



GOVERNMENT OF KERALA

Abstract

Higher Education - Judgment of the Hon'ble High Court in WP(C) 2477/2017 filed by Smt. Sheela. S, Confidential Assistant, LBS Institute of Technology for Women, Poojappura - Complied with - Orders issued.

HIGHER EDUCATION (J) DEPARTMENT

G.O.(Rt)No.840/2025/HEDN Dated,Thiruvananthapuram, 01-07-2025

Read 1 Judgment dated. 03.02.2025 in WP(C) 2477/2017 filed by Smt. Sheela. S, Former Confidential Assistant, LBS Institute of Technology for Women, Poojappura, Thiruvananthapuram

2 Letter no. B8/4971/2011 dated. 10.03.2025 from the Director, LBS Centre for Science and Technology, Thiruvananthapuram

ORDER

Smt. Sheela.S was appointed as Confidential Assistant in the Scale of Pay of Rs.3350-5275 in the LBS College of Engineering, Kasaragod as per proceedings No.B7/307/97 Dated 6.9.2001 of the Director, LBS Centre.The scale of pay was 3350-5275 and the initial pay of Rs.3350/- was allowed to her and subsequent increments were sanctioned based on the scale of pay. Subsequently 8th Pay revision Order was implemented to LBS Centre and accordingly the pay was re -fixed as per 8th pay revision Order in the scale of Pay of Rs. 5650-8790 to Smt. Sheela.S, since her scale of Pay in the 7th pay revision was Rs.3350-5275.

2. Smt. Sheela filed WP(C) 2477/2017 before the High Court with a prayer to allow the scale of Pay as per 7th Pay Revision Order GO(P) No.3000/98/Fin dated, 25.11.1998, which was in force at the time of appointment ie, the Scale of Pay of Confidential Assistant Grade II of Rs.3590-5400 with effect from the 14.09.2001 as in the case of all other categories.

3. As per the judgement in WP(C) No.2477 dated 3.2.2025 read as 1st paper above, Hon'ble Court has directed to reconsider the case of Smt. Sheela S., in the light of Ext. P4 (minutes of the 95th Executive Committee Meeting held on 31.10.2014) and Ext.P8 (Proceedings of LBS Director

dated. 23.09.2008). As per the direction of the Hon'ble Court the petitioner was heard by the Deputy Secretary to Higher Education Department on 25.04.2025 in the presence of the representative of LBS Centre.

4. The contentions of the petitioner and LBS Director were examined. The petitioner submitted that she was appointed as Confidential Assistant in the LBS, College of Engg., Kasaragod. The scale of pay was 3350-5275 and the initial pay of Rs.3350/- was allowed to her and subsequent increments were sanctioned based on the scale of pay. In state Government services and other bodies wherever the state pay revision orders are applicable, and the scale of pay allowed to Confidential Assistant post was 3590-5400. The petitioner stated that she was also eligible for the basic pay of Rs.3590/- w.e.f. 14.09.2001, but she got only Rs.3350/-. Because of this anomaly, for the 2004 revision also, she was allowed the corresponding scale of Rs.5650-8790/-, while she was eligible for the revised scale of Rs.6080 - 9830/- which caused to drop in huge amount and being an aggrieved person she approached the officials of LBS Centre. The 95th Executive Committee of LBS held on 31.10.2014, by its decision resolved her issue partially by upgrading her 2004 revision scale as 6080-9830. But no monetary benefits received to her while regulating her pay as per the decision of the 95th Executive Committee of LBS.

5. The Director, LBS Centre has reported that when the petitioner was appointed, the applicable pay revision was 7th pay revision vide GO(P)3000/98/Fin dated 25.11.1998. The scale of pay of Confidential Assistant / Steno Typist Gr. II given under the common categories was Rs.3590-5400. But the scale of pay of Rs.3350-5275 was given to the incumbent which was the scale of pay of categories other than Confidential Assistants or similar categories according to the Pay Revision Order. When the pay of the petitioner revised as per the existing pay revision i.e., 8th pay revision, her pay had been fixed in the scale of pay of Rs.5650 - 8790/- which is the corresponding scale of Rs.3350-5275. But the revised scale of pay of Confidential Assistant as per 8th pay revision is Rs.5930-9590 corresponding to the pre-revised scale of Rs.3590-5400. As per GO (P)No.262/07/(59)/Fin, dated 19.6.2007 this scale of pay is upgraded to Rs.6080-9830. LBS Staff and Govt. Employees have different scale of pay.

