



## GOVERNMENT OF KERALA

### Abstract

Taxes Department - Excise - Establishment - Order dated 06-03-2013 of the Hon'ble Kerala Administrative Tribunal O.A.No. 839/12 filed by S/Sri. K.K.Karunakaran and K.P.Gopinathan Nair, Excise Inspectors (Rtd) - Directions complied with - Orders issued.

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### TAXES (F) DEPARTMENT

**GO (Rt) No. 520/2013/TD**

**Dated, Thiruvananthapuram, 03/07/2013.**

- Read:-
1. GO(Rt). No. 176/2012/TD dated 01-03-2012.
  2. Order dated 06-03-2013 in O.A.No. 839/12 of the Hon'ble Kerala Administrative Tribunal.
  3. Representations dated 02-04-2013 from S/Sri. K.K.Karunakaran and K.P.Gopinathan Nair.
  4. Letter No. XD3-22424/2011 dated 16-12-2011 from the Commissioner of Excise, Thiruvananthapuram.

### ORDER

S/Sri. K.K.Karunakaran and K.P.Gopinathan Nair, Excise Inspectors (Rtd) filed O.A.No. 839/2012 in the Hon'ble Kerala Administrative Tribunal with a prayer to revise their pensionary benefits, in view of their retrospective assignment of seniority in the cadre of Excise Inspector, published on 31-07-1994, after their retirement. The Hon'ble Kerala Administrative Tribunal, in its order read as 2<sup>nd</sup> paper above, has upheld the prayer of the applicants, and stated that they are eligible to get revised pensionary benefits with effect from the dates of their representations for the said relief ie. 30-12-2010 in the case of Sri. K.K.Karunakaran, and 12-01-2011 in respect of Sri. K.P.Gopinathan Nair (ie., Ext. P2 and P3 in WP(C).No. 23069/11 filed by the petitioners). Thus, the Hon'ble Kerala Administrative Tribunal directed the respondents, to revise the monthly pension of the applicants, in accordance with law, within three months from the date of receipt of a copy of the order, in the light of the observations made, and the applicants should be paid arrears of pensionary benefits from 30-12-2010 and 12-01-2011 respectively, within one month there after.

2) Applicants in the above O.A.-vide their representations read as 3<sup>rd</sup> paper above forwarded a copy of the order of the Hon'ble Kerala Administrative Tribunal on 06-04-2013. As such, the time limit will expire on 05-07-2013.

3) In the seniority list of Excise Inspectors for the period from 01-11-1956 to 09-10-1985, which was published only on 31-07-1994, after the retirement of the petitioners on 31-01-1988 and 30-06-1992 respectively, they were given retrospective assignment in the

category of Excise Inspectors on 31-01-1977 and 16-10-1981 respectively. However, they got promotion as Excise Inspectors only on 05-06-1980 and 12-04-1984 respectively. Their prayer for salary arrears pursuant to their retrospective assignment of seniority was rejected by Government, on the basis of the rule position in GO(P).No. 1016/2000/Fin dated 12-07-2000, and as per rule 23(a), Part 1, Kerala Service Rules - vide the Government Order read as 1<sup>st</sup> paper above.

4) In view of the observation of the Kerala Administrative Tribunal that the applicants are eligible for revised pensionary benefits due to their retrospective assignment of seniority, the matter has been examined in detail. Since S/Sri. K.K.Karunakaran and K.P.Gopinathan Nair were assigned vacancies in the cadre of Excise Inspectors on 31-01-1977 and 16-10-1981 respectively, they are entitled to get notional promotion in the post of Excise Inspector, from the said dates, as a necessary consequence of such assignment of vacancies. Thus the applicants are coming under the purview of note (4) of Rule 62 Part III Kerala Service Rules. In the circumstances, being the appointing authority of Excise Inspectors, the Commissioner of Excise is directed to grant notional promotion to S/Sri. K.K.Karunakaran and K.P.Gopinathan Nair, to the cadre of Excise Inspectors, without back arrears, w.e.f. 31-01-1977 and 16-10-1981 respectively, and also to revise the monthly pension of Sri. K.K.Karunakaran with effect from 30-12-2010 and that of Sri. K.P.Gopinathan Nair with effect from 12-01-2011, as per Note (4) of Rule 62 Part III, Kerala Service Rules.

5) The directions contained in the order dated 06-03-2013 of the Hon'ble Kerala Administrative Tribunal in O.A.No. 839/12 are complied with accordingly.

(By Order of the Governor)

P.K.MOHANTY  
ADDITIONAL CHIEF SECRETARY

To

1. The Commissioner of Excise, Thiruvananthapuram.
2. The Advocate General, Thiruvananthapuram (with C/L)
3. The applicants (through the Commissioner of Excise).
4. The Accountant General (A&E /Audit-ERSA), Kerala, Thiruvananthapuram.
5. The Personnel & Administrative Reforms Department (vide No.12261/A2/13/ P&ARD dated 28-06-2013)
6. The Finance Department (vide No. 60528/Pen.B3/13/Fin dated 01-07-2013).
7. The Stock file/O.C.

Forwarded / By Order

Section Officer