

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

TUESDAY, THE 15TH DAY OF SEPTEMBER 2015/24TH BHADRA, 1937

WP(C).No. 27655 of 2008 (P)

PETITIONER(S):

**B.S. SAILAJA, PEON,
RAJIV GANDHI ACADEMY FOR AVIATION TECHNOLOGY,
T.C.36/1200, RADHASRI, VALLAKADAV. P.O.,
ENCHAKKAL, TRIVANDRUM.**

APURAM.

BY ADV. SRI.M.BALAGOVINDAN.

RESPONDENT(S):

- 1. RAJIV GANDHI ACADEMY FOR AVIATION TECHNOLOGY,
REPRESENTED BY ITS EXECUTIVE DIRECTOR,
T.C.36/1200, 'RADHASRI', VALLAKADAV P.O.,
THIRUVANANTHAPURAM.**
- 2. THE EXECUTIVE DIRECTOR,
RAJIV GANDHI ACADEMY FOR AVIATION TECHNOLOGY,
T.C.36/1200, 'RADHASRI', VALLAKADAV. P.O,
THIRUVANANTHAPURAM.**
- 3. SECRETARY TO GOVERNMENT,
GENERAL EDUCATION (S & YA)DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM.**

R3 BY GOVT. PLEADER SRI.SOJAN JAMES.

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 15-09-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1 COPY OF THE PROCEEDINGS DATED 31/12/2007 ISSUED BY THE
SECOND RESPONDENT PROMOTING THE PETITIONER.
- EXT.P2 COPY OF THE ORDER G.O.(MS) 136/2006 DATED 11/05/2006.
- EXT.P3 COPY OF THE COMMUNICATION FOR RATIFICATION OF THE
PROMOTION GIVEN TO THE PETITIONER FORWARDED BY THE
FIRST RESPONDENT TO THE 3RD RESPONDENT DATED 28/03/2008.
- EXT.P4 COPY OF THE COMMUNICATION DATED 19/07/2008 ISSUED BY
THE 3RD RESPONDENT.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 27655 of 2008

Dated this the 15th day of September, 2015

J U D G M E N T

Aggrieved by the reversion from the post of Peon, the petitioner has come up before this Court.

2. The petitioner alleges that she was working as Peon in the office of the 2nd respondent. The 1st respondent is a Government of Kerala undertaking and hence, it is a State; according to the petitioner. The petitioner further alleges that the 2nd respondent though appointed the petitioner as Part Time Sweeper, she was discharging the duties of Peon since 2000; and hence, her promotion is only a ratification of her earlier act. According to the petitioner, the same has been done after proper discussion by the committee. Therefore, according to the petitioner, the decision of the 3rd respondent to cancel the promotion of the petitioner is an incorrect one. Hence, this writ petition.

3. In the counter affidavit filed by the 3rd respondent, they have contended that though the petitioner was appointed as Part Time Sweeper and subsequently, she

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discharged the duties of Peon, she was paid ₹1,000/- per month in addition to the salary of Part Time Sweeper. According to them, it was only a temporary arrangement for the day-to-day functioning of the academy; and it cannot be reckoned as promotion to the post of Peon. According to them, they have compensated the petitioner for the additional duty done.

4. Arguments have been heard.

5. Admittedly, the petitioner was appointed as Part Time Sweeper on 05.08.2000. However, she was allowed to be promoted to the post of Peon in the scale of pay, ₹4510-6230. The executive committee, on 11.07.2006, decided to apply the provisions of KSR/KSSR to the employees of Rajiv Gandhi Academy for Aviation Technology, on their promotion, leave, pay revision etc. As could be seen from the counter affidavit, as per the existing rules, an employee in the post of Part Time Sweeper cannot be promoted to the post of Peon (Class IV). Therefore, on this ground, as per Ext.P4, the Government has given direction to the Executive Director, Rajiv Gandhi Academy for Aviation Technology to cancel the proceedings dated 31.12.2007, by which the

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petitioner was allowed to function as Peon, and to revert the petitioner to the post of Part Time Sweeper. As Ext.P4 appears to have been passed under the prevailing laws, this Court finds no reason to interfere with Ext.P4.

6. However, as the learned counsel for the petitioner would submit that the petitioner was not given the extra monetary benefits while she was discharging the duties of Peon, though this Court is not inclined to allow the writ petition, the petitioner is permitted to make a representation before the respondents to claim the additional monetary benefits while she was discharging the duties of Peon on the basis of the decision of the executive committee. In the event of filing such a representation within a period of one month from today, the same shall be considered and orders shall be passed in accordance with law within two months thereafter.

The writ petition is disposed of as above.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

bka/-