

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 3534/2016

P.S. SHINE & ANR.

Appellant(s)

VERSUS

THE SECY. TO GOVERNMENT & ORS.

Respondent(s)

WITH

C.A. No. 3535/2016

O R D E R

The appellants are aggrieved by judgment and order dated 01.06.2006 passed by the High Court of Kerala in W.A. No. 206/2005.

There is no dispute that the appellants were appointed in a scheme framed by the Government of Kerala for the purposes of recruitment of Lab Assistants / Lab Attenders in aided schools. The reason for the scheme was that the education system had changed in the sense that +2 classes were now required to be held in schools. Consequently, new laboratories had to be set up and recruitments made in aided schools.

There is also no dispute that the appellants were regularly recruited and they worked against those newly created posts of Lab Assistants / Lab Attenders. However, it appears that the posts were not finally sanctioned by the Government of Kerala.

Be that as it may, the fact is that the appellants had worked as such from 16.10.1999 (date of appointment). Their appointments were finally approved and they have been working

since 2003 uninterruptedly.

Under these circumstances, we are of the view that having worked from 16.10.1999, the appellants are entitled to service benefits from the date of their appointment i.e. 16.10.1999 for the purposes of pension and increments. However, the difference between the government salary and the salary received by them for this period will not be paid to them. If anyone was appointed prior to 16.10.1999, he/she will be entitled to the benefit only from 16.10.1999 onwards.

The judgment and order passed by the High Court is set aside to this extent. The civil appeals are disposed of.

.....J.
[MADAN B. LOKUR]

.....J.
[PRAFULLA C. PANT]

.....J.
[DEEPAK GUPTA]

NEW DELHI;
July 26, 2017.

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 3534/2016

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C.A. No. 3535/2016 (XI -A)

Date : 26-07-2017 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR
HON'BLE MR. JUSTICE PRAFULLA C. PANT
HON'BLE MR. JUSTICE DEEPAK GUPTA

For Appellant(s)

Mr. Gaurav Agarwal, Adv.
Mr. Mohammed Sadique, Adv.
Mr. Anu K. Joy, Adv.
Mr. Nishe Rajen Shonker, AORMr. A. Raghunath, AOR
Mr. Yogamaya M.G., Adv.

For Respondent(s)

Mr. Jogy Scaria, AOR

Mr. C.K. Sasi, Adv.
Mr. G. Prakash, AOR

UPON hearing the counsel the Court made the following

O R D E R

The civil appeals are disposed of in terms of the signed order.

(MEENAKSHI KOHLI)
COURT MASTER(SHARDA KAPOOR)
ASSISTANT REGISTRAR

[Signed order is placed on the file]