananthapuram.
The Accountant General (Economic & Revenue Sector Audit) Kerala,
Thiruvananthapuram.
The Advocate General, Kerala, Office of the Advocate General,
Thiruvananthapuram, Vanchiyoor.
Smt.Vedambika.P, Principal (Rtd), Govt.HSS Kunduparamba, Kozhikode.
✓The Nodal Officer, www.finance.kerala.gov.in
The Stock File / Office copy.

Forwarded/By Order


Section Officer