



GOVERNMENT OF KERALA

Abstract

General Education - Higher Secondary Education - Granting arrear salary in the scale of pay of Higher Secondary School Teachers who were paid salary @ Guest Teachers upto 30.11.2001 - Orders Issued.

GENERAL EDUCATION (T) DEPARTMENT

G.O.(MS) NO.60/2007/G.Edn. Dated, Thiruvananthapuram, 12.3.2007

- Read:-
1. G.O.(MS)NO.56/2002/Fin. dated: 16.1.2002.
 2. G.O.(MS)NO.26/2002/G.Edn. Dated: 25.1.2002.
 3. G.O.(MS)NO.353/2004/G.Edn. Dated: 25.11.2004.
 4. Judgment dated: 25.8.2006 in W.A.No.275/05 and W.A.2043/2005.
 5. Letter No.Acd.B1/25589/HSE/04 dated: 4.1.2005 from the Director of Higher Secondary Education, Thiruvananthapuram.

ORDER

During the academic years 1999-2000, 2000-01 and 2001-02 Government have sanctioned Higher Secondary Course to many Aided Schools throughout the State. The required number of posts of Higher Secondary School Teacher in these schools were created later with retrospective effect. But the Managers had already appointed Teachers in these schools. During this period, in pursuance of general orders read as 1st paper above, orders were also issued from General Education Department in Government by the Order read as 2nd paper above, to the effect that Higher Secondary School Teachers who were appointed in the newly created posts will be given salary on the scale of pay admissible to them w.e.f. 1.12.2001 and for the period upto 30.11.2001 they are eligible for salary at the rates admissible to Guest Teachers. Against this order many teachers had individually and severally approached the Hon'ble High Court with Writ petitions and in all such cases on the basis of the directions of the Court, Government disposed of the matter reiterating the stand already taken in the matter.

2. In pursuance of the orders of Hon'ble High Court in some other similar cases Government issued orders in Government Order read as 3rd paper above, granting arrear salary to Higher Secondary School Teachers upto the period

30.11.2001, who were appointed by transfer from High School Assistant/UPSA/LPSA, by upgradation from Higher Secondary School Teacher (Junior) and by deployment from Junior Lecturers against the newly sanctioned posts for the reason that prior to the appointment to the post of Higher Secondary School Teacher they were already enjoying salary in a scale of pay.

3. In the judgment dated: 29.7.2005 in W.P.(C) No.16664/04 filed by Smt.Daisy.K.V. and others with the above prayer the Hon'ble High Court directed Government to extend the benefit of the above said Government Order dated: 25.11.2004 to the petitioners also. In this regard Government filed W.A.No.275/05 and W.A.No.2043/05 before the Hon'ble High Court.

4. The Hon'ble High Court disposed of both the W.As.275/05 & 2043/05 filed by State of Kerala, in its common judgment read as 4th paper above. The Division Bench of the Hon'ble High Court have ordered that the petitioners are entitled to arrears of salary worked out based on the respective scale of pay in which they were appointed.

5. Government have examined the matter in detail and they are pleased to accord sanction for payment of arrear salary to those Aided Higher Secondary School Teachers who were paid salary at the rate of Guest teachers till 30.11.2001 in the scale of pay admissible to Higher Secondary School Teachers. The arrear salary consequent to this upto 31.12.2006 will be merged to their P.F.Account and the same will be allowed to be withdrawn only after 31.12.2011.

By Order of the Governor,

**JAMES VARGHESE,
SECRETARY TO GOVERNMENT.**

TO

The Director of Higher Secondary Education, Thiruvananthapuram.
The Regional Deputy Director of Higher Secondary
Education, Thiruvananthapuram/Ernakulam/Kozhikode.
The Advocate General, Kerala, Ernakulam (With C.L.)
The Accountant General, (Audit)/(A&E) Kerala, Thiruvananthapuram
(This issues with the concurrence of Finance Department).
The Finance Department
The General Administration (SC) Department (Vide item No.849
dated: 7.3.2007.)
The Private Secretary to Minister (Education & Culture)
Stock file/Office copy

Forwarded//By Order

