

P.Narayanan Vs. State of Kerala

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Court : Kerala

Decided On : Aug-19-2014

Judge : Honourable Mr. Justice a.K.Jayasankaran Nambiar

Appellant : P.Narayanan

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR TUESDAY, THE 19TH DAY OF AUGUST 2014 28TH SRAVANA, 1936 WP(C).No. 3695 of 2012 (J) ----- PETITIONER(S): ----- P.NARAYANAN, AGED 47 YEARS HEADMASTER, [AIDED MAPPILA LOWER PRIMARY SCHOOL] A.M.L.P.SCHOOL, CHAMAPARAMBA, PALOD.P.O. MANNARKKAD VIA, PALAKKAD DISTRICT. 688 583. BY ADVS.SRI.K.JAJU BABU (SR) SMT.M.U.VIJAYALAKSHMI SRI.BRIJESH MOHAN SMT.DHANYA CHANDRAN SRI.M.V.JOSEPH (ALAPPUZHA) RESPONDENT(S): ----- 1. STATE OF KERALA REP. BY SECRETARY TO GOVERNMENT GENERAL EDUCATION DEPARTMENT, GOVT.SECRETARIAT TRIVANDRUM-695 001.

2. THE ASSISTANT EDUCATIONAL OFFICER MANNARKKAD-678 582.

3. THE MANAGER [AIDED MAPPILA LOWER PRIMARY SCHOOL], A.M.L.P.SCHOOL CHAMAPARAMBA, PALOD.P.O., MANNARKKAD VIA

PALAKKAD DISTRICT-688 583. R BY GOVERNMENT PLEADER SRI.A.J.JOSE
AEDAIODI THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON1908-2014, THE COURT ON THE SAME DAYDELIVERED THE
FOLLOWING: W.P.(C).NO.3695/2012 APPENDIX PETITIONER'S EXHIBITS:
EXT.P1: COPY OF AUDIT OBJECTION DATED55.2008 VIDE NO.C/1050/08
ISSUED BY THE2D RESPONDENT TO THE3D RESPONDENT. EXT.P2: COPY
OF REVISION PETITION FILED BY THE PETITIONER BEFORE THE1T
RESPONDENT DATED65.09. EXT.P3: COPY OF

JUDGMENT

DATED511.09 IN W.P.(C).NO.11484/06 OF THIS HON'BLE COURT. EXT.P4:
COPY OF

JUDGMENT

DATED252.2011 IN W.P.(C).NO.19513/2010 OF THIS HON'BLE COURT.
EXT.P5: COPY OF THE

JUDGMENT

OF THIS HON'BLE COURT DATED44.2011 IN W.P.(C).NO.10722/2011. EXT.P6:
COPY OF G.O.(RT.)NO.110/2012/G.EDN., DATED61.2012 ISSUED BY THE1T
RESPONDENT. RESPONDENTS EXHIBITS: NIL //TRUE COPY// P.S.TO JUDGE
A.K.JAYASANKARAN NAMBIAR, J.

----- W.P.(C).NO.3695 OF2012(J) -----
Dated this the 19th day of August, 2014

JUDGMENT

The petitioner in this writ petition joined service, in the School under the
management of the 3rd respondent, as LPSA on 25.6.1985. He was thereafter
promoted as Headmaster on 5.11.1986. The appointment as Headmaster was
approved on 19.6.1990. On completion of ten years of service as a Headmaster,
the petitioner became entitled to the grant of the First Higher grade applicable to
the post of Headmaster, and, accordingly, he was sanctioned the First Higher
Grade with effect from 19.6.2000. The grant of Higher Grade to the petitioner was

objected to by the respondents pursuant to an audit objection, and in Ext.P1 proceedings, the respondents took the stand that the Higher Grade in the post of Headmaster could be sanctioned to the petitioner only on his completion of ten years of service in the scale of pay of Headmaster. Ext.P1 decision was taken up in revision through Ext.P2 revision petition before the 1st respondent. The 1st respondent by Ext.P6 order dated 6.1.2012 rejected the revision petition filed by the petitioner. In Ext.P6, the W.P.(C).No.3695/2012 2 stand taken by the 1st respondent is that as per Rule 1 of Chapter XXVI of the Kerala Education Rules, the petitioner is eligible for Headmasters' scale only with effect from 25.6.2000 on completion of 15 years of continuous service. It is therefore pointed out that Higher Grade in the Headmaster's post can be granted only after completing 10 years of service from the date on which he gets the Headmaster's scale, namely, 25.6.2010. On this finding, the audit objection of the Accountant General was upheld by the 1st respondent. The writ petition is filed challenging Ext.P6 order of the 1st respondent which confirms Ext.P1 order of the 2nd respondent.

2. I have heard Sri.K.Jaju Babu, learned senior counsel appearing on behalf of the petitioner and also Sri.A.J.Jose Aedaiodi, learned Government Pleader appearing on behalf of the respondents.

3. On a consideration of the facts and circumstances of the case, I find that the issue is squarely covered by Exts.P3 and P4 judgments of this Court, wherein, this Court while considering the legality of orders similar to Ext.P6, impugned in this case, held that the petitioners in those writ petitions were entitled to ten years W.P.(C).No.3695/2012 3 Higher Grade on completing ten years of service from the date of their promotion as Headmaster. It was clarified that the computation of the period of ten years should be from the date of their promotion as Headmaster and not from the date on which they obtained the Headmasters' scale of pay. Thus, respectfully following Exts.P3 and P4 judgments of this Court, this writ petition is allowed by quashing Exts.P1 and P6 orders and declaring that the petitioner in this writ petition is entitled to ten years Higher Grade on completion of ten years service from 19.6.1990, the date on which his appointment as Headmaster was approved by the respondents. The respondents shall accordingly disburse the arrears of salary, if any, due to the petitioner based on the declaration

in this judgment, within a period of two months from the date of receipt of a copy of this judgment. A.K.JAYASANKARAN NAMBIAR JUDGE prp

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