

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE SMT. JUSTICE P.V.ASHA

WEDNESDAY, THE 28TH DAY OF FEBRUARY 2018 / 9TH PHALGUNA, 1939

WP(C).No. 13044 of 2016

PETITIONER:

N.UNNI, KATTIL VEEDU (GIRIJA NIVAS)  
B-35, ARCANA NAGAR, PONGUMMOODU,  
MEDICAL COLLAGE P.O.,  
THIRUVANANTHAPURAM.

BY ADVS.SRI.ANIL KUMAR M.SIVARAMAN  
SRI.B.M.SHA

RESPONDENT(S) :

1. UNION OF INDIA,  
REPRESENTED BY ITS SECRETARY,  
MINISTRY OF EARTH SCIENCE,  
PRITHWI BHAVAN, LODHI ROAD,  
NEW DELHI 110 003.
2. NATIONAL CENTRE FOR EARTH STUDIES,  
AAKKULAM, TRIVANDRUM,  
REPRESENTED BY ITS DIRECTOR 695 001.
3. KERALA STATE COUNCIL FOR SCIENCE,  
TECHNOLOGY AND ENVIRONMENT,  
SASTRA BHAVAN, PATTOM,  
THIRUVANANTHAPURAM - 695 004,  
REPRESENTED BY ITS EXECUTIVE VICE PRESIDENT

\*ADDL.R4 IMPEADED

\*ADDL.R4 STATE OF KERALA,  
REPRESENTED BY THE PRINCIPAL SECRETARY TO FINANCE,  
FINANCE DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM.

\*ADDL.R4 IMPEADED AS PER ORDER DATED 28/7/2017 IN I.A. 11677/2017

R1&R2 BY SRI.N.NAGARESH, ASG  
R3 BY SRI.GEORGE ZACHARIAH, SC  
R4 BY GOVERNMENT PLEADER SRI. RON BASTIAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 28-02-2018,  
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PBS

APPENDIX

PETITIONER(S) ' EXHIBITS

P1 TRUE COPY OF THE REPRESENTATION DATED 10/9/2015  
SUBMITTED BY THE PETITIONER TO THE DIRECTOR,  
NCESS, AKKULAM.

P1 (A) TRUE COPY OF THE ATTACHED STATEMENT OF SALARY

P2 TRUE COPY OF THE LETTER DATED 1/12/2015 FROM  
CHIEF MANAGER, NCESS.

RESPONDENT'S EXHIBIT

NIL

/TRUE COPY/

PA TO JUDGE

PBS  
1/3/2018

**P.V.ASHA J.**

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**W.P.(C).No.13044 of 2016**  
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Dated this the 28<sup>th</sup> day of February, 2018

**J U D G M E N T**

Petitioner, who is presently working as Technical Helper in the National Council for the Earth Science Studies, Aakkulam, is aggrieved by the denial of pay on par with those who were recruited to the very same post and even lower post subsequent to him. According to him, he entered service on 10.07.1979 and continues to be in the scale of pay of Rs.9190-15780, At the same time, it is pointed out that Sri.Louis William and Sri.Rajendran Nair, who entered service on 15.06.1991 and 14.06.1991 respectively, are drawing pay in the scale of pay of Rs.10480-18300. Aggrieved by the same, he has submitted Ext.P1 representation before the second respondent, requesting to take steps to remove the disparity. Respondents 1 and 2 filed a statement stating that the request of the petitioner in Ext.P1

representation has already been forwarded to the 3<sup>rd</sup> respondent as per Ext.P2 letter. According to the respondents 1 and 2, there is disparity in the pay being drawn by the petitioner compared to others.

2. The 3<sup>rd</sup> respondent has filed a counter affidavit, stating that the question regarding the scale of pay/protection of pay is pending before the Government of Kerala.

In view of the circumstances pointed out in the writ petition as well as in the statement filed by the respondents, I deem it appropriate to direct the additional 4<sup>th</sup> respondent-Government of Kerala to consider the request of the petitioner in Ext.P1 with reference to the letter Ext.P2 addressed to the 3<sup>rd</sup> respondent and to pass orders on it, within a period of 'three months' from the date of receipt of a copy of the judgment.

Sd/-  
**P.V.ASHA, JUDGE.**