

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE AG.CHIEF JUSTICE MR.ASHOK BHUSHAN

&

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

MONDAY, THE 12TH DAY OF JANUARY 2015/22ND POUSHA, 1936

WA.No. 141 of 2010 () IN OP.10757/2001

AGAINST THE JUDGMENT IN OP 10757/2001 of HIGH COURT OF KERALA
DATED 08-10-2009

APPELLANT(S)/PETITIONER :-

V.R.RAJAN BABU, SREENIKETHAN,
PALLURUTHY, ERNAKULAM DISTRICT,
RETD. HEAD MASTER, ST.AUGUSTINE H.S.,
AROOR, ALAPPUZHA DIST.

BY ADVS.SRI.V.G.ARUN
SRI.T.R.HARIKUMAR

RESPONDENT(S)/RESPONDENTS :-

1. THE STATE OF KERALA, REPRESENTED BY THE
CHIEF SECRETARY, SECRETARIAT, TRIVANDRUM.
2. THE ACCOUNTANT GENERAL, TRIVANDRUM.
3. THE DIRECTOR OF PUBLIC INSTRUCTIONS, TRIVANDRUM.
4. DEPUTY DIRECTOR OF EDUCATION, ALAPPUZHA.
5. THE DISTRICT EDUCATIONAL OFFICER,
CHERTHALA, ALAPPUZHA.

BY SR.GOVERNMENT PLEADER SRI.P.I.DAVIS

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 12-01-
2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

jvt

**ASHOK BHUSHAN, Ag. C.J &
A.M. SHAFFIQUE, J.**

W.A. No.141 of 2010

Dated this the 12th day of January, 2015

J U D G M E N T

Ashok Bhushan, Ag.CJ.

This writ appeal has been filed against the judgment in O.P.No.10757 of 2001. The petitioner had filed the writ petition seeking for following reliefs :-

- “i) to issue a writ in the nature of mandamus, directing the 2nd respondent to drop the observation;
- ii) to issue a writ in nature of mandamus directing the respondents to implement Ext.P1 order and to direct disbursement of increments;
- iii) to issue an interim stay of recovery of any amount from the petitioner towards excess pay drawn;
- iv) to issue an interim direction directing respondents to prepare and take necessary steps to disburse pension and other service benefits at least which is admissible on the basis of the observation of Accountant General;
- v) to issue such other writ, direction or order as this Hon'ble Court may be pleased to issue in the facts and circumstances of the case.”

The petitioner's pay being in the Selection Grade was fixed on 5.4.1997 on the basis of pre-revised scale of pay. An audit objection was raised and thereafter the fixation was corrected and direction was issued to refund the excess payment received, which was under challenge before the writ court.

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2. The learned Single Judge referring to relevant Government Order had held that the fixation made on 5.4.1997 was not in accordance with the Government Order and was rightly corrected. We do not find any infirmity in the order of the learned Single Judge warranting interference by this Court in exercise of appellate jurisdiction. The wrong fixation which was pointed out and deducted cannot be said to be suffering from any error, requiring correction by this Court in exercise of writ jurisdiction. The learned Single Judge did not commit any error in dismissing the original petition.

Hence, this Writ Appeal is dismissed.

Sd/-
ASHOK BHUSHAN
Ag. CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE
JUDGE

//TRUE COPY//

P.A. TO JUDGE