

Krishnan V.P. Vs. State of Kerala

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Court : Kerala

Decided On : Feb-05-2014

Judge : Honourable Mr.Justice C.K.Abdul Rehim

Appellant : Krishnan V.P.

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALAATERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE C.K.ABDUL REHIM WEDNESDAY,THE5H DAYOF FEBRUARY2014/16TH MAGHA, 1935 WP(C).No. 1548 of 2014 (P)

----- PETITIONER : ----- KRISHNAN V.P., LOWER PRIMARYSCHOOL ASSISTANT, AMLP SCHOOL, ARACKKAL PULLITHARA, THENNALA P.O., MALAPPURAM RESIDING ATPAPPINAMKUNNATHY HOUSE, THENHIPALAM MALAPPURAM-673636. BY ADV.SRI.E.NARAYANAN RESPONDENTS : ----- 1. THE STATE OF KERALA, REPRESENTED BY THE SECRETARYTO GOVERNMENT GENERAL EDUCATION DEPARTMENT, SECRETARIAT TRIVANDRUM-695001.

2. THE DEPUTY DIRECTOR OF EDUCATION, OFFICE OF THE DEPUTY DIRECTOR OF EDUCATION CIVIL STATION, MALAPPURAM-676505.

3. THE ASSISTANT EDUCATION OFFICER, ASSISTANT EDUCATIONAL OFFICE, VENGARA MALAPPURAM-676304. R BY GOVERNMENT PLEADER

SRI.FAYAZ M.A. THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 0502-2014, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING: WP(C).No. 1548 of 2014 (P) ----- APPENDIX
PETITIONER(S)' EXHIBITS ----- EXT.P1: COPY OF
RELEVANT PAGES OF SERVICE BOOK. EXT.P2: COPY OF LETTER BEARING
NO.F4/9746/08 DATED 17.5.2008. EXT.P3: COPY OF

ORDER

BEARING NO.GO(RT)2213/2013/G.EDN. DATED 27.5.2013. EXT.P4: COPY OF
REPRESENTATION DATED 7.10.2013. EXT.P5: COPY OF
ACKNOWLEDGEMENT SHOWING RECEIPT OF EXT.P4. RESPONDENT(S)
EXHIBITS : NIL ----- /TRUE COPY/ P.ATO JUDGE AV
C.K. ABDUL REHIM, J.

----- W.P.(C). No. 1548 of 2014
----- Dated this the 5th day of February, 2014

JUDGMENT

The petitioner is a lower Primary School Teacher (LPST) working in an aided school. The petitioner opted for 2004 pay revision with effect from 30.06.2005, and on that basis his pay was revised reckoning 4 years service weightage. But the 2nd respondent raised an objection in allowing the option, taking the stand that the petitioner had completed 4 years of service only on 30.06.2005 and not on 29.06.2005. Hence as on 30.06.2005 only 3 years of service alone will be reckoned for weightage and the pay was refixed accordingly. Aggrieved by stand taken by the 2nd respondent, the petitioner had approached the 1st respondent in an appeal. By virtue of Ext. P3 order the 1st respondent had allowed the appeal and directed the 2nd respondent to drop the audit objection. But consequential steps for payment of arrears of increment was not taken by the 2nd respondent, despite Ext.P4 request. Hence this writ petition is filed.

2. Learned Government Pleader on instructions W.P.(C). No. 1548 of 2014 -2- submitted that, on the basis of Ext.P3, salary of the petitioner was already refixed accepting the option with effect from 30.06.2005, with respect to 2004 pay revision. It is further submitted that, option for 2009 pay revision submitted by the

petitioner was also accepted. Necessary sanction for effecting re-fixation has already been obtained from the Deputy Director, as per proceedings No.F4/33607/13 dated 15.01.2014. By virtue of steps already taken by the 2nd respondent as mentioned above, Ext.P3 order has already been given effect. Consequential steps for payment of amounts due to the petitioner will be taken at the earliest, is the submission.

3. In view of the submission made by the Government Pleader, the writ petition is disposed of directing the respondents 2 and 3 to effect payment of the consequential benefits at the earliest possible, at any rate within a period of 2 months from the date of receipt of a copy of this judgment. Sd/- C.K. ABDUL REHIM, JUDGE /True copy/ P. A. to Judge Pn

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