GOVERNMENT OF KERALA

Abstract
IPS – Compliance of the order of the Hon'ble Central Administrative Tribunal, Ernakulam Bench in OA No. 180/1012/2015 filed by Smt. R. Rajalekshmi Peethambaran - Orders issued.

GENERAL ADMINISTRATION (AIS-C) DEPARTMENT
G.O.(Rt.)No.7282/2019/GAD

3. Letter No. GE01/C/IPS/Court Cases/385 dated 03.10.2019 from the Accountant General (A&E), Kerala, Thiruvananthapuram.

ORDER

Smt. R. Rajalekshmi Peethambaran, w/o late K.G. Peethambaran Pillai IPS (Retd) filed OA No. 180/01012/2015 before the Hon'ble Central Administrative Tribunal, Ernakulam Bench praying to direct the respondents to rectify the anomaly existed in the initial pay of her late husband Peethambaran Pillai IPS (Retd) on his induction to the Indian Police Service by extending the benefits of the orders of the Hon'ble Supreme Court dated 21.10.2009 in the Civil Appeal No.9041/2013 filed by Shri T.M. Somarajan IPS (Retd). The grievance of the applicant pertained to fixation of her husband's initial pay on his induction to the Indian Police Service from the State Police Service wherein his basic pay was fixed at a stage lower than that of his basic pay in the State Police Service. The applicant also felt aggrieved by the fact that the pay of the officers who were junior to her husband in the State Police Service was fixed at a stage higher than that of their basic pay on their subsequent induction to the Indian Police Service. The plea of the applicant to rectify the above anomaly by re-fixing the initial pay of her late husband in tune with the dictum of the Hon'ble Administrative Tribunal in T.M.Somarajan's case was turned down on the ground that the judgment in T.M.Somarajan's case was against the statutory provisions of IPS (Pay) Rules, 1954 and so implementation of the order of the Hon'ble Tribunal was limited only to T.M.Somarajan IPS (Retd.).

2. The case of Shri T.M. Somarajan was that he was drawing the basic pay of Rs. 4650/- per month + a special pay of Rs. 100 when he was last serving in the State
Police Service before his induction into the Indian Police Service on 09.12.1995. However, after his entry into Indian Police Service, his pay came to be refixed at Rs.4250 + special pay of Rs. 200 w.e.f 01.12.1996. His representation to the Accountant General (A&E) Kerala, Thiruvananthapuram to rectify the anomaly was rejected stating that the fixation of pay was made placing reliance on clauses (iii) and (iv) of Schedule II of IPS (Pay) Rules, 1954. Consequently, he approached the Hon'ble Central Administrative Tribunal, Ernakulam Bench by way of Original Application No. 1552/1998 seeking to direct the respondents to (1) fix his basic pay in the post of Supreintendent of Police (IPS cadre) at Rs. 4500/- + personal pay of Rs. 400/- with effect from 09.12.1995 and disburse the arrears of salary due to the applicant, (2) to declare that he is entitled to have his pay fixed in the IPS cadre on the basis of the pay drawn by him in the non-IPS cadre is a confirmed Superintendent of Police by applying the provisions contained in Section I of schedule II of the Indian Police Service (Pay) Rules without giving effect to the unreasonable definition of higher scale of pay contained in Clause III of Schedule II of the said Rules, (3) to declare that the definition of Higher Scale of Pay contained in the clause III of Schedule II of the Indian Police Service (Pay) Rules is unreasonable and unworkable and hence should not be enforced for fixation of the pay of the applicant in the Indian Police Service cadre with effect from 09.12.1995 and (4) to declare that the definition of higher scale of pay contained in clause III of Schedule II of Indian Police Service (Pay) Rules is unconstitutional and ab initio void. The Hon'ble Central Administrative Tribunal Ernakulam Bench disposed of the application in favour of the applicant. Subsequently, the Union of India challenged the order by way of filing review application which was dismissed and the matter reached before the Hon'ble High Court in O.P No. 22783 of 2002 which was also dismissed. Finally Union of India filed SLP(C) Nos.14700-14701/2004 and SLP No.8967 of 2007 and the Supreme Court of India in their judgment dated 21/10/2009 in Civil Appeal No.9041 of 2003 in the SLPs upheld the orders of the Hon'ble Tribunal and dismissed the Special Leave Petitions.

3. As per reference 1st cited, the Hon'ble Central Administrative Tribunal Ernakulam Bench observed that the principle laid down by the Tribunal in the T.M Somarajan's case is equally applicable in the case of Shri K.G Peethambaran Pillai IPS (Retd), late husband of the applicant and directed the respondents to grant the relief sought by the applicant as per the principles laid down in T.M Somarajan's case and to disburse all the consequential benefits including arrears within a period of three months from the date of receipt of the copy of its order.

4. Government examined the matter in detail on the basis of the order of the Hon'ble Tribunal read as 1st paper above and the dictum of the Hon'ble Tribunal in T.M Somarajan's case and are pleased to order re-fixation of the initial pay of Peethambaran Pillai IPS (Retd), the late husband of the applicant in OA No. 1012/2015 as per the principles laid down in T.M Somarajan's case and disbursement of all consequential benefits to him including arrears. The Accountant General (A&E), Thiruvananthapuram shall take necessary steps to implement the orders by issuing revised pay slip and report compliance to the State Government.
5. The orders of the Hon'ble Central Administrative Tribunal Ernakulam Bench read as 1st paper above in respect of the OA No.180/1012/2015 is hereby complied with accordingly.

(By Order of the Governor),

Rajesh Kumar.M
Joint Secretary to Government.

To

1. Smt. R. Rajalekshmi Peethambaran, w/o late Peethambaran Pillai IPS (Retd), Kurumthottical House, Kadammanitta PO, Pathanamthitta.
2. The Advocate General, Kerala, Ernakulam Kochi-682 031.
3. The Principal Accountant General (G&SSA/A&E), Kerala, Thiruvananthapuram.
4. The State Police Chief, Kerala, Thiruvananthapuram.
5. The Secretary, Government of India, Ministry of Home Affairs, North Block, New Delhi–110 001.
6. The General Administration (SC) Department.
7. The Web & New Media Division for uploading the Government Order in the website "www.gadsplais.kerala.gov.in".

Forwarded/By Order

Section Officer