



GOVERNMENT OF KERALA

Abstract

Local Self Government Department - revision of pension – order dated 05.01.2024 in OA 2343/2023/KAT filed by Dr.K.G.Radhakrishnan, Additional Director (Health) (Retd) Municipal Common Service – Compliance - Orders Issued.

LOCAL SELF GOVERNMENT (EU) DEPARTMENT

GO (Rt) No:782/2024/LSGD. Dated, Thiruvananthapuram 29.04.2024

- Read:-1. GO (Rt) No.6295/93/LAD dated 22.09.1993
2. GO (Rt) No.1056/2023/LSGD dated 18.05.2023
3. Review petition dated 22.11.2023 filed by Shri.K.G.Radhakrishnan, Additional Director (Health) (Rtd), LSGD
4. Order dated 05.01.2024 in OA No.2343/2023 filed by Dr.K.G.Radhakrishnan before the Hon.KAT, Tvm

ORDER

Dr. K.G Radhakrishnan, the petitioner had joined the Municipal Common Service in the post of Health Officer at Thiruvananthapuram Corporation was later appointed as Deputy Director (Health) in the Directorate of Municipal Administration. After re-designating the post of Deputy Director (Health) he had been appointed as Joint Director (Health) without any change in pay scale. The post of Deputy Director (Health), Municipal Common Service (MCS) was re-designated as Joint Director (Health) in the same scale of pay and subsequently as per the orders in the GO cited 1st paper above, the post of joint Director (Health), MCS was again re- designated as Additional Director (Health) in the existing scale of pay with out any financial commitment to Government subject to the condition

that the upgradation will automatically cease to exist on the date of retirement of Dr.K.G. Radhakrishnan or till he vacates the post whichever is earlier. Hence there had been no sanctioned post of Additional Director (Health) in the Municipal Common Service from which the petitioner had retired.

2) Dr.K.G.Radhakrishnan, Retired Additional Director (Health), Urban Affairs had submitted a representation dated 07.09.2015, stating that the non grant of a higher scale of pay for the aforesaid upgraded post is quite unjust and therefore requested to grant immediate next higher scale of pay Rs. 4,200-5,300 which was then applicable to the Deputy Director of Health services of the health department in Government to the aforesaid post of Additional Director (Health) of LSGD so that he could get a nominal increase in pay as well as in pension. The Director of Urban Affairs had recommended to consider the request of Dr.K.G. Radhakrishnan as he has been allowed to serve in the post of Additional Director (Health) and also served in the post of Joint Director (Health) for a period of ten years. As per GO read as 1st paper above the post of joint Director (Health), MCS was only re-designated as Additional Director (Health) in the existing scale of pay with out any financial commitment to Govt. subject to the condition that the up gradation will automatically cease to exist on the date of retirement of Dr.K.G. Radhakrishnan or till he vacates the post whichever is earlier. Hence, the request of the petitioner to provide scale of pay corresponding to the post of then Dy.Director of Health service of health dept. could not be granted and reply was given to both the applicant and to the Director of Urban Affairs.

3) In the order dated 01.02.2023 of the Hon'ble Kerala Administrative Tribunal in OA No.410/2019 filed by Dr.K.G Radhakrishnan with the above cause the Hon'ble Kerala Administrative Tribunal directed to consider and pass orders on Annexure A7 and A8 representations, if necessary after consulting the Finance Department, within a period of three months from the date of receipt of a copy of the order. Annexure A7 and A8 were representations dated 06.01.2016 and 18.04.2017 with demands of the petitioner to reconsider and issue orders such that the upgradated and re-designated post of Additional Director (Health) be granted the scale of pay of Rs.4200-5300 being the scale of pay attached to the post of Deputy Director of Health Services of the Health dept. and to sanction revised scales in the subsequent pay revision orders for the purpose of calculation of pension.

