



GOVERNMENT OF KERALA

Abstract

Finance Department - Order dated 30/11/2015 of the Hon'ble Kerala Administrative Tribunal, Thiruvananthapuram in OA No. 1139/2014 filed by Sri. K. Janardanan Thampi – Complied with- Orders issued.

FINANCE (PAY REVISION CELL -B) DEPARTMENT

G.O.(Rt) No. 6122/2016/Fin

Dated, Thiruvananthapuram, 20/07/2016

- Read:
1. G.O.(P)No. 145/2006/Fin dated 25/03/2006.
 2. Order dated 30/11/2015 in OA No. 1139/2014 of the Hon'ble Kerala Administrative Tribunal, Thiruvananthapuram.
 3. Judgement of the Hon'ble High Court in OP (KAT) No. 62/2016 dated 24/05/2016.

ORDER

Sri. K. Janardanan Thampi, retired Senior Superintendent/ Tahsildar of Land Revenue Department filed OA No. 1139/2014 before the Hon'ble Kerala Administrative Tribunal praying to issue a direction to fix the pay of the applicant as per Rule 7(2) of Annexure 2 of Pay Revision Order 2004. Sri. K. Janardanan Thampi joined Revenue Department as Village Assistant on 14/07/1981. Subsequently, he was promoted as Village Officer in the year 1987 and Deputy Tahsildar in the year 2003. He was promoted to the cadre of Tahsildar/Senior Superintendent Vide Proceedings No. LR (E)2-987/2006 dated 24/03/2006 issued by the Land Revenue Commissioner. He reported for duty before the District Collector, Tiruvananthapuram on the FN of 25/03/2006. He retired from service on superannuation on 31/03/2006.

2. Pay Revision Order 2004 ie G.O.(P)No. 145/2006/Fin dated 25/03/2006 was issued on 25/03/2006 wef 1/07/2004 and as per Rule 7(2) of Annexure 2 of the above order, an employee promoted to a higher scale (whether by regular promotion, ratio promotion or under the time bound higher grade scheme) on or after 1/07/2004 but before the date of the order ie 25/03/2006 will have the option to continue in the pre-revised scale of the lower post till the date of such promotion and then first avail promotion to the pre-revised scale of the higher post and thereafter avail the benefits of the Pay Revision on the same date as such promotion. However this benefit of option is restricted to the employees who were promoted on or after 1/07/2004 but before the date of the order. The applicant submitted a representation dated 31/10/2013 before the first respondent requesting to grant the benefits of Rule 7(2) of Annexure 2 of Pay Revision Order 2004 but the representation was rejected on the ground that his promotion as Tahsildar is effected only wef 25/03/2006 ie the date of assuming charge as Tahsildar as per provisions in Rule 23 (a) Part I KSR as there is change of duties involved. Hence he filed the said OA.

3. As per Order 2nd read above, the Hon'ble Kerala Administrative Tribunal directed the first respondent, Additional Chief Secretary (Finance) to pass appropriate orders by accepting the option of the applicant, Sri. K. Janardanan Thampi and by complying with Rule 7(2) within a period of three months from the date of receipt of a certified copy of the order and to revise the fixation of his pensionary benefits accordingly. Against the said order, OP(KAT) No. 62 of 2016 was filed by the Government before the Hon'ble High Court and the same was dismissed as per the Judgment read as 3rd above.

4. Government have examined the matter in detail and are pleased to order that the benefit of Rule 7(2) of Annexure 2 of Pay Revision Order 2004 issued vide G.O. (P)No.145/06/Fin dated 25/03/2006 is extended to Sri. K. Janardanan Thampi, the

applicant in OA No. 1139/2014 by accepting the option of the applicant for the limited purpose of complying with the directions of Hon'ble KAT in OA No. 1139/2014. The fixation of his pensionary benefits shall also be revised accordingly. The Order dated 30/11/2015 in OA No. 1139/2014 of the Hon'ble Kerala Administrative Tribunal, Thiruvananthapuram is hereby complied with.


By Order of the Governor

Dr.K.M. Abraham
Additional Chief Secretary (Finance)

To

1. The Principal Accountant General (A & E), Kerala, Thiruvananthapuram
2. The Principal Accountant General (G & SSA), Kerala, Thiruvananthapuram
3. The Accountant General (E & RSA), Kerala, Thiruvananthapuram
4. The Advocate General, Thiruvananthapuram (with C/L)
5. The Advocate General, Ernakulam (with C/L)
6. District Collector, Thiruvananthapuram
7. Land Revenue Commissioner
8. Sri. K. Janardanan Thampi (through Land Revenue Commissioner)
- ✓ 9. The Nodal Officer, www.finance.kerala.gov.in
10. Stock File /Office Copy

Forwarded by order


Section Officer