

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN
&
THE HONOURABLE MR.JUSTICE K.HARILAL**

FRIDAY, THE 13TH DAY OF MARCH 2015/22ND PHALGUNA, 1936

OP(KAT).NO. 415 OF 2014 (Z)

**AGAINST THE ORDER IN OA 1680/2013 OF KERALA ADMINISTRATIVE TRIBUNAL,
THIRUVANANTHAPURAM DATED 23-10-2013**

PETITIONER(S):

- 1. THE STATE OF KERALA,
REPRESENTED BY ITS SECRETARY TO GOVERNMENT
DEPARTMENT OF FOREST AND WILD LIFE,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695001.**
- 2. ACCOUNTANT GENERAL (A & E) KERALA,
THIRUVANANTHAPURAM-695001.**
- 3. SUB TREASURY OFFICER,
KUNNAMKULAM, THRISSUR-680523.**
- 4. DIVISIONAL FOREST OFFICER,
VAZHACHAL DIVISION, CHALAKUDI, THRISSUR-680518.**

BY SR. GOVERNMENT PLEADER SRI. VIJU THOMAS

RESPONDENT(S):

**K.C. PRABHAKARAN, AGED 70 YEARS,
S/O.CHOZHI, RETIRED FORESTER, KANAMKOTTE HOUSE,
KANIAMPAL, M.G.ROAD, KUNNAMKULAM P.O,
THRISSUR-680523.**

**BY ADV. SMT.ANU SIVARAMAN
BY ADV. SMT.SHAMEENA SALAHUDHEEN**

**THIS OP KERALA ADMINISTRATIVE TRIBUNAL HAVING COME UP FOR ADMISSION
ON 13-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

OP(KAT).NO. 415 OF 2014 (Z)

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1 : TRUE COPY OF OA. NO.1680/13.

EXT.P2 : TRUE COPY OF THE REPLY STATEMENT DT.9-12-13 FILED BY R4.

EXT.P3 : TRUE COPY OF THE REPLY STATEMENT DT.1-1-14 FILED BY R2.

**EXT.P4 : TRUE COPY OF THE RE-JOINTER TO THE STATEMENTS DT 20-1-14 FILED BY THE
PETITIONER.**

**EXT.P5 : TRUE COPY OF THE ORDER OF THE KERALA ADMINISTRATIVE TRIBUNAL
DT.23-1-2014 DISPOSING THE ORIGINAL APPLICATION.**

RESPONDENT(S)' EXHIBITS : NIL

OKB

TRUE COPY

PA. TO JUDGE

THOTTATHIL B. RADHAKRISHNAN & K. HARILAL, JJ.

O.P.(KAT) No.415 of 2014

Dated this the 13th day of March, 2015.

JUDGMENT

Thottathil B. Radhakrishnan, J.

1. We have heard the learned Senior Government Pleader for the petitioners and the learned counsel for the respondent.
2. This O.P. is filed invoking Article 227 of the Constitution of India challenging a decision of the Kerala Administrative Tribunal rendered in favour of the respondent.
3. Respondent retired from service on 30/6/1999 while working as Forester. Through the impugned order the Tribunal found that though the Forester is entitled to get 3rd higher grade in the scale of pay applicable to Forest Ranger, the respondent was not eligible to get that since he was not qualified for the post of Forest Ranger. It was therefore that he was granted the scale of

pay which was lower than that of Forest Ranger, but above that of the Deputy Ranger. The learned Tribunal took note of the statement filed on behalf of the Divisional Forest Officer and also relied on Annexure-A3 documents produced by the pensioner before the learned Tribunal to note that the scale of pay between the Deputy Ranger and Forest Ranger is Rs.16180/- -- 29180/-. That being so, the learned Tribunal held that the pensioner is entitled to get his pension revised with reference to that scale of pay. It was so declared.

4. Though the learned Senior Government Pleader argued that the decision of the Tribunal is erroneous on the basis of the yardsticks applied by the office of the Accountant General while determining pension under the 'One rank-One Pension' scheme and the revision of scales as was applied for such purpose, we think that the directions issued by the learned Tribunal are based on materials relied upon by the Tribunal including the pleadings and government communications. That being so, we do not find any jurisdictional error in the impugned decision of the learned Tribunal rendered under the provisions of the Administrative Tribunals Act, to make it liable to be interfered

with in exercise of authority under Article 227 of the Constitution of India. For these reasons, this original petition fails.

In the result, this original petition is dismissed.

Sd/-

THOTTATHIL B. RADHAKRISHNAN, JUDGE

Sd/-

K. HARILAL, JUDGE

okb.