



GOVERNMENT OF KERALA



Abstract

Health & Family Welfare Department - Medical Education Service - Establishment - Order dated 23.06.2021 of the Hon'ble Kerala Administrative Tribunal in O.A No.1085/2021 filed by Sri.M.Sivankutty Nair, (Retd.) Assistant Professor of Health Education - Complied with - Orders issued.

HEALTH & FAMILY WELFARE (B) DEPARTMENT

G.O.(Rt)No.2331/2021/H&FWD Dated,Thiruvananthapuram, 27/10/2021

- Read:-
1. G.O (P) No.145/2000/H&FWD Dated 16.06.2000.
 2. G.O (P) No. 425/2009/H&FWD dated 14.12.2009.
 3. G.O.(Rt)No.677/2021/H&FWD dated 17.03.2021.
 4. Representation dated 29.03.2021 submitted by Sri.M. Sivankutty Nair.
 5. Order dated 23.06.2021 of the Hon'ble Kerala Administrative Tribunal in O.A No.1085/2021 filed by Sri.M.Sivankutty Nair, Assistant Professor of Health Education (Retd.).
 6. G.O (Rt) No. 2274/2021/H&FWD dated 22.10.2021.

ORDER

The Hon'ble Kerala Administrative Tribunal as per the order read as 5th paper above has directed the first respondent i.e. Government to consider and pass appropriate orders on the Annexure A2 representation submitted by the applicant extending the career advancement promotion benefits as provided under the Government Order read as 1st paper above and in the light of the judgment of the Hon'ble High Court in WP(C) No.2233/2004 dated 08.04.2009 as upheld by the Hon'ble Division Bench and Hon'ble Supreme Court. It was also directed to consider extension of benefits as extended to the beneficiary of Annexure A1 order i.e. the Government Order read as 3rd paper above within a period of three months from the date of receipt of a certified copy of the order.

2. In the Annexure A2 representation, the applicant has informed that he was promoted as Assistant Professor w.e.f 02.07.2007 and on completion of 5 years, he is eligible for Career Advancement Promotion as Associate Professor w.e.f 02.07.2012 as per the Government Order read as 1st paper above. He has requested to grant him the same as granted to a similarly placed Dr.Suseela Mathew as per the Government Order read as 3rd paper above.

3. Government have examined the matter in detail. Regarding the case of Dr. Suseela Mathew, she was granted Senior Lecturership w.e.f. 22.02.2001 and Career Advancement Promotion as Assistant Professor and Associate Professor w.e.f. 23.02.2006 and 23.02.2011 respectively in accordance with the Government Order read as 1st paper above vide Government Order read as 3rd paper above. The Senior Lecturership and Career Advancement Promotion as Assistant Professor granted to Dr. Suseela Mathew on 22.02.2001 and 23.02.2006 respectively is in order since the pay revision order applicable on

these dates is the Government Order read as 1st paper above. However, granting of Career Advancement Promotion as Associate Professor w.e.f. 23.02.2011 in accordance with the said order seems irregular, since the pay revision order applicable on 23.02.2011 is the Government Order read as 2nd paper above. Since the Government Order read as 3rd paper above was issued from Health & Family Welfare (S) Department, that Department has been requested to re-examine the case and revise the Government Order, if required.

4.The applicant has also requested to grant him Career Advancement Promotion as Associate Professor w.e.f 02.07.2012 as per pay revision order read as 1st paper above as given to Dr. Suseela Mathew. But the pay revision order applicable on 02.07.2012 is the Government Order read as 2nd paper above. Hence the request of the applicant can not be processed as per the provisions contained in G.O. read as 1st paper above.

5. In the above circumstances, the Annexure A2 representation submitted by the applicant is not admissible and hence it is rejected. The order dated 23.06.2021 of the Hon'ble Kerala Administrative Tribunal in OA No.1085/2021 is complied with accordingly.

(By order of the Governor)

Vijayakumar S
Joint Secretary

The Advocate General, Thiruvananthapuram (with C/L)
The Director of Medical Education, Thiruvananthapuram.
Sri.M.Sivankutty Nair, Siva Geeth, Punnamoodu, Pallichal P.O,
Thiruvananthapuram - 695020
The Principal Accountant General (A&E/Audit), Kerala,
Thiruvananthapuram.
Health & Family Welfare (S) Department
Information & Public Relations Department (Web & New Media)
Stock File/Office Copy.

Forwarded/By order

Section Officer