



GOVERNMENT OF KERALA

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Abstract

Finance Department - WP(C)No. 26357/2016 - filed by Smt. Anna.K.J, Senior Lecturer (Rtd), St. Teresa's College, Ernakulam before Hon'ble High Court of Kerala - Judgment Complied-Orders issued.

FINANCE (PENSION - B) DEPARTMENT

G.O.(Rt).No. 9172/2016/Fin. Dated, Thiruvananthapuram, 22.11.2016.

- Read:-
- 1) G.O(P)No.413/2014/Fin dated 24.09.2014
 - 2) Judgment dated 09.08.2016 in WP(C)No. 26357/2016.

ORDER

Smt. Anna. K.J, Retired Senior Lecturer of St. Teresa's College, Ernakulam, has filed WP(C) 26357/2016 before Hon'ble High Court to reckon her prior service from 08.06.1966 to 24.01.1970 as qualifying service for the purpose of pensionary benefits. The learned Single judge dispose the Writ Petition with direction to Finance Department, the 2nd respondent to consider and pass order on representation preferred by the petitioner after taking note of G.O read above.

2. Smt. Anna. K.J was originally appointed as Lecturer in Chemistry at St. Teresa's College, Ernakulam on 08.06.1966. She continued as a Lecturer upto 24.01.1970. While continuing so the petitioner availed leave without allowance from 24.01.1970 for taking up employment abroad as provided

under Appendix XIIA of Part I KSRs. Thereafter she rejoined duty on 17.12.1986 and continued till her retirement on 30.04.1999. After retirement the pension payment order was issued to the petitioner only for 12 years of service. Thereupon the petitioner submitted various representations requesting to reckon her service prior to LWA under App XII A as qualifying service and to revise the pension and terminal benefits accordingly. As her grievance was not resolved she filed WP(C) 26357/2016. Government vide order read above has ordered that the prior public service shall be reckoned as qualifying service for pension after condoning the sandwiched non-qualifying service as break between the two services. The public service mentioned in the order is based on Kerala Public Service Act. As such only the prior State Government service can be reckoned as qualifying service for pension after condoning the sandwiched non-qualifying service as break between the two services. As the service of teaching and non-teaching staffs in aided school/ College do not come under the Public Service Act 1968 all the benefits enjoyed by State Government employees is not applicable to them.

3. Government have examined the matter in detail and are pleased to order that in between 16 years of service the petitioner availed leave without allowance for employment abroad from 24.01.1970 to 16.12.1986 as provided under Appendix XII A Part I KSRs and the period of LWA cannot be considered as qualifying service. Since she has neither qualifying public service nor sandwiched non-qualifying service, G.O(P)No. 413/2014/Fin dated 24.09.2014 is not applicable to the petitioner. As such the prior service of

Smt. Anna K.J from 08.06.1966 to 24.01.1970 cannot be reckoned as qualifying service for the purpose of pensionary benefits.

4. Thus the order of Hon'ble High Court dated 09.08.2016 in WP(C)No. 26357/2016 stands compiled with.

By Order of the Governor,

K.RAJASREE
JOINT SECRETARY (Finance)

To

The Principal Accountant General (A&E), Kerala, Thiruvananthapuram.
The Principal Accountant General (G&S SA), Kerala, Thiruvananthapuram.
The Accountant General (E&RSA), Kerala, Thiruvananthapuram.
Smt. Anna. K.J, Senior Lecturer(Rtd), St. Teresa College, Ernakulam
The Nodal Officer, www.finance.kerala.gov.in for publishing on the website.
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Forwarded/By Order



Section Officer

