

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. 4592 OF 2008
(@ SPECIAL LEAVE PETITION (C) NO. 1819 OF 2006)

K. Narayanan

.... Appellant (s)

Versus

State of Kerala

.... Respondent(s)

O R D E R

- 1) Leave granted.
- 2) The appellant herein has filed a representation before the State Government that he was denied grade promotion on completion of 12 years and thereafter 20 years of service. As the Government rejected his claim vide order dated 27.03.1992, the appellant filed a writ petition before the High Court. The learned Single Judge of the High Court, by judgment dated 07.11.1997, directed the authorities to consider the application of the appellant and pass appropriate orders. As per the direction of the High Court, the State

Government passed an order (Annexure-P4) which reads as follows:-

“In the circumstances explained above and in view of the observation contained in the judgment, Government is pleased to grant the benefit of higher grade to Shri K. Narayanan, Retd. HAS (Hindi), K.V.R. High School, Shoranur with effect from 01.07.1968 on completion of 12 years service and senior grade with effect from 01.07.1976 on completion of 20 years of service without back arrears and for the purpose of pensionary benefit only.”

3) Being aggrieved by the non-payment of back arrears, the appellant filed another writ petition before the High Court. The learned Single Judge of the High Court was pleased to dismiss the same and the Division Bench also declined to interfere with the same as there was delay in making the claim.

4) Heard both sides.

5) The appellant is a retired Government servant and he has all along been seeking for the difference in salary payable to him, consequent on his grade promotion which was granted to him retrospectively and that too for a short period. The promotion was denied to him not due to his fault and we do not think that the Government was justified in denying the claim to the

appellant. In the circumstances, we set aside the judgment of the Single Judge and Division Bench and direct that the Government may pass appropriate orders on the appellant's back arrears and settle the same at the earliest at least within a period of three months.

- 6) We make it clear that no interest is payable to the appellant.
- 7) The appeal is allowed accordingly. No costs.

.....CJI.
(K.G. BALAKRISHNAN)

.....J.
(LOKESHWAR SINGH PANTA)

.....J.
(P. SATHASIVAM)

NEW DELHI;
21ST JULY, 2008.