



## GOVERNMENT OF KERALA

### Abstract

Finance Department.- Judgement dated 29.02.2024 of the Hon'ble High Court in WP(c) No.8762/2013 filed by Smt. Mercy P.L., HSA(Sanskrit) CGHS, Vadakkenchery, Palakkad- complied with – orders issued.

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### FINANCE (PAY REVISION CELL-D) DEPARTMENT

G.O.(Rt)No.1041/2026/Fin

Dated, Thiruvananthapuram, 04.02.2026

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- Read 1 G.O.(P) No. 85/2011/Fin dated 26.02.2011.  
2 G.O(P)No. 491/2012(112)/Fin dated 10.09.2012  
3 G.O(P)No. 560/2012(184)/Fin dated 11.10.2012  
4 Order dated 02.11.2023 of the Hon'ble Supreme Court in Civil Appeal No. 9884/2013.  
5 Judgement dated 29.02.2024 of the Hon'ble High Court in WP(C) 8762/2013 and connected cases.

### ORDER

As per the Government Order read as 1<sup>st</sup> paper above, the pay and allowances of State Government Employees and Teachers were revised w.e.f. 01.07.2009. As per the Government Order, the pay of Smt. Mercy P.L. was revised without reckoning her prior part time service for service weightage. She made an application before the Deputy Director of Education, Palakkad for reckoning her prior part time Service for service weightage in 9<sup>th</sup> pay revision. The same was rejected by the Deputy Director of Education, Palakkad. Aggrieved by this Smt. Mercy P.L filed W.P.(C)No. 8762/2013 in Hon'ble High Court.

2. In the judgement, read as 5<sup>th</sup> paper above, the Hon'ble High Court has declared that the petitioners are entitled to the benefit as directed by the Hon'ble Apex Court in the Order read as 4<sup>th</sup> paper above. It was also ordered that the authority will consider whether the notification dated 11.10.2012 extracted in the Supreme Court Order is applicable to the petitioners based on the date of fixation of pay. The first respondent will consider the case of the petitioners after giving an opportunity of hearing to the petitioners as expeditiously as

possible, at any rate, within three months from the date of receipt of a copy of the judgement. It was also ordered that if any of the petitioners are having any other surviving grievance, they are free to submit a representation before the government and the Government will consider the same also, while deciding the matter as directed above. Recovery proceedings, if any initiated against the petitioners shall be kept in abeyance till final order is passed in these cases. In the Order read as 4<sup>th</sup> paper above, the Hon'ble Apex Court considered the amendment order G.O.(P)No.560/2012/(184)/Fin dated 11.10.2012 in connection with 8<sup>th</sup> pay revision and ordered that the cases of post amendment shall be considered and decided as per the above order. Nothing has been mentioned in the above order about the position in the 9<sup>th</sup> pay revision.

3. A hearing of the petitioner in compliance with the directions in the judgement dated 29.02.2024 was conducted on 05.06.2024. At the time of hearing, the petitioner has not raised any other surviving grievances. As there was no reference in the order dated 02.11.2023 of the Apex Court, regarding the applicability of G.O.(P) No. 491/2012(112)/Fin dated 10.09.2012 issued in modification of the 9<sup>th</sup> pay revision order, a decision on the matter of compliance of the judgement dated 29.02.2024 could have been taken after getting clarification from Hon'ble Supreme Court. Hence the Advocate General was requested to take urgent steps to file clarification petition and the fact was formally communicated to the petitioner and decided to wait till clarification is received from the Hon'ble Supreme Court for pursuing further in the matter.

4. The Standing Counsel in his Legal opinion dated 12.09.2025 has informed that the amendment GO relating to IX Pay Revision ie. G.O(P) No. 491/2012/(112)/Fin dated 10.09.2012 was not an issue before the Hon'ble Court while deciding the Civil Appeal. It has also been conveyed that the Hon'ble Court left all the questions of law open while disposing of the Civil Appeals. Therefore any questions arising on the interpretation of G.O. (p) No. 491/2012/(112)/Fin dated 10.09.2012 can be decided in appropriate cases.

5. The Hon'ble Supreme Court has not given any specific directions in the Order dated 02.11.2023 in Civil Appeal No.9884/2013 in regard to the applicability of G.O.(P) No. 491/2012/(112)/Fin dated 10.09.2012 in the 9<sup>th</sup> pay revision. As per the above Government Order, the 9<sup>th</sup> pay revision order was amended to the effect that only full time regular service including broken periods of service qualifying for normal increments in the scale of pay would be reckoned for service weightage. As the Government Order dated 10.09.2012 is a modification to the general pay revision order, the same has effect from 01.07.2009 ie. the

date of effect of 9<sup>th</sup> pay revision itself. Hence prior part time service can not be reckoned for service weightage in the 9<sup>th</sup> pay revision and so the objection raised by the Deputy Director of Education, Palakkad is in order. The excess amount drawn by the petitioner, if any, on account of the pay fixation by reckoning part time service has to be recovered. The judgment dated 29.02.2024 of the Hon'ble High Court of Kerala in WP(C)No.8762/2013 is complied with accordingly.

(By order of the Governor)

K R JYOTHILAL

ADDITIONAL CHIEF SECRETARY

To:

1. The Advocate General, Office of the Advocate General Kerala, Ernakulam, Kochi – 682031.
2. The principal Accountant General (A&E) Kerala, Thiruvananthapuram.
3. The Accountant General (Audit II), Kerala, Thiruvananthapuram
4. The principal Secretary, General Education Department
5. Smt. Mercy P.L, HSA(Sanskrit) CGHS, Vadakkenchery, Palakkad residing at Ollukkara Chittilapally, Kunjappu, Shreyas Nagar PO, Ollukkara, Thrissur.
6. The Nodal Officer, [www.finance.kerala.gov.in](http://www.finance.kerala.gov.in)
7. The Web & New Media, Information & Public Relations Department
8. Stock file / Office copy (E2562594).

Forwarded /By order



Section Officer

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