

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE AG.CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

WEDNESDAY, THE 7TH DAY OF JANUARY 2015/17TH POUSHA, 1936

Con.Case(C).No. 945 of 2014 (S) IN WP(C).4325/2012

AGAINST THE JUDGMENT IN WP(C) 4325/2012 DATED 07.08.2014

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PETITIONER/1ST PETITIONER :

K.G.RAJA MOHAN AGED 54 YEARS
S/O.K.G.PANICKER, CHIEF LIBRARIAN
HIGH COURT OF KERALA, ERNAKULAM, COCHIN-31

BY ADVS.SRI.K.JAJU BABU (SR.)
SMT.M.U.VIJAYALAKSHMI

RESPONDENT/1ST RESPONDENT :

DR.NIVEDITHA P.HARAN, IAS
AGE AND FATHER'S NAME NOT KNOWN TO
THE PETITIONER, SECRETARY TO GOVERNMENT
HOME DEPARTMENT, GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM-695 001

BY GOVERNMENT PLEADER, SRI.SHYSON P. MANGUZHA

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING BEEN FINALLY HEARD
ON 07-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ASHOK BHUSHAN, Ag.C.J. & A.M. SHAFFIQUE, J.

Contempt Case (Civil) No. 945 OF 2014

Dated this the 7th day of January, 2015

JUDGMENT

Shaffique, J.

This contempt case has been filed by the writ petitioners alleging non-compliance of the directions issued by this Court as per judgment dated 07.08.2013. The matter was referred by the learned Single Judge. During the pendency of the contempt case, the respondents have passed an order, G.O.(MS) No. 253/2014/Home dated 05.12.2014, a copy of which is produced before the Court, *inter alia* indicating that the issue involved in the judgment under reference has been referred for consideration by 10th Pay Revision Commission.

Paragraphs 4 and 5 of the said order read as under:

"4. The recommendations of the Hon'ble Chief Justice for rectification of anomalies that crept in the 9th Pay Revision Commission and related to increased Scales of Pay of the employees of High Court were examined by the Government obtaining the considered views of the Registrar General of High Court. The recommendations of the Pay Revision Commission headed by Justice (Rtd) Rajendra Babu in respect of revision of pay and allowances of High Court employees were implemented in toto. However, in the meantime the

10th State Pay Revision Commission has come into existence. Therefore since the 10th Pay Revision Commission has come into existence and has started functioning, taking a positive note, Government have decided to refer the recommendations made by the Hon'ble Chief Justice for increase in pay scales of various posts of High Court Staff over and above the recommendations of 9th Pay Revision Commission approved by Government to the 10th Pay Revision Commission and also directed to refer the anomalies pointed out by the High Court, which have crept into the 9th State Pay Revision recommendation to the 10th Pay Revision Commission.

5. In the circumstances, in exercise of power under article 229(2), Government are pleased to refer the recommendations made by the Hon'ble Chief Justice for increase in the pay scales of various posts High Court Staff over and above the recommendations of 9th Pay Revision Commission to the 10th Pay Revision Commission headed by Justice (Rtd) C.N. Ramachandran Nair and also directed to refer the anomalies reportedly crept in the 9th Pay Revision Commission Recommendations to the 10th Pay Revision Commission. Thus the judgment dated 07.08.2013 of Hon'ble High Court in W.P.(C) 34689/2010, W.P.(C) 4325/2012, W.P.(C) 15550/2012 W.P.(C) 18750/2012 and judgment dated 24.07.2014 in W.P.(C) 25293/2013 are hereby complied with. The Registrar, High Court of Kerala shall take steps to submit such proposals before the 10th Pay Revision Commission."

2. Having regard to the fact that the issues projected by the petitioners are still open and Government have taken a

move by directing for consideration of the matter by 10th Pay Revision Commission, presently we do not find any reason to proceed with the contempt case. However, we make it clear that the petitioners will be at liberty to take appropriate proceedings, after necessary recommendation has been made by the 10th Pay Revision Commission in this regard.

With the above observation, this Contempt Case is closed.

**Ashok Bhushan,
Acting Chief Justice.**

**A.M. Shaffique,
Judge.**