4) In view of the above direction of the Hon'ble KAT, the matter was re-examined. The post of joint Director (Health), MCS was re-designated as Additional Director (Health) in the existing scale of pay without any financial commitment to Government and the upgradation was purely personal and automatically cease to exist on the date of retirement of Dr.K.G.Radhakrishnan on 30.04.1994 or till he vacates the post whichever is earlier. There is no such post of Additional Director (Health), Municipal Administration seen included in 1992 Pay Revision. The post of Joint Director has been re-designated post under the above conditions cannot demand higher pay scale. Sanctioning of higher pay scale will lead to additional financial liability to the Government. In the above circumstances, the request of the petitioner vide the representations A7, A8 was declined as the post redesignated under the above conditions cannot demand high pay

scale vide GO read as 2nd paper above and thus the order dated 01.02.2023 in OA 410/2019 of the Hon'ble Tribunal was complied with.

5) Aggrieved by the Govt.order read as 2nd paper above he filed a review petition dated 22.11.2023 before Government and requested to address his claim for one rank one pension as directed by the Tribunal and to review the decision taken vide GO read as 2nd paper above and to get pension at par with the Additional Director of Health Services.

6) In the order dated 05.01.2024 in OA 2343/2023 filed by Shri.K G Radhakrishnan, the Hon'ble Tribunal has set aside the aforesaid order dated 18.05.2023 and directed to reconsider the matter in view of the specific directions contained in the order dated 01.02.2023 in OA No.410/2019 filed by Shri.K.G.Radhakrishnan and in view of the observations contained in the order read as 4th paper above within the timelimit granted to Govt.

7) Government have examined the contentions of the applicant in the review petition afresh in consultation with the Finance Department. Government of Kerala hasn't introduced the Scheme named 'one rank one pension scheme'. In 2004 Pension revision, the concept of Minimum Assured Pension has been introduced. Minimum Assured pension (or in other words OROP) of a pensioner shall be calculated on the basis of 50% of minimum of the corresponding revised scale of the post from which the pensioner retired.

8) As per para 3.3 of G.O (P) No.180/06/Fin dated 18.04.06 ie pension revision order if the calculated value is less than 50% of the minimum of the corresponding revised scale of the post from which the

pensioner retired then in the case of pensioners having qualifying service of 30 years and above the pension shall be stepped up to 50% of the minimum of the revised scale. Further in para 3.3 of the pension revision order issued based on the recommendation of 9th Pay revision commission vide G.O (P) No.87/11/Fin dated 28.02.2011 it has been stipulated that “The fixation of pension will be subject to the provision that in the case of pensioners having qualifying service of 30 years and above, the consolidated pension so arrived shall not be lower than 50% of the minimum of the pay in the corresponding revised scale of the post from which the pensioner retired. The pension will be proportionately reduced, where the pensioner had less than the maximum required service, ie, 30 years”. As such instead of OROP minimum assured pension was introduced by which 50% of the minimum of the pay in the corresponding revised scale of the post from which the pensioner retired was assured. Hence Sri.Radha Krishnan is only eligible for the minimum assured pension in the scale of pay as stated below.

Scale of pay (SoP) at the time of retirement	3900-5075
Corrsponding SoP in 1997 pay revision (PR)	12000-15325
Corresponding SoP in 2004 PR	20700-26600
Corresponding SoP as in 2009 PR	36140-49740
Corresponding SoP as in 2014 PR	68700-110400
Corresponding SoP as in 2019 PR	95600-153200

9) In view of the detailed examination stated above, the review petition submitted by Dr.K G Radhakrishnan who had retired from the re-designated post of the Additional Director health in the municipal common service with

the request to sanction pensionary benefits at par with the post of Additional Director of Health Services in the health dept. is rejected and the order of the Hon'ble Kerala Administrative Tribunal in OA 2343/2023/KAT is complied with accordingly.

(By Order of the Governor)
LEENA N.P
ADDITIONAL SECRETARY

To:

The Principal Director, LSGD, Thiruvananthapuram

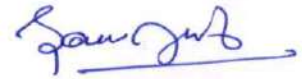
The Advocate General, Kerala, Thiruvananthapuram (with CL)

The Accountant General (A&E)/(Audit), Kerala Thrissur

Dr.K.G.Radhakrishnan, Additional Director (Health) (Rtd), Municipal Administration, 10B, Heera Palace, Kowdiar P.O, Thiruvananthapuram - 695003

✓ The Executive Director, Information Kerala Mission, Thiruvananthapuram.
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Section Officer