

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 12TH DAY OF OCTOBER 2015/20TH ASWINA, 1937

OP.No. 5465 of 2003 (A)

PETITIONER:

**SMT. SARASWATHI KUTTY. K.,
HEADMISTRESS, A.L.P.S. KOTTOPADAM, PALAKKAD DISTRICT.**

BY ADV. SRI.ELVIN PETER P.J.

RESPONDENTS:

**1. THE DEPUTY DIRECTOR OF EDUCATION,
PALAKKAD.**

**2. THE ACCOUNTANT GENERAL,
KERALA, THIRUVANANTHAPURAM.**

BY GOVERNMENT PLEADER SRI. T.R. RAJESH

**THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 12-10-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS :-

- | | | |
|--------|---|---|
| EXT.P1 | - | COPY OF THE ORDER DATED 07.03.1991 ISSUED BY GOVERNMENT. |
| EXT.P2 | - | COPY OF THE RELEVANT PORTION OF THE ORDER DATED 05.12.1995 ISSUED BY GOVERNMENT. |
| EXT.P3 | - | COPY OF THE CIRCULAR DATED 30.12.1995 ISSUED BY GOVERNMENT. |
| EXT.P4 | - | COPY OF THE CIRCULAR DATED 29.12.1994 ISSUED BY THE D.P.I. |
| EXT.P5 | - | COPY OF THE OBJECTION RAISED BY THE ACCOUNTANT GENERAL AND FORWARDED BY THE AEO DATED 30.03.2002. |
| EXT.P6 | - | COPY OF THE REPLY DATED 21.01.2003 SUBMITTED BY THE PETITIONER. |

RESPONDENTS' EXHIBITS:- NIL

//TRUE COPY//

P.A. TO JUDGE

sp

K. VINOD CHANDRAN, J.

O.P. No.5465 of 2003

Dated this the 12th day of October, 2015.

JUDGMENT

The petitioner is aggrieved with the fact that the petitioner has been issued with Ext.P5 objection, which disentitles the petitioner from getting the benefits of re-fixation of pay as per the re-option submitted. The learned Special Government Pleader (Finance) submits on instructions that the petitioner has retired long back and the petitioner has also been issued with a No-objection Certificate.

2. The learned counsel for the petitioner however would contend that the petitioner's case is covered by the decision of a learned Single Judge. However, there the question decided was whether in exercise of re-option, the Government employees and the teachers are entitled to arrears from the date opted or from the date of filing of the re-option. This Court found that the arrears have to be granted from the date of option itself.

3. However, the petitioner's case stands on a different footing. The petitioner, admittedly, was appointed as a UPSCA on 05.07.1968 and promoted as Headmistress on 01.04.1985. The petitioner was also given the Senior Grade of 20 years on 15.07.1988 and then Selection Grade on 15.07.1993, on completion of 25 years. The petitioner is said to have re-opted the date for Senior Scale to 15.07.1993, which has been declined by Ext.P5. Here, it is to be noticed that as has been noticed in Ext.P5, the petitioner was promoted as a Headmistress on 01.04.1985. In such circumstance, she would not have claimed for re-option in 1993, since she had not completed 20 years as on that date.

In such circumstance, this Court does not find any reason to interfere with Ext.P5, which holds that the pay of the petitioner has been regularly fixed in terms of paragraph 2(c) of GO(P) No.380/94/Fin dated 09.06.1994.

The writ petition would stand dismissed.

**K. VINOD CHANDRAN,
JUDGE**