

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE T.R.RAMACHANDRAN NAIR

TUESDAY, THE 28TH DAY OF FEBRUARY 2012/9TH PHALGUNA 1933

WP(C).No. 37893 of 2010 (J)  
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PETITIONER:  
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P.M.NALINI, HEADMISTRESS,  
S.S.M.A.L.P.SCHOOL, PAZHAMALLUR, MANKADA  
MALAPPURAM DISTRICT.

BY ADV. SRI.V.RAJENDRAN

RESPONDENT(S):  
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1. STATE OF KERALA, REPRESENTED BY  
THE SECRETARY, GENERAL EDUCATION DEPARTMENT  
GOVERNMENT OF KERALA, THIRUVANANTHAPURAM.
2. DEPUTY DIRECTOR (EDUCATION),  
MALAPPURAM.
3. ASSISTANT EDUCATIONAL OFFICER,  
MANKADA, MALAPPURAM.

BY GOVERNMENT PLEADER SMT.LOWCY A.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON  
28-02-2012, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN W.P.(C)No.37893/10

PETITIONER'S EXTS:

EXT.P1: EXTRACT OF SERVICE BOOK(PAGES 6 & 7) OF THE PETITIONER.

EXT.P2: COPY OF ORDER OF APPOINTMENT DATED 9.7.87 OF THE PETITIONER.

EXT.P3: COPY OF SERVICE BOOK (PAGES 14 & 15) OF THE PETITIONER.

EXT.P4: COPY OF REPORT OF THE 3RD RESPONDENT TO THE 2ND  
RESPONDENT.

EXT.P5: COPY OF EXTRACT OF THE SERVICE BOOK (PAGES 16 & 17) OF THE  
PETITIONER.

EXT.P6: COPY OF REPRESENTATION DT.15.1.10 OF THE PETITIONER TO THE  
1ST RESPONDENT.

EXT.P7: COPY OF GO(RT)NO.4842/2010/G.EDN. DT.1.11.10.

EXT.P8: COPY OF GOVERNMENT LETTER DT.22.10.11.

RESPONDENTS' EXTS: NIL

TRUE COPY

P.A.TO JUDGE

dsn

**T.R.RAMACHANDRAN NAIR, J.**

**W.P.(C)No.37893 of 2010**

**DATED THIS THE 28<sup>th</sup> DAY OF FEBRUARY, 2012**

**JUDGMENT**

The petitioner is aggrieved by Exhibit P7 order whereby it was stated that service reckoned for increments alone will be reckoned as qualifying for weightage as contemplated in G.O.(P) No.145/2006/Fin. dated 25.3.2006. The learned counsel for the petitioner submitted that a recent Government Order, namely Exhibit P8 will show that the Government is of the view that for the purpose of pay revision order 2004, the service including broken periods of service qualifying for increments will be reckoned for service weightage. Therefore the learned counsel for the petitioner seeks reconsideration of the matter in the light of Exhibit P8 order.

2. The service particulars of the petitioner show the following:

3. The petitioner entered service as a Lower Primary School Assistant on 25.2.1985 in a leave vacancy for the period from 25.2.1985 to 1.7. 1989. The approval is granted only upto

30.4.1985, the end of the academic year. She was reappointed on 24.6.1985. The petitioner availed maternity leave for the period from 20.11.1985 to 17.2.1986 and relieved from the school on the last date of the academic year for want of eligible months of continuous service. She was reappointed on 11.6.1986 and satisfactory completion of her probation was declared with effect from 8.9.1986. Exhibit P1 shows that the first increment was sanctioned on 9.9.1986. Her absorption in regular vacancy is on 9.7.1987. All these details are available in the service book of the petitioner also. After the fixation was made based on 2004 pay revision order, the 2<sup>nd</sup> respondent has objected the fixation alleging that her service prior to 15.7.1991 was not reckoned for increment in the regular service and the said service cannot be reckoned for weightage. This is the objection that was considered by the Government and sustained by Exhibit P7 order.

4. A reading of Exhibit P8 order will show that the Government is of the view that if the period is "qualifying for increment, it can be counted for service weightage, even if it is not 'reckoned' for increment" and therefore it is submitted that in

the light of Exhibit P8, the petitioner is entitled to get the benefit.

5. In that view of the matter, the petitioner will produce Exhibit P8 along with a representation before the Government and the Government will reconsider Exhibit P6. For enabling the Government to reconsider the matter, Exhibit P7 is quashed. Appropriate orders will be passed by the Government after hearing the petitioner within a period of five months from the date of receipt of a copy of this judgment.

The Writ Petition is allowed as above. No costs.

Sd/-(**T.R.RAMACHANDRAN NAIR, JUDGE**)

dsn