



GOVERNMENT OF KERALA

Abstract

Science & Technology Department- The Final Order dated 17.12.2021 of Hon'ble Supreme Court in Special Leave Petition (C) Nos 20277--20278/2021 filed by Government - Complied with - Orders Issued.

SCIENCE & TECHNOLOGY (A) DEPARTMENT

G.O.(Rt)No.5/2022/S&TD Dated,Thiruvananthapuram, 08-02-2022

Read 1 Judgement of Hon'ble High Court, dated 08/06/2020 on Writ Petition No. 32985/15.

2 Judgement of Hon'ble High Court, dated 18/05/2021 on Writ Appeal No. 77/21 and W.A. No.557/2021.

3 Final Order of Hon'ble Supreme Court, dated 17/12/2021 on Special Leave Petition No.20277/2021 and 20278/2021.

ORDER

Sri.Suresh Chandran, retired employee of Jawaharlal Nehru Tropical Botanical Garden and Research Institute has filed Writ Petition No. 32985/15 before the Hon'ble High Court with a plea for restoring his reduced pay scale, pay fixation matters, granting eligible promotions/re-designation and terminal benefits. The Hon'ble High Court as per its Judgment read as 1st paper above ordered as follows.

" i) the orders exhibit P3 and P4 re-fixing the pay of the petitioner from 28.07.1997 in a lower scale are set aside. The order Ext P6 to the extent it relates to the pay scale of Assistant Registrar and the pay scale on assessment promotion and consequential fixation of pay in Ext P7 are set aside .

ii) it is declared that the petitioner would be entitled to get his pay restored as was fixed prior to the issuance of Ext P3 order and he is entitled to get his pay fixed on grant of assessment promotion with effect from 28.07.2004 in the higher scale of Assistant Registrar, which

he was actually drawing ;

iii) there shall be a direction to the respondents to restore the pay of the petitioner as he was drawing till his retirement before the orders Ext. P3 and P4 were issued and thereafter to fix his pay on assessment promotion with effect from 28.07.2004 based on the higher scale; re-fix the terminal benefits of the petitioner; sanction and settle the same and disburse the balance amount due to him towards arrears of pay and terminal benefits within a period of three months from the date of receipt of a copy of this judgement."

Aggrieved by the above Judgement, the Government as well as Kerala State Council for Science, Technology and Environment filed Writ Appeal No.77/2021 and Writ Appeal No.557/2021 respectively and the Hon'ble High Court in its Judgement read as 2nd paper above made the following observations:

"We are of the firm view that findings of the learned single judge require no interference. The impugned judgment was passed on 8.6.2020. The respondents will restore the pay of the petitioner which he was drawing till his retirement before issuance of Exhibits P3 and P4 orders and thereafter, fix his pay on assessment promotion with effect from 28.7.2004. Based on that the respondents shall re-fix the terminal benefits and disburse the benefits due to him within a period of three months from the date of production of a copy of the judgement.

With the above observations and modification, the Writ Appeals will stand dismissed."

Subsequently Government filed Special Leave Petition (C) No(s). 20277-20278/2021 before the Hon'ble Supreme Court against the common impugned final Judgement and order dated 18/05/2021 of the Hon'ble High Court of Kerala in W .A. No.77/2021 and 557/2021. The Apex Court delivered its order on 17/12/2021 as follows:

"In the peculiar facts and circumstances on record, we see no reason to interfere.

However, at the request of the learned counsel appearing for the State, time of eight weeks is granted to the State to comply with the directions issued by the High Court.

The Special Leave Petitions are dismissed.

Pending applications, if any, shall stand disposed of."

Government have considered the Final Order of the Hon'ble Supreme Court and are pleased to issue orders entrusting the Director, Jawaharlal Nehru Tropical Botanical Garden and Research Institute and to comply the directions issued by the Hon'ble Supreme Court dated 17.12.2021 in SLP (C) No.20277-20278/2021 within the time limit prescribed. It is also ordered that this order should not be used as a precedent in future.

The Final Order dated 17/12/2021 of SLP (C) No(s).20277 - 20278/2021 is thus compiled with.

(By order of the Governor)
PROF DR K P SUDHEER
EX-OFFICIO PRINCIPAL SECRETARY

To:

Advocate General, Ernakulam(With Covering Letter).

Ex-Officio Principal Secretary, Science & Technology Department.

Member Secretary, Kerala State Science Technology and Environment Council.

Director, Jawaharlal Nehru Tropical Botanical Garden and Research Institute.

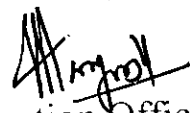
Sri.Suresh Chandran, Mavila House, Vilabhagam, Nedumganda P.O., Thiruvananthapuram

Finance (PU-C) Department.(PU-C4/72/2020-FIN)

Information and Public Relations Department.

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Section Officer

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CA to Joint Secretary, Science and Technology Department