



GOVERNMENT OF KERALA
Abstract

Finance Department – Reckoning of prior service in aided school – Judgment in WP(C) No. 20495/13 filed by Sri. A J Joseph – Complied with - Orders issued.

FINANCE (PENSION-B) DEPARTMENT

G.O (Rt) No. 7194/2015/Fin Dated, Thiruvananthapuram, 06.08.2015.

- Read:-
1. Judgment dated 23.07.2014 in WP(C) No. 20495/13 filed by Sri. A J Joseph.
 2. Judgment dated 23.02.2015 in Writ Appeal No. 377/15 filed by State.
 3. Order in Special Leave to Appeal No. 19441/2015.

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Farook College

ORDER

Sri. A J Joseph joined service as Lecturer in St. Stephan College, Uzhavoor on 07.06.1993 and while serving as Selection Grade Lecturer he retired from service on 31.03.2008. At the time of retirement, the petitioner was having continuous service of 14 years 5 months and 23 days, which is from 07.06.1993 to 31.03.2008. Prior to that, the petitioner was having temporary collegiate service of 4 years 10 months (3 spells) and aided school service for a period of 5 years 3 months 13 days (eight spells).

2) As per Rule 4, Part III Kerala Service Rules, no claim to pension is admitted when an employee is appointed for limited time only or for a specific duty, on completion of which he is to be discharged. Invoking this rule if one is appointed for a limited term only, he cannot claim for pension. The petitioner has broken limited periods of service in aided schools and aided colleges before his continuous service as aided college teacher. Hence his request was rejected by the Government. The petitioner has filed the WP(C) to count the previous aided school service rendered by him as qualifying service for pensionary benefits.

3) The Hon'ble High Court in the judgment read as above have directed Government to recompute the benefits payable to the petitioner, reckoning the prior service rendered in the aided school by way of different spells and to sanction the pensionary benefits accordingly.

4) Against the judgment of Hon'ble High Court the WP(C) Government has filed writ appeal No. 377/15 which has been dismissed by the Hon'ble High Court on 23.02.2015. Against this, Government has filed Special Leave Petition (C) No. 19441/15 which has also been dismissed on 20.07.2015.

5) In order to comply the judgment, Government are pleased to issue orders reckoning the prior service rendered by Sri. A J Joseph in aided school by way of different spells as qualifying service for pensionary benefits; on condition that this shall not be quoted as a precedent.

6) The judgment of the Hon'ble High Court is complied with accordingly.

By Order of the Governor,

Dr. K. M. ABRAHAM
Additional Chief Secretary (Finance).

To

1. Sri. A J Joseph, Alappatu House, Kolani P O, Thodupuzha, Idukki.
2. The Principal Accountant General(A&E), Kerala, Thiruvananthapuram.
3. The Principal Accountant General(G&SSA), Kerala, Thiruvananthapuram.
4. The Accountant General(E&RSA), Kerala, Thiruvananthapuram.
5. The Advocate General, Kerala, Ernakulam(With C/L)
6. The Director of Collegiate Education, Thiruvananthapuram.
7. The Higher Education Department.
- ✓ 8. The Stock file (Office Copy).

Forwarded /By Order



Section Officer