

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

THURSDAY, THE 29TH DAY OF OCTOBER 2015/7TH KARTHIKA, 1937

RP.No. 751 of 2015 (H) IN WP(C).33276/2014

AGAINST THE JUDGMENT IN WP(C) 33276/2014 of HIGH COURT OF KERALA
DATED 19-08-2015

REVIEW PETITIONER/PETITIONER:

SABIRA.K
LOWER PRIMARY SCHOOL ASSISTANT, PMS AIDED L.P.SCHOOL
MUTHUPARAMBA, THAVANOOR P.O., MALAPPURAM.

BY ADVS.SRI.AUGUSTINE JOSEPH
SRI.K.S.ROCKEY
SRI.TONY AUGUSTINE
SRI.GEORGE RENOY

RESPONDENTS/RESPONDENTS:

1. STATE OF KERALA
REPRESENTED BY ITS SECRETARY
GENERAL EDUCATION DEPARTMENT, GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM-695001.
2. THE ASSITANT EDUCATIONAL OFFICER
KIZHISSERRI, MALAPPURAM-673645.
3. THE MANAGER
PMS AIDED L.P.SCHOL, MUTHUPARAMBA, THAVANOOR
MALAPPURAM-679573.

R1-R2 BY ADV. GOVERNMENT PLEADER SMT.LILLY K.T.

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON
29-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

A.K.JAYASANKARAN NAMBIAR, J.

R.P.No.751 of 2015

in

W.P.(C) No. 33276 of 2014

Dated this the 29th day of October 2015

ORDER

This is a review petition filed seeking review of the judgment dated 19.08.2015, to the extent it finds that the petitioner will not be entitled for vacation salary during the academic year 2006-2007.

2. I have heard the learned counsel appearing for the review petitioner and the learned Government Pleader appearing for the respondents.

3. On a consideration of the facts and circumstances of the case as also the submissions made across the Bar, and taking note of the decision of this Court in the judgment dated 13.10.2015, in R.P.No.812/2015, where this Court found that if the appointment of the petitioner was to a regular vacancy, then the rule which contemplates restrictions to the grant of vacation salary will not be applicable, I find that, in the instant case also, where the petitioner was appointed to a regular vacancy, the petitioner will be entitled to vacation salary during the academic year 2006-2007.

Accordingly, the earlier judgment dated 19.08.2015 is modified so as to clarify that Ext.P4 order, which is impugned in the writ petition, is quashed in its entirety, and the petitioner will be entitled to vacation salary for the academic year 2006-2007.

The review petition is disposed as above.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE

sm/