



GOVERNMENT OF KERALA

Abstract

Order of the Hon'ble Kerala Administrative Tribunal in O.A. No.1327/2024 dated 01/11/2024 – Complied – Orders Issued.

FINANCE (PENSION-B) DEPARTMENT

G.O.(Rt)No.1673/2025/FIN

Thiruvananthapuram, Dated: 21-02-2025

- Read:- (1) Judgment of the Hon'ble Supreme Court in Civil Appeal No.2471/2023 dated 11/04/2023.
- (2) Interim Order of Hon'ble Supreme Court in Miscellaneous Application Diary No.2400/2024 dated 06/09/2024.
- (3) Judgment of the Hon'ble High Court dated 09/10/2024 in OP(KAT)No.128/2024, OP(KAT)No.237/2024, OP(KAT)No.366/2024.
- (4) DoPT OM.No.19/116/2024, dated 14/10/2024 of the Government of India.
- (5) Order of the Hon'ble Kerala Administrative Tribunal dated 01/11/2024 in O.A. No.1327/2024 filed by Sri. Radhakrishnan P.
- (6) Letter No.CO-ORDN/II/12-28/KSR/Increment/Vol.31 dated 05/12/2024 of the Accountant General (A&E), Kerala.

ORDER

The Hon'ble Kerala Administrative Tribunal ordered vide Order read 5th above, to issue appropriate orders granting the last annual increment due to the applicant on the next day of retirement, in tune with the dictum laid down in the judgment of the Hon. Supreme Court read 1st above and judgment of the Hon. High Court of Kerala read 3rd above.

2) The Hon'ble Supreme Court vide Judgment read 1st above, ordered to allow the increment to the Central Government employees who retired / are retiring a day before it became due i.e. on 30th June / 31st December and have rendered the requisite qualifying service as on the date of their superannuation with satisfactory work and good conduct for calculating the pension admissible to them. The date of applicability of the judgment has been examined in the review petition filed by the Union of India in

Miscellaneous Application (Diary No.2400/2024) and the Hon'ble Supreme Court in its interim order read 2nd above ordered that the judgment dated 11/04/2023 will be given effect for grant of notional increment. In pursuance of the interim order of the Apex Court, Government of India has issued directions vide Office Memorandum read 4th above, wherein it is specified that "grant of notional increment shall be reckoned only for the purpose of calculating the pension admissible and not for the purpose of calculation of other pensionary benefits".

3) Opinion of The Accountant General (A&E) has been obtained vide letter read 6th above, which made the following suggestions.

(i) In order to reckon the notional increment for the purpose of calculating Average Emoluments (AE) for pension, the increment needs to be sanctioned notionally from the forenoon of the date of superannuation.

(ii) Hon'ble Supreme Court has issued an interim order on 06/09/2024, taking note of the review petition filed by the Union of India seeking review of judgment dated 11/04/2023 in Civil Appeal No.2471/2023.

(iii) Attention of Government is also invited in Para 7 of Office Memorandum No.19/116/2024, dated 14/10/2024 issued by the Government of India.

4) Government have examined the matter in detail. In view of the opinion of Accountant General (A&E) and also considering the interim order dated 06/09/2024 of Hon'ble Supreme Court, Government are pleased to order that the increment which becomes due to the petitioners on the next day following the date of superannuation in accordance with the provisions under Rule 31 of Part I KSRs, is sanctioned with one increment at eligible rate, notionally on the forenoon of the date of retirement, purely for the purpose of calculating the pension admissible and not for the purpose of calculation of any other pensionary benefits, as specifically mentioned in the Orders of the Hon'ble Supreme Court, subject to the condition that this shall not be quoted as precedent. The financial benefit of this order shall be allowed only from 11/04/2023, the date on which Hon'ble Supreme Court has pronounced the verdict read 1st above.

5) The pension sanctioning authorities are directed to certify in the format attached as Annexure that the pensioner has been in service / eligible leave on the date of superannuation and to revise the pension accordingly. Thus, the order of the Hon'ble Kerala Administrative Tribunal read 5th above stands complied with. The benefit ordered shall be subject to the final outcome of the Review Petition (Diary No.36418/2024) pending before the Hon'ble Supreme Court filed by the Union of India seeking review of judgment read 1st above. The applicant shall submit an undertaking to this extent.


(By order of the Governor)

BIMAL LAL T. S.
ADDITIONAL SECRETARY

To

- (1) The Principal Accountant General (A&E), Kerala, Thiruvananthapuram.
- (2) The Accountant General (Audit-II), Kerala, Thiruvananthapuram.
- (3) The Advocate General, Ernakulam.
- (4) The Director of Treasuries, Pattom Palace P. O. Thiruvananthapuram.
- (5) Sri. P. Radhakrishnan, Pournami T.C-33/552, Nettayam, Thiruvananthapuram - 695013.
- (6) General Administration (Special-B) Department, Government Secretariat.
- (7) Finance (Rules-A) Department.
- (8) The Nodal Officer, www.finance.kerala.gov.in
- (9) Office Copy / Stock File (PEN-B2/44/2024-FIN).

Forwarded / By Order



Section Officer

