



**GOVERNMENT OF KERALA**

**Abstract**

Local Self Government Department – Establishment – Development Authorities – Parity in the pay and allowances when Special rule of one establishment made applicable to another – clarification – Orders Issued.

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**LOCAL SELF GOVERNMENT (IA) DEPARTMENT**

**G.O.(Ms)No. 238/2022/LSGD.**

**Dated, Thiruvananthapuram, 21/10/2022**

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Read:- G.O.(P)No.242/2015/LSGD dated 23-07-2015 (SRO No.496/2015)

**ORDER**

Rule 15 (1) of the Kerala Town and Country Planning (Development Authorities) Rules, 2015 reads as follows:

The qualifications and method of recruitment to the various categories of posts under the Authority shall be as follows:-

- (a) Planning wing – The provisions of the Special Rules for the Kerala Town and Country Planning Service, 2001 shall apply for the State Service and provisions of the Special Rules for the Kerala Town and Country Planning Subordinate Service, 2000 shall apply to the Subordinate Service.
- (b) Engineering Wing – The provisions of the Kerala Local Self Government Department Special Rules under the Engineering Services, 2007 and the Special Rules for the Municipal Common Service (Engineering and Town Planning Service) 2001 shall apply.
- (c) Ministerial Wing – For those appointed under the Secretariat Pattern, the provisions of the Kerala Secretariat Service Rules, and the Kerala Secretariat Subordinate Service Rules, and for others the Kerala Municipal Common Service (Ministerial and Revenue Branch) qualifications and Method of Appointment Rules, 2001 shall apply.

2. The development authorities under LSGD follow the above KTCP rule. Rule 15 (1) implies that on matters regarding qualification, mode of appointment, probation and promotion etc., the conditions stipulated in the Special Rules for Secretariat Service shall apply for persons appointed under the Secretariat pattern. It is therefore confined only to the qualifications and methods of recruitment. However, when a special rule of one establishment is made applicable to another, it does not automatically mean that the pay and allowances of both the establishments are one and the same. Therefore, it cannot be interpreted that the provisions of the special rule mentioned in 15 (1) (c) of the Kerala Town and Country Planning (Development Authorities) Rules, provide for pay parity. It has been noticed that the posts in development authorities do not have identical duties and responsibilities assigned to the posts under Government or the similar departments in Government. Having adopted the special rules applicable in the Government Secretariat and other Government Departments as stated in the above rule, staff of Development

Authorities are demanding pay parity ordered in pay revisions with the posts in the Government Secretariat. There are many such litigations against Government.

3. Hon'ble Supreme Court in Savitha Vs Union of India, AIR 1985 SC 1124 held that "Persons holding identical posts and discharging similar duties should not be treated differently". Besides it is well settled that for considering the equation of posts and the issue of equivalence of posts, the determinative factors are:

- i. The nature of duties of a post.
- ii. The responsibilities and powers exercised by the officer holding a post, the extent of territorial or other charges held or responsibilities discharged.

4. Going by the said rulings, if the duties and responsibilities attached to the posts are quite different, pay parity does not automatically apply. Further it was held by the Apex Court in Vasudevan Nair Vs Union of India, AIR 1990 SC 2295 that "Section officers in the Indian Audit and Accounts Department are not entitled to the same pay scales as are admissible to Section officers in the Central Secretariat. Their duties and responsibilities are different".

5. Having examined the matter in detail, it is clarified that when special rule of one establishment is made applicable to another, it does not automatically mean that the pay and allowances of both the establishments can be equated. Accordingly it is clarified that provisions of special rules mentioned in rule 15 (1)(c) of the Kerala Town and Country Planning (Development Authorities) Rules, 2015 do not provide for parity in pay with Secretariat pattern.

**(By order of the Governor)**

**LEENA N.P.  
JOINT SECRETARY**

To

Advocate General, Kerala, Ernakulam  
Principal Director, Local Self Government Department  
Secretary, Greater Cochin Development Authority  
Director, State Audit Department  
Principal Accountant General (A&E), Kerala, Thiruvananthapuram  
Principal Accountant General (E&RSA/G&SSA), Keala, Thiruvananthapuram  
P&AR (Advice-B)Department(Vide U.O.No.ADV-B2/28/2022-P and ARD  
dated 26/02/2022)  
Law Department [Vide U.O.No.6046672/SUIT II(1)/2022/LAW dated 10/05/2022  
Finance Department [Vide U.O.No.Dev-1/358/2018-Fin dated 16/07/2022,  
(E-1007960)]  
Executive Director, Information Kerala Mission, Thiruvananthapuram  
Stock File/Office Copy (File No.IA3/12/2021-LSGD)

**Forwarded/ By Order**

  
**Section Officer**