

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

WEDNESDAY, THE 31ST DAY OF MAY 2023 / 10TH JYAISHTA, 1945

WP(C) NO. 17253 OF 2023

PETITIONER:

SWAPNA K

AGED 46 YEARS

W/O TED TONY TOM, RESIDING AT BUTE WEALTH, KAZHAKUTTAM
P.O., THIRUVANANTHAPURAM, KERALA - 695582, WORKING AS
NON VOCATIONAL TEACHER IN GEOGRAPHY, VELAYUDHA VILASOM
VOCATIONAL HIGHER SECONDARY SCHOOL, AYATHIL, KOLLAM
DISTRICT, PIN - 691021

BY ADVS.

ARUN CHAND

VINAYAK G MENON

BHARAT VIJAY P.

THAREEQ ANVER K.

K.SALMA JENNATH

MINU VITTORRIA PAULSON

RESPONDENTS:

- 1 STATE OF KERALA
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT, GENERAL
EDUCATION DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695001
- 2 THE DIRECTOR OF VOCATIONAL HIGHER SECONDARY EDUCATION
DIRECTORATE OF VOCATIONAL HIGHER SECONDARY EDUCATION,
HOUSING BOARD BUILDING, SANTHI NAGAR,
THIRUVANANTHAPURAM, PIN - 695001
- 3 THE ASSISTANT DIRECTOR
VOCATIONAL HIGHER SECONDARY EDUCATION, KADAPAKKADA,
KOLLAM DISTRICT, PIN - 691008
- 4 VELAYUDHA VILASOM VOCATIONAL HIGHER SECONDARY
SCHOOL, AYATHIL, KOLLAM, REPRESENTED BY
ITS MANAGER, PIN - 691021
- 5 ARUN SHANKER
MANAGER, VELAYUDHA VILASOM VOCATIONAL

HIGHER SECONDARY SCHOOL, AYATHIL, KOLLAM,
PIN - 691021

- 6 ADDL.R6: THE PRINCIPAL, VELAYUDHA VILASOM
VOCATIONAL HIGHER SECONDARY SCHOOL,
AYATHIL, KOLLAM - 691021
(IS SUOMOTU IMPEADED AS ADDITIONAL 6TH
RESPONDENT IN THE WRIT PETITION AS PER
ORDER DATED 31.05.2023)

SMT.NISHA BOSE, SR.GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 31.05.2023, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

P.V.KUNHIKRISHNAN, J.

W.P.(C)No. 17253 of 2023

Dated this the 31st day of May, 2023

JUDGMENT

The above writ petition is filed with the following prayers:

"(A) To issue a writ of certiorari or any other appropriate writ, order or direction directing the 5th respondent or his subordinate officer to revise the pay scale of the petitioner in the XI Pay revision with latest basic pay scale after sanctioning her with the entitled increments which fell due since 01/11/2018 :

(B) To issue a writ of mandamus or any other appropriate writ, order or direction directing the respondents 1 to 3 to sanction the eligible increments of the petitioner which falls due since 01/11/2018 and to revise the pay scale of the petitioner in the XI Pay revision with latest basic pay scale.

(C) Grant such reliefs as may be prayed for and the court may deem fit and proper in the facts and circumstances of the case;

(D) To award the cost of this petition."[SIC]

2. The main prayer in this writ petition is for issuing a direction to the 5th respondent or his subordinate officer to revise the pay scale of the petitioner in tune with XI Pay revision with latest basic pay scale after sanctioning her with the entitled increments which fell due since 01.11.2018. The petitioner submitted Ext.P4 representation before the Principal of the institution where the petitioner is working.

3. Heard the learned counsel appearing for the petitioner and the learned Government Pleader.

4. After hearing both sides, I am of the considered opinion that, there can be a direction to the additional 6th respondent to forward Ext.P4 representation to the 2nd respondent and there can be a direction to the 2nd respondent to consider the

same and pass appropriate orders in it, after giving an opportunity of hearing to the petitioner.

Therefore, this writ petition is disposed of in the following manner:

i. The additional 6th respondent is directed to forward Ext.P4 representation to the 2nd respondent, if not already forwarded, within a period of two weeks from the date of receipt of a certified copy of this judgment.

ii. Once such a representation is received from the 6th respondent, the 2nd respondent will consider the same and pass appropriate orders in it, after giving an opportunity of hearing to the petitioner, as expeditiously as possible, at any rate, within a period of three months from the date of receipt of the representation.

iii. Petitioner will produce a certified

copy of this judgment along with a copy of this writ petition before the 2nd and additional 6th respondents for compliance.

DM

Sd/-
P.V.KUNHIKRISHNAN
JUDGE

APPENDIX OF WP(C) 17253/2023

PETITIONER EXHIBITS

- EXHIBIT P1 THE TRUE COPY OF THE PROCEEDINGS
CUM SUSPENSION ORDER DATED
13/12/2017 ISSUED BY THE 6TH
RESPONDENT TO THE PETITIONER
- EXHIBIT P2 THE TRUE COPY OF THE ORDER DATED
17/01/2018 VIDE NO. E3/13457/17
ISSUED BY THE 2ND RESPONDENT
DIRECTING THE RE-INSTATEMENT OF
THE PETITIONER
- EXHIBIT P3 THE TRUE COPY OF THE ORDER DATED
20/05/2018 VIDE NO. E3/13457/2017
ISSUED BY THE 2ND RESPONDENT
- EXHIBIT P4 THE TRUE COPY OF THE
REPRESENTATION DATED 28/11/2022
SUBMITTED BY THE PETITIONER BEFORE
THE PRINCIPAL OF 4TH RESPONDENT
SCHOOL WHICH WAS ENDORSED BY THE
5TH RESPONDENT

RESPONDENTS EXHIBITS : NIL

//TRUE COPY//

PA TO JUDGE