



GOVERNMENT OF KERALA
Abstract

Pay Revision 2009 - Order dated 21.08.2017 of the Hon'ble High Court of Kerala in WP(C)No.24880/2016 filed by Sri. Jayan A.K, Lecturer (Non UGC), Sree Sankaracharya University of Sanskrit - complied with - orders issued.

Finance (Pay Revision Cell- D) Department

G.O(Rt)No.1225/2018/Fin

Dated, Thiruvananthapuram 19.02.2018

- Read:
1. G.O(P)No. 86/2011/Fin dated 26.02.2011 read with G.O(P)No.144/2011/Fin dated 30.03.2011.
 2. G.O(P)No. 10/2016/Fin dated 21.01.2016.
 3. Judgment dated 21/08/2017 in WP(C) No. 24880/2016 filed by Jayan A.K, Lecturer (Non UGC), Sree Sankaracharya University of Sanskrit.

ORDER

As per Government Order read as 1st paper above, Government have revised the pay and allowances of university employees of the state, w.e.f 01.7.2009. In the order the scale of pay of the post of Lecturer (Non UGC) was revised as 18740-33680 against the pre-revised scale of pay of 10790-18000. Subsequently, the pay and allowances of university employees were further revised as per Government Order read as 2nd above, w.e.f 01/7/2014 wherein the post of Lecturer (Non UGC) was granted corresponding revised scale of Rs.35700-75600. Sri.A.K.Jayan, Lecturer (Non UGC), Sree Sankaracharya University of Sanskrit had filed WP(C) No.24880/2016 before the Hon'ble High Court of Kerala with a prayer to correct the existing pay scales of the post of Lecturer(Non-UGC) in the 9th and 10th Pay Revision Orders. The petitioner has contended that in 9th Pay Revision Order, Lecturer (Non UGC) was granted the

scale of pay of Rs.18740-33680 which is the corresponding scale of 10790-18000 instead of Rs. 11070-18450. It is due to clerical error and on the tenth Pay Revision Order, it's corresponding revision ie. 35700-75600 has been given. The Hon'ble High Court in the judgment dated 21/08/2017 directed the respondent to take up, consider and pass orders on Ext P4 (Representation of the petitioner before the Additional Chief Secretary (Finance)) after hearing the petitioner. Orders in this regard shall be passed within a period of four months from the date of receipt of a copy of the judgment.

In compliance with the order of the Hon'ble High Court on 21/8/2017, the petitioner was heard. The petitioner requested in Exhibit P4 representation to rectify the error happened in the 9th and 10th Pay Revision Order by modifying the scale of pay of Lecturer (non UGC) as 20740-36140 (in the ninth Pay Revision Order) and Rs. 41500-81000 (in the tenth pay revision) respectively. The petitioner has argued that during the 9th Pay Revision Order, Lecturer (Non-UGC) had granted the scale of pay of Rs. 18740-33680 instead of Rs.20740-36140 and the same error has been repeated in 10th Pay Revision incurring a loss of more than Rs. 3000 per month. The pre-revised scale is also shown as 10790-18000 in 9th Pay Revision Order. That was a clerical error and is to be corrected.

Sree Sankaracharya University of Sanskrit came into existence during the period of 7th pay revision. The revision of the pay and allowances to the employees of Universities up to 8th pay revision was done by the Universities concerned with the approval of the Government. At that time Government approves the pay revision of universities with a condition that no deviation should be allowed without Government concurrence. In 7th Pay Revision Order of State Government Employees and Teachers, the posts of Tutor Grade I and Tutor Grade II in some of the departments and Collegiate Education Department

were merged into Lecturer (Non- UGC) with a revised scale of pay of Rs. 6675-10550. The corresponding scale of pay of the post of Lecturer (Non- UGC) in 8th Pay Revision Order of State Government Employees was Rs. 11070-18450. This merger of posts and re-designation of the post with a revised scale was applicable only to the State Government employees. But the Sree Sankaracharya University of Sanskrit had re-designated the post of Tutor appointed during 1997 as Lecturer (Non-UGC) with a revised scale of pay of 11070-18450 in tune with the Government Order without the concurrence of Government. As a result the petitioner could enjoy the scale of pay of 11070-18450 during 8th pay revision period. The 9th pay commission had arrived at a new scale Rs.10790-18000 to the post of Lecturer (Non- UGC) in 8th pay revision so as to grant a reasonable scale of pay to that post in the ninth pay revision irrespective of the scale already fixed by the University in the 8th pay revision (The scale of pay of Rs. 11070-18450 fixed by the university in respect of Lecturer (Non-UGC) in 8th pay revision). Accordingly the pre-revised scale of pay of Rs. 10790-18000 and corresponding scale of Rs. 18740-33680 has been granted to the post of Lecturer (Non-UGC) in Sree Sankaracharya University of Sanskrit in 9th pay revision. The post of lecturer (Non-UGC) is not seen included in the statute of Sree Sankaracharya University. It is not included in the University Common category and other Universities except Sree Sankaracharya University. After examining all these aspects, the 9th Pay Commission has recommended to grant the revised scale of pay of Rs.18740-33680. Hence there is no clerical mistake/error on the scale of pay of Lecturer (non UGC) in Government Order 1st read above. Moreover the Syndicate is the executive body which is empowered to hold control and administer the assets, make Statutes/Ordinance and to amend/repeal, in consultation with the Government. Pay Revision of State Government Employees has been extended to all Universities on condition that all extra benefits shall be stopped while implementing Pay Revision. In line with recommendation of 9th Pay

Commission, certain post which had not been in conformity with Government Department were abolished and the scale of pay of certain categories were unified .

In view of all the facts stated above, the request of the petitioner to correct the scale of pay of Lecturer (non UGC) as 20740-36140 in the 9th Pay Revision Order and Rs. 41500-81000 in the tenth Pay Revision Order are devoid of merit and the same are denied.

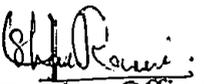
The judgment dated 21/08/2017 in WP(C) No. 24880/16 filed by Sri.Jayan A.K. (Lecturer, non-UGC), Sree Sankaracharya University is complied with accordingly.

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

To

The Advocate General, Kerala, Office of the Advocate General,
Ernakulam, Kochi-682031
The Registrar, Sree Sankaracharya University of Sanskrit, Kalady
Ernakulam, Kerala- 683574
Sri.Jayan A.K, Asari house, Pathramangalam, Vellarakkadu P.O,
Thrissur-680584
✓The Nodal Officer, www.finance.kerala.gov.in
The Stock File/Office copy.

Forwarded/by Order


Section Officer