

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON
&
THE HONOURABLE MR. JUSTICE BABU MATHEW P.JOSEPH

MONDAY, THE 13TH DAY OF JULY 2015/22ND ASHADHA, 1937

RP.No. 393 of 2015
IN WA.1572/2010

AGAINST THE JUDGMENT IN WA 1572/2010 of
HIGH COURT OF KERALA DATED 03/02/12

REVIEW PETITIONERS/APPELLANTS IN THE WA:

1. PROF. C.V.SIMON, AGED 60 YEARS
S/O. LATE C.D. VARIED, CHALISSERY HOUSE
MANGALAM GARDENS, KIZHAKKUMPATTUKARA
THRISSUR EAST-680 005.
 2. PROF. KRISHNASWAMY, KOZHIKATTU MADHOM,
CHEROOR PO, THRISSUR 680 008
- BY ADVS. SRI.S.MUHAMMED HANEEFF
SRI.R.KRISHNAKUMAR (CHERTHALA)

RESPONDENTS/RESPONDENTS IN THE WA:

1. THE SECRETARY TO THE GOVERNMENT
HIGHER EDUCATION DEPARTMENT, GOVERNMENT OF KERALA
THIRUVANANTHAPURAM
 2. THE DIRECTOR OF COLEGIATE EDUCATION
THIRUVANANTHAPURAM
 3. THE PRINCIPAL
ST. THOMAS COLLEGE, THRISSUR PO 680 001
 4. THE PRINCIPAL SECRETARY TO GOVERNMENT
FINANCE (PWD A) DEPARTMENT, THIRUVANANTHAPURAM
- R3 BY ADV. SRI.KURIAN GEORGE KANNANTHANAM (SR.)
BY SR. GOVERNMENT PLEADER SRI.JOSEPH GEORGE
BY SRI.T.RAMPRASAD UNNI

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON
13-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**P. R. RAMACHANDRA MENON
&
BABU MATHEW P. JOSEPH, JJ.**

R. P. No.393 of 2015 in
W. A. No.1572 of 2010

Dated this the 13th day of July, 2015

ORDER

P. R. Ramachandra Menon, J.

The basic issue involved in this case is whether the aided college teachers are entitled to have their retirement benefits computed taking into account their prior Central Government service. The writ petition filed seeking for the said benefit came to be dismissed as per judgment dated 11/03/2010 placing reliance on the verdict passed by the Division Bench of this Court in W.A. No.2445 of 2009. Being aggrieved by the said verdict, the review petitioners approached this Court by filing Writ Appeal No.1572 of 2010 wherein interference was declined based on the verdict already passed by another Division Bench in similar matter

as W.A. No.2445 of 2009.

2. It was noted that a judgment rendered by a single Judge of this Court in W.P.(C) No.37176 of 2003 answering the position in the positive, with reference to the relevant provisions of law and the verdict passed by another Division Bench affirming the said stand, were omitted to be brought to the notice of this Court while disposing of W.A. No.2445 of 2009. In the said circumstance, as per order dated 28/07/2010 in W.A. No.1124 of 2010, the issue was referred to be considered by Full Bench. Pursuant to the above reference order, the matter was considered by the Full Bench of this Court and it has been answered in the positive, to the effect that the service rendered by the concerned persons in the institutions under Central Government prior to their joining in the 'Aided colleges' as lecturers could be reckoned for the purpose of pension. Virtually, the decision rendered by one among us (P.R.Ramachandra Menon, J.) in

Haridasan v. State of Kerala (2010 (1) KLT 348), stands affirmed by the Full Bench of this Court in **[State of Kerala v. P. Haridasan [2015(2) KLT 145]**.

3. Learned counsel for the review petitioners submits that the issue is covered in favour of the review petitioners by virtue of the declaration of law by the Full Bench. Learned Government Pleader also concedes the legal position as above.

4. Since no other issue is to be considered in these proceedings, but for the legal position as aforesaid, we allow the Review Petition and set aside the verdict in the writ appeal as well as in the writ petition. The writ petition stands allowed to the said extent. The respondents are directed to recompute the benefits payable to the appellants/writ petitioners and effect disbursement to the extent they are eligible in accordance with law, at the earliest and at any rate within three months from the date of receipt of a copy

of this order.

The R.P. stands allowed as above. No costs.

Sd/-
P. R. RAMACHANDRA MENON
JUDGE

Sd/-
BABU MATHEW P. JOSEPH
JUDGE

kns/-

//TRUE COPY//

P.A. TO JUDGE