

(2010) 08 KL CK 0187

In the High Court Of Kerala

Case No : Writ Petition (C) No. 21709 of 2003 (H)

Salim P.K.

APPELLANT

Vs

State of Kerala

RESPONDENT

Date of Decision : 30-08-2010

Acts Referred:

Citation : (2010) 08 KL CK 0187

Hon'ble Judges : S. Siri Jagan, J

Bench : Single Bench

Advocate : P. Ramakrishnan, for the Appellant; Government Pleader, for the Respondent

Judgement

S. Siri Jagan, J.—The petitioners joined as CLR workers of the Shrimp Hatchery, Azhikode. Subsequently, they were appointed as SLR workers. By Ext.P1 order, the scales of pay and service conditions of the petitioners and others were brought on par with SLR workers of Agriculture and Live Stock Department with effect from 1.4.1996. By Ext.P2, scales of pay and service conditions of Farm Workers of Agriculture Live Stock and Soil Conservation Department were revised with effect from 1.3.1991. By Ext.P3, the SLR workers, who were working for more than 20 years in the Fisheries Department, were directed to be regularised as regular workers. The petitioners were included in the list of workers to which Ext.P3 order is applicable. The petitioners' grievance in this writ petition is that although they were regularised in service, their salary were not revised as done in the case of workers of Agriculture Live Stock and Soil Conservation Department. By Ext.P4, the Assistant Director of Fisheries, Azhikode recommended to the Director of Fisheries for revision of scales of pay of the petitioners and others. But by Ext.P5 order, the Government took the stand that since the service benefits granted to SLR workers of the Fisheries Department are better than those of the SLR workers of the Public Works Department, no revision of scales of pay can be granted. Still thereafter, by Ext.P6 dated 25.3.2003, the Assistant Director of Fisheries recommended to the Director of

Fisheries to revise the scales of pay of the petitioners and others. The petitioners now seeks a direction to the respondents to consider the recommendation in Ext.P6 and to pass appropriate orders thereon.

2. The learned Government Pleader argues in support of Ext.P5 order. According to him, in so far as the petitioners are not regular workers included in the special rules, the petitioners cannot be given scales of pay and revision thereof as claimed by the petitioners.

3. I have considered the rival contentions in detail. Going by Ext.P3, the petitioners and others have been appointed as regular workers of the Department with retirement benefits and Provident Fund benefits. Therefore, I do not think that when all other Government employees were given revision of scales of pay, they should be totally excluded in the matter of revision of pay. Therefore, even though they may not have a right as such, they cannot be discriminated in the matter. In fact, by Ext.P6, the Assistant Director of Fisheries has recommended such revision of scales of pay. Therefore, the first respondent is bound to take a second look into the matter.

Accordingly, this writ petition is disposed of with a direction to the first respondent to re-consider the issue in the light of the observations made above and the recommendation in Ext.P6 communication of the Assistant Director of Fisheries to the Director of Fisheries. The petitioners shall file a representation enclosing a copy of this judgment to the first respondent and the first respondent shall take a final decision in the matter as directed above as expeditiously as possible, at any rate, within a period of three months from the date of receipt of a copy of this judgment. To enable the Government to consider the matter, the petitioners shall forward a copy of the writ petition also to the first respondent, who shall consider Ext.P6 as available in the copy of the writ petition.