6. It has also reported that all the scales that exist in LBS Centre are not with similar categories of posts in the State Government. The pay revision are extended to LBS Centre by issuing exclusive orders by the Government in which the scales applicable to LBS Centre are exclusively mentioned. Hence LBS Centre could sanction only the scale that are included in the pay revisions orders with effect from the date of revision. In

the case of Smt. Sheela S, existing scale of pay was sanctioned w.e.f. 1.7.2007 as allowed in G.O(Ms)No.100/14/Fin dated 28.02.2014. The 95th Executive Committee of LBS resolved to rectify the anomaly of Smt. Sheela S, by giving her scale of pay of Rs.6080- 9030 as laid down in G.O(P)No.145/06/Fin dated 25.03.2006 and G.O(P)No.262/07/(59)/Fin dated 19.06.2007 with monetary benefits with effect from the date of implementation of 8th pay revision released to the incumbent.

7. Government have examined the matter in detail. Smt. Sheela. S has requested to allow the scale of pay as per 7th pay revision order GO(P)3000/98/Fin dated 25.11.1998, which was in force at the time of appointment i.e, the scale of pay of Confidential Assistant Gr II was 3590-5400 w.e.f. 14.09.2001 as in the case of all other categories. The Director, LBS Centre has stated that at the time of appointment, as per the notification, the scale of pay of Confidential Assistant was Rs.3350-5275. The 95th Executive Committee resolved to rectify the anomaly in scale of pay of Rs.5650-8790 enjoyed by Smt. Sheela S by giving her scale of pay of Rs.6080-9830 as laid down in GO(P)No.145/06/Fin dated 25.3.2006 and G.O(P)No.262/07/(59)/Fin dated 19.06.2007 and to pay the monetary benefits with effect from the date of implementation of 8th pay revision. The resolution of the 95th Executive Committee of LBS Centre held on 31.10.2014 is the Ext P4 mentioned in the judgement which was already implemented by LBS Centre to the Petitioner during 2015 as per Proceedings No. E/112/05/LBT dated 13.01.2015 of the Principal, LBSITW Poojappura.

8. Ext P8, is the proceedings issued to Smt. Susan George, Confidential Assistant, on 23.09.2008 rectifying the anomaly in pay fixation based on 76th Executive Committee decision. There exists different scale of pay for Confidential Assistant at LBS Centre & LBS Engg Colleges. Smt Susan George is the staff of LBS Centre. LBS Staff and Govt. Employees have different scale of pay with effect from the implementation of 8th pay revision orders onwards only. Smt Susan George was granted scale of pay Rs.1125-1720 as per 1993 pay revision (6th pay revision) with retrospective effect and sanctioned subsequent Higher Grade promotions to her, till 7th pay revision, there was no consultation of Government regrading the implementation of pay revision.

9. The request of Smt. Sheela S, Confidential Assistant (Rtd. from LBS) is to sanction the scale on Govt. Employee basis from the beginning itself. But, at the time of appointment she had enjoyed the benefits of LBS staff. LBS Staff and Govt. Employees have different scale of pay. Hence

the request of Smt. Sheela S to sanction the scale on Govt. Employee basis cannot be accepted, as LBS has a different scale of pay as approved by the Government from time to time. Moreover, the notification of her post contained the scale of pay of Rs.3350-5275.

10. In the above circumstances, the request of Smt. Sheela. S is rejected and the judgment in WP(C) No.2477/2017 read as 1st paper above is complied with accordingly.

(By order of the Governor)
SANTHOSHKUMAR P B
UNDER SECRETARY

To:

1. The Advocate General, Kerala, Ernakulam (With Covering Letter)
2. The Director, LBS Centre for Science and Technology, Thiruvananthapuram
3. Smt. Sheela. S, Mini Home, T.C.33/963, Vettukadu, Beach P.O, Thiruvananthapuram - 07
4. The Principal Accountant General (A&E/Audit), Kerala, Thiruvananthapuram
5. The Information Officer, Web & New Media, I&PRD
6. www.highereducation.kerala.gov.in
7. Stock File/Office Copy (J1/54/2025/HEDN)

Forwarded /By order
Signed by
Shinos S

Date: 01-07-2025 15:50:47
Section Officer