

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

TUESDAY, THE 30TH DAY OF JUNE 2015/9TH ASHADHA, 1937

WP(C).No. 19515 of 2015 (L)

PETITIONER(S):

**P.P.ITTAN, AGED 52 YEARS,
HIGHER SECONDARY SCHOOL TEACHER (HINDI),
M.S.M. HIGHER SECONDARY SCHOOL,
KALLINKALPARAMBA, KALPAKAMCHERY,
VIA TIRUR, MALAPPURAM DISTRICT.**

**BY ADVS.SRI.B.UNNIKRISHNA KAIMAL
SRI.V.MADHUSUDHANAN**

RESPONDENT(S):

**1.STATE OF KERALA, REPRESENTED BY THE
SECRETARY TO GOVERNMENT, GENERAL EDUCATION (D)
DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.**

**2.THE DIRECTOR OF HIGHER SECONDARY EDUCATION,
HOUSING BOARD BUILDING, SANTHI NAGAR,
THIRUVANANTHAPURAM - 695 001.**

**3.THE MANAGER,
M.S.M. HIGHER SECONDARY SCHOOL,
KALLINKALPARAMBA, KALPAKAMCHERY,
VIA TIRUR, MALAPPURAM DISTRICT. - 676 551.**

R BY GOVERNMENT PLEADER SMT.LOWSY.A.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
30-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF THE APPOINTMENT ORDER DATED 3.10.1991 ISSUED BY THE 3RD RESPONDENT TO THE PETITIONER, WITH ENDORSEMENT OF APPROVAL BY THE 2ND RESPONDENT.

EXT.P2: COPY OF THE G.O.(MS).NO.173/95/G.EDN. DATED 1.6.1995.

EXT.P3: COPY OF THE G.O.(MS).NO.162/98/G.EDN. DATED 13.5.1998.

EXT.P4: COPY OF THE JUDGMENT DATED 30.3.1999 OF THIS HON'BLE COURT IN O.P.NO.11408 OF 1995.

EXT.P5: COPY OF THE G.O.(MS).NO.351/2004/G.EDN. DATED 20.11.2004.

EXT.P6: COPY OF THE JUDGMENT DATED 31.7.2006 OF THIS HON'BLE COURT IN W.P.(C).NO.30584/05.

EXT.P7: COPY OF THE G.O.(RT).NO.3506/2006/G.EDN. DATED 9.8.2006.

EXT.P8: COPY OF THE ORDER NO.ACD.A2/1027/HSE/02 DATED 6.12.2007 ISSUED BY THE 2ND RESPONDENT.

EXT.P9: COPY OF THE JUDGMENT DATED 28.11.2012 OF THIS HON'BLE COURT IN W.P.(C).NO.30471/10.

EXT.P10: COPY OF THE JUDGMENT DATED 7.8.2014 OF THIS HON'BLE COURT IN W.A.NO.1489/13.

EXT.P11: COPY OF THE ORDER NO.ACD.B1/26751/HSE/2009 DATED 5.11.2014 ISSUED BY THE 2ND RESPONDENT.

RESPONDENTS EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C).NO.19515 OF 2015 (L)

Dated this the 30th day of June, 2015

J U D G M E N T

The petitioner, who was promoted and appointed as HSST in the School, while he was working on regular service as an asst, was denied the scale of pay as applicable to HSST for the period from 3.10.1991 to 31.5.1995. The denial of pay scale was based on Ext.P2 Government order which contemplated that, in the case of those part time teachers, namely, those having less than 15 periods in a week, orders prescribing a separate scale of pay would be issued separately by the Government. It is pointed out that Ext.P2 Government order was subsequently set aside by Ext.P4 judgment of this Court, whereby, teachers similarly placed as the petitioner were held entitled to the regular scale of pay that was payable to the teachers who were appointed as HSSTs. It is pointed out that, pursuant to Ext.P4 judgment, the Government has also passed consequential orders granting the benefit to persons who had approached this Court. When the petitioner approached the respondents for the extension of similar benefits, the same was denied to him. It is pointed out that thereafter, persons similarly placed as the petitioner approached this Court seeking extension of the same benefits as was granted to others in Ext.P4 judgment. By Ext.P9 judgment, this Court

allowed the writ petition preferred by the said persons. Although the State took up the matter in appeal, the appeal was dismissed by Ext.P10 judgment. Thereafter, by Ext.P11 order, the Government extended the benefit conferred on teachers by Ext.P4 judgment to the petitioners who had subsequently approached this Court.

2. I have heard the learned counsel for the petitioner as also the learned Government Pleader for the respondents.

Inasmuch as the case of the petitioner in the instant case is identical to those that are covered by Ext.P4, Exts.P9 and P10 judgments of this Court, the writ petition is allowed by directing the respondents to sanction the benefit of scale of pay of HSST Full time for the period from 3.10.1991 to 31.5.1995 and to refix the pay of the petitioner accordingly, and disburse consequential benefits including arrears, within a period of two months from the date of receipt of a copy of this judgment.

A.K.JAYASANKARAN NAMBIAR
JUDGE

prp