

**T.U Mathukutty vs State of Kerala**

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**SooperKanoon Citation :** [sooperkanoon.com/1357608](https://sooperkanoon.com/1357608)

**Court :** Kerala

**Decided On :** Apr-28-2023

**Judge :** Honourable Mr.Justice Murali Purushothaman

**Appeal No. :** WP(C)/14567/2023

**Appellant :** T.U Mathukutty

**Respondent :** State of Kerala

**Judgement :**

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE MURALI PURUSHOTHAMAN FRIDAY, THE 28TH DAY OF APRIL 2023 / 8TH VAISAKHA, 1945 WP(C) NO. 14567 OF 2023 PETITIONER: T.U MATHUKUTTY AGED 69 YEARS S/O. ULAHANNAN, THEREZHATH(H), AMBALLOOR P.O ERNAKULAM DISTRICT, PIN- 682315 BY ADVS. JACOB P.ALEX JOSEPH P.ALEX MANU SANKAR P. AMAL AMIR ALI RESPONDENTS:

1 STATE OF KERALA REPRESENTED BY ITS CHIEF SECRETARY, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN- 695 001 2 SECRETARY LAW DEPARTMENT, GOVERNMENT

SECRETARIAT, THIRUVANANTHAPURAM, PIN- 695 001 3  
ADDITIONAL CHIEF SECRETARY DEPARTMENT OF LOCAL SELF  
GOVERNMENT GOVERNMENT SECRETARIAT,  
THIRUVANANTHAPURAM, PIN - 695001 4 KERALA REAL ESTATE  
REGULATORY AUTHORITY REPRESENTED BY ITS CHAIRMAN, 6TH  
FLOOR, TRINITY CENTRE, KESAVADASAPURAM JUNCTION,  
PATTOM, THIRUVANANTHAPURAM, PIN - 695004 SRI.K.M.FAIZAL,  
GP THIS WRIT PETITION (CIVIL) HAVING COME UP FOR  
ADMISSION ON

28.04.2023, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:

## **JUDGMENT**

Dated this the 28th day of April, 2023 The petitioner is a retired Selection Grade District Judge, presently holding the post of Adjudicating Officer of the Kerala Real Estate Regulatory Authority (K-RERA). According to the petitioner, the pay for the post of the Adjudicating Officer was fixed as per Ext.P3 Government Order, without adverting to the nature of duties and responsibilities attached to the post. It is stated that although the nature of work of the Adjudicating Officer is similar to that of a Judicial Member of the Appellate Tribunal and more onerous than a member of the RERA, there is no parity of pay. It is further stated that the salary of a Judicial Member of the Appellate Tribunal, who is also a retired District Judge, was fixed as last drawn pay, without excluding pension and there is no provision for earned leave. It is contended that differential treatment meted out to similarly situated officers is violative of Article 14 of the Constitution of India. Being aggrieved by the improper fixation of monthly salary as last drawn pay minus pension and the resultant low salary, he made Exts.P9 and P10 representations before respondents 1 and 3, seeking to re-fix his salary. However, no action has been taken on those representations. The petitioner further states that, he is due to demit his office soon. In the said circumstances, the limited prayer of the petitioner is for a consideration of Exts.P9 and P10 representations by respondents 1 and 3.

2. Heard the learned counsel for the petitioner and the learned Government Pleader. In the nature of the direction I propose to issue, notice to the 4th respondent is dispensed with.

3. In the facts and circumstances of the case, there will be a

direction to the 3rd respondent to consider and pass appropriate orders on Exts.P9 and P10 representations, after hearing the petitioner and the 4th respondent, within a period of one month from the date of receipt of a copy of this judgment. If the 3rd respondent is of the view that Exts.P9 and P10 are to be considered by the 1st respondent, the same shall be made over to the 1st respondent forthwith. The writ petition is disposed of accordingly. Sd/- MURALI PURUSHOTHAMAN JUDGE NP APPENDIX OF WP(C) 14567/2023 PETITIONERS EXHIBITS Exhibit P1 TRUE COPY OF THE NOTIFICATION DATED 11.12.2019 ISSUED BY THE 4TH RESPONDENT INVITING APPLICATIONS FOR THE POST OF ADJUDICATING OFFICER Exhibit P2 TRUE COPY OF THE APPOINTMENT ORDER BEARING NO. 23/K-RERA/2020 DATED 03.02.2020 ISSUED BY THE 4TH RESPONDENT Exhibit P3 TRUE COPY OF THE G.O.(RT). NO.262/2020/LSGD DATED 31.01.2020 ISSUED BY THE 3RD RESPONDENT Exhibit P4 TRUE COPY OF THE BILL FOR PAY AND ALLOWANCES OF THE PETITIONER DATED 01.01.2023 Exhibit P5 TRUE COPY OF G.O.(RT) NO. 952/2020/LSGD DATED 24.05.2020 Exhibit P6 THE TRUE COPY OF THE ADVERTISEMENT NO.F.1(50)RJ/RERA/2019, JAIPUR, DATED 19TH AUGUST, 2019 SHOWING IT Exhibit P7 THE TRUE COPY OF THE ADVERTISEMENT NO.1/RERA/APP. OF ADJ. OFF./2018/83 DATED 09.02.2020 GIVEN BY GOA RERA SHOWING IT Exhibit P8 THE TRUE COPY OF THE APPLICATION FORM FORMAT

FOR THE POST OF ADJUDICATING OFFICER PUBLISHED BY DELHI AND CHANDIGARH RERA SHOWING THE SALARY AND ALLOWANCE Exhibit P9 TRUE COPY OF THE REPRESENTATION DATED 24.01.2023 SENT TO THE 1ST RESPONDENT WITH COPY TO 2ND AND 4TH RESPONDENTS ALONG WITH THE POSTAL RECEIPTS Exhibit P10 TRUE COPY OF THE REPRESENTATION DATED 06.03.2023 SENT TO THE 1ST RESPONDENT

WITH COPY TO 2ND AND 4TH RESPONDENTS ALONG WITH THE POSTAL  
RECEIPTS RESPONDENTS EXHIBITS: NIL

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