



## GOVERNMENT OF KERALA

### Abstract

Finance Department.- Judgement dated 29.02.2024 of the Hon'ble High Court in WP(C) No.17057/2016 filed by Smt. Saraswathy Amma,Rtd H.M, CPHSS, Kuttikkad, Kadakkal, Kollam - complied with – orders issued.

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

G.O.(Rt)No.1674/2026/FIN Dated,Thiruvananthapuram, 20-02-2026

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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

<sup>4</sup> Order dated 02.11.2023 of the Hon'ble Supreme Court in Civil Appeal No. 9884/2013.

<sup>5</sup> Judgement dated 29.02.2024 of the Hon'ble High Court in WP(C) 17057/2016 and connected cases.

### ORDER

As per the Government Order read as 1st paper above, the pay and allowances of State Government Employees and Teachers were revised w.e.f. 01.07.2009. Accordingly, the pay of Smt. Saraswathy Amma, HM(Rtd), CPHSS, Kuttikkad, Kadakkal, Kollam was revised reckoning her prior part time service for service weightage. The same was objected to by the Deputy Director of Education Kollam. Aggrieved by this Smt. Saraswathy Amma filed W.P.(C)No.17057/2016 before the Hon'ble High Court of Kerala.

2. In the judgment read as 5th 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 4th 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 judgment. 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 4th 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 8th 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 9th pay revision.

3. The petitioner was informed to appear for a hearing on 05.06.2024, but she didn't turn up for hearing. However, she was heard over telephone and she informed that she does not have any other surviving grievance. 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 9th 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 the 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 Order relating to IX Pay Revision i.e. 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 9th pay revision. As per the above Government Order, the 9th 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 i.e. the date of effect of 9th pay revision itself. Hence, prior part-time service cannot be reckoned for service weightage under the 9th Pay Revision, and therefore the objection raised by the Deputy Director of Education, Kollam, is in order. The excess amount drawn by the petitioner on account of the pay fixation by reckoning part time service has to be recovered. Also, as per the basic principles of Time Bound Higher Grade, part time service cannot be reckoned for granting Time Bound Higher Grade. Hence time bound higher grades can be granted to the petitioner by reckoning service with effect from the date of appointment to the post of Full Time HSA i.e. from 17/07/1992 only. As such, the petitioner has not completed 27 years service together in HSA and HM


post and so she is not eligible for 27 years TBHG in the post of HM. The judgment dated 29.02.2024 of the Hon'ble High Court in WP(C) No. 17057/2016 may be 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. Saraswathy Amma, Rtd. H.M, CPHSS, Kuttikkad, Kadakkal, Kollam,
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 ( 249722 ).

Forwarded /By order

  
Section Officer