



2025:KER:10611

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

&

THE HONOURABLE MR.JUSTICE P. KRISHNA KUMAR

MONDAY, THE 10TH DAY OF FEBRUARY 2025 / 21ST MAGHA, 1946

OP (KAT) NO. 51 OF 2019

THE ORDER DATED 21.03.2017 IN OA (EKM) NO.130 OF 2017 OF KERALA
ADMINISTRATIVE TRIBUNAL, THIRUVANANTHAPURAM

PETITIONERS/RESPONDENTS IN O.A:

- 1 STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT, GENERAL
EDUCATION DEPARTMENT, ANNEX GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, KERALA-695001.
- 2 THE DIRECTOR,
VOCATIONAL HIGHER SECONDARY EDUCATION, OFFICE OF THE
DIRECTOR, VHSE, THIRUVANANTHAPURAM.
- 3 THE PRINCIPAL,
GOVERNMENT VOCATIONAL HIGHER SECONDARY SCHOOL, NADAKKAVU,
KOZHIKODE, KERALA-673011.
- 4 THE ACCOUNTANT GENERAL (A & E), KERALA,
OFFICE OF THE ACCOUNTANT GENERAL (A & E), M.G. ROAD,
THIRUVANANTHAPURAM, KERALA-695039.

BY SRI.A.J.VARGHESE, SENIOR GOVERNMENT PLEADER



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RESPONDENT/APPLICANT IN O.A.

LATHIKA RANI A.,
ATHOLI HOUSE, KOLATHARA, CHERUVANNOOR P.O., KOZHIKODE
(RETIRED H.S.A. (HINDI) (HIGHER GRADE, NOW RESIDING AT
KARAYI, S.V. COLONY ROAD, ERANHIPALAM, KOZHIKODE,
KERALA-673006.

BY ADVS.SRI.P.RAMAKRISHNAN
SMT.PREETHI RAMAKRISHNAN
SRI.T.C.KRISHNA
SRI.C.ANIL KUMAR
SMT.ASHA K.SHENOY
SRI.PRATAP ABRAHAM VARGHESE

THIS OP KERALA ADMINISTRATIVE TRIBUNAL HAVING BEEN FINALLY HEARD
ON 10.02.2025, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:



JUDGMENT

Dated this the 10th day of February, 2025

A.Muhamed Mustaque, J.

The matter is related to wrong fixation of higher grade and recovery sought to be effected from respondent who was applicant before the Kerala Administrative Tribunal, Thiruvananthapuram (for short 'the Tribunal').

2. Annexure-A1 order was passed on 17.03.2016. The respondent/applicant has retired from service on 31.03.2016. Annexure-A1 has been treated as a show cause notice and the respondent/applicant was directed to give a response to Annexure-A1 by the impugned order. However, while ordering so, the Tribunal ordered that no recovery shall be effected from the respondent/applicant. This is how the State has come up with this Original Petition.



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3. Having considered the facts and circumstances, we are of the view that the Tribunal could not have ordered that no recovery shall be effected from the respondent/applicant when it has treated Annexure-A1 as a provisional show cause notice. Whether the respondent/applicant had knowingly obtained higher grade, which she is not entitled, is a matter to be decided in an enquiry. It is appropriate that Annexure-A1 is treated as a show cause notice and the respondent/applicant shall give a reply to it. Whether recovery can be effected or not is a matter that can be decided in an enquiry by the 2nd petitioner herein. Such enquiry shall be completed within two months from the date of receipt of copy of this judgment.

This Original Petition stands disposed of as above.

Sd/-

**A.MUHAMED MUSTAQUE
JUDGE**

Sd/-

**P. KRISHNA KUMAR
JUDGE**



APPENDIX OF OP(KAT) 51/2019

PETITIONERS' EXHIBITS:

EXHIBIT P1	TRUE COPY OF THE OA ALONG WITH ANNEXURES
ANNEXURE A1	TURE COPY OF THE LETTER NO.47663/K/2/2013/GEN.EDN. DATED 17.03.2016
EXHIBIT P2	TRUE COPY OF THE ORDER DATED 21.3.2017 IN OA(EKM) NO.130/2017
EXHIBIT P3	TRUE COPY OF THE UNDERTAKING SUBMITTED BY THE RESPONDENT ON 15.7.2011 REGARDING THE HIGHER GRADE GRANTED WITH EFFECT FROM 01.03.2006.