IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

THURSDAY, THE 17TH DAY OF DECEMBER 2020 / 26TH AGRAHAYANA, 1942

WP(C).No.26661 OF 2020(G)

PETITIONER:

ANITHA P.B.
AGED 46 YEARS
W/O. K.K.VIDHYASAGAR, LPSA, V.V.U.P.SCHOOL, KOTHAPARAMBU, KOTHAPARAMBU P.O., THRISSUR DISTRICT-680668.

BY ADVS.
SHRI.K.B.GANGESH
SMT.ATHIRA A.MENON

RESPONDENTS:

1 **STATE OF KERALA**
REPRESENTED BY SECRETARY TO GENERAL EDUCATION DEPARTMENT, THIRUVANANTHAPURAM-695001.

2 **DIRECTOR GENERAL OF EDUCATION,**
OFFICE OF THE DIRECTORATE, JAGATHI,
THIRUVANANTHAPURAM-695014.

3 **THE ASSISTANT EDUCATIONAL OFFICER,**
KODUNGALLUR, THRISSUR-680664.

SMT. NISHA BOSE - SR.GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 17.12.2020, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

The petitioner is before this Court seeking a direction to the 2nd respondent to disburse her the arrears of salary from 01/06/2011 to 28/01/2016 and to effect fixation of her pay appropriately, after granting eligible increments and Grade Promotions. The petitioner says that she has, therefore, preferred Ext.P2 representation before the 1st respondent – State of Kerala and contends that the delay in disbursal of the eligible benefits is illegal and unlawful.

2. In response to the submissions of Shri.K.B.Gangesh - learned counsel for the petitioner, as afore, the learned Senior Government Pleader - Smt.Nisha Bose, submitted that the 3rd respondent – Assistant Educational officer (AEO) has sought a clarification from the Government as to whether the arrears in question should be paid to the petitioner in cash or whether it

ought to be credited to her PF Account. The learned Senior Government Pleader submitted that the Government will take a final decision in this regard within a period of one week.

3. On hearing the learned Senior Government Pleader as afore, Shri.K.B.Gangesh submitted that his client has no objection to either of the afore options and thus prayed that the 3rd respondent be directed to disburse the amounts within a time frame to be fixed by this Court.

Taking note of the afore submissions, I direct the 1st respondent – State of Kerala to offer the necessary clarification to the 3rd respondent – AEO within a period of one week from the date of receipt of a copy of this judgment; and on receipt of the same the said respondent will disburse the amounts - either in cash or by credit to the PF Account of the petitioner, as the Government may order -

within a period of two months from the date on which such clarification is received from the Government.

Needless to say, all further consequential orders, including for the re-fixation of the pay of the petitioner, will be issued by the Headmistress within a period of two weeks from the date of receipt of a copy of this judgment and the necessary papers will then be forwarded by her to the 3rd respondent without any avoidable delay.

Sd/-

DEVAN RAMACHANDRAN

JUDGE

MC/18.12.2020

APPENDIX

PETITIONER'S/S EXHIBITS:

EXHIBIT P1	TRUE COPY OF THE APPOINTMENT ORDER OF THE PETITIONER WITH ENDORSEMENT OF APPROVAL BY THE 3RD RESPONDENT.
EXHIBIT P2	TRUE COPY OF THE REPRESENTATION DATED 18.3.2018 SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT.

RESPONDENT'S/S EXHIBITS:

NIL

MC

(TRUE COPY) PA TO JUDGE