
(2013) 09 KL CK 0029
In the High Court Of Kerala
Case No : WP (C) No. 1702 of 2006 (C)

K. Vrinda Devi

APPELLANT

Vs

State of Kerala and Others

RESPONDENT

Date of Decision : 25-09-2013

Acts Referred:

Citation : (2013) 09 KL CK 0029

Hon'ble Judges : T.R. Ramachandran Nair, J

Bench : Single Bench

Advocate : Millu Dandapani, for the Appellant; P.G. Parameswara Panicker, for R4, Sri. P. Gopal, for R4 and Smt. V.H. Jasmine, Government Pleader, for the Respondent

Final Decision : Disposed Off

Judgement

T.R. Ramachandran Nair, J.—The petitioner is working as Librarian Grade-I in N.S.S. College for Women, Neeramankara, Thiruvananthapuram. What is sought for the implementation of U.G.C. scale as far as the post held by petitioner is also concerned. Going by the facts of the case the petitioner's qualification is master's degree in Library Science and she joined the N.S.S. Arts and Science College, Palappuram, Ottapalam on 18.10.1982 as Librarian Grade-IV. After successive promotions she was appointed as Librarian Grade-I on 26.10.1993. The basis of the claim is that with effect from 1986 the U.G.C. Scale/Scheme was adopted by State Government and was made applicable to the universities and college teachers. Ext. P2 is the order by which the Government implemented the U.G.C. Scheme including the revision of pay scales of teachers, librarian, physical education teachers of universities and colleges. Certain conditions have been prescribed therein with regard to the promotion of Librarian Grade-I as Librarian Senior Scale.

2. Ext. P3 is the copy of the order promoting the petitioner as Senior Scale-I Grade Librarian. The proposal was forwarded by the fifth respondent for approval as per Ext. P4. It was returned as per Ext. P5 stating that as per the existing

rules, 1st Grade Librarian appointed on or after 01.04.1990 are not eligible for U.G.C. scheme benefits and the Government is yet to decide the matter and hence the proposal cannot be considered. Again a fresh proposal was forwarded as per Ext. P6 after two years.

3. It is in these circumstances the petitioner has approached this court for directing the second respondent to approve the promotion of the petitioner as Librarian Senior Scale with effect from 26.10.1999 and to disburse the arrears of salary with 18% interest.

4. After the filing of the writ petition, the petitioner has produced a Government Order dated 09.05.2008 as Ext. P7 and another order dated 17.09.2004 as Ext. P8. Along with I.A. W.P. (C) No. 1702 of 2006 No. 8731 of 2012 a copy of the Government Order dated 09.01.2012 has been produced which is marked as Ext. P7. [The same is corrected and the said document is marked as Ext. P9].

5. Learned counsel for the petitioner submitted that by Ext. P9 the Government has accorded sanction to the statutorily qualified Grade-I Librarians of aided colleges appointed/promoted between 01.04.1990 to 17.09.2004 to be placed under the U.G.C. scheme. It is submitted that as far as the promotion of Librarians like the petitioner are concerned they have been left out earlier as there was no Government Order applicable for those persons who have been appointed or promoted between the period 01.04.1990 to 17.09.2004 and all those persons have been covered by the present order Ext. P9 and an implementation of the order will satisfy the demand of the petitioner.

6. It is submitted by learned counsel for the petitioner that the implementation of the order said has been kept in abeyance, but without any justification.

7. Learned Government Pleader also submitted that the implementation of the Government Order namely Ext. P9 has been kept in abeyance for want of further clarification.

8. It is evident from the various orders that as far as the persons who are appointed/promoted during the period from 01.04.1990 to 17.09.2004, want of an order from the Government, stood in the way of approving their promotion under the U.G.C. Scheme. Therefore, it is a matter which requires immediate attention of the Government. What remains according to learned counsel for the petitioner and learned counsel for the management is implementation of Ext. P9. Appropriate decision will be taken by the Government after considering the grievance of the petitioner and after hearing the petitioner within a period of three months from the date of production of a copy of the judgment, since it is pointed out that the petitioner is due to retire in 2014.

The writ petition is accordingly disposed of. No costs.