

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN
&
THE HONOURABLE MR.JUSTICE K.HARILAL**

THURSDAY, THE 26TH DAY OF FEBRUARY 2015/7TH PHALGUNA, 1936

WA.No. 274 of 2013 () IN WP(C).13040/2008

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AGAINST THE ORDER/JUDGMENT IN WP(C) 13040/2008 of HIGH COURT OF KERALA
DATED 10-08-2012**

APPELLANT/1ST RESPONDENT:

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KERALA AGRICULTURAL UNIVERSITY,
VELLANIKARA, THRISSUR, PIN:680 654,
REPRESENTED BY ITS REGISTRAR.**

**BY ADV. SRI.BABU JOSEPH KURUVATHAZHA,SC,KERALA AGRICULTURAL
UNIVERSITY**

RESPONDENTS/PETITIONER AND RESPONDENTS 2 AND 3:

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- 1. BHASKARAN, AGED 58 YEARS,
S/O GOVINDAN NAIR, RETIRED LABOUR OFFICER,
KERALA AGRICULTURAL UNIVERSITY, VELLANIKKARA,
THRISSUR (NOW RESIDING AT SUPARNAM, VETTIKKAL,
MANNUTHY, THRISSUR-680 651.**
 - 2. S.G.GIRIJA,
DEPUTY REGISTRAR (ACADEMIC),
KERALA AGRICULTURAL UNIVERSITY,
VELLANIKKARA (W/O. N.RAMACHANDRAN NAIR),
RESIDING AT POURNAMI, NETTAYAM P.O.,
THIRUVANANTHAPURAM-691 537.**
 - 3. V.LEELA,
ADMINISTRATIVE OFFICER GRDE I,
KELAPPAJI COLLEGE OF AGRICULTURAL ENGINEERING AND TECHNOLOGY,
THAVANUR, MALAPPURAM DISTRICT (W/O. O.U.CHANDRAN
RESIDING AT ANUGRIHA, T.C.19/292 (1), VATTAVILA,
THIRUMALA P.O., THIRUVANANTHAPURAM-695 006**

**R BY ADVS. SRI.RENJITH THAMPAN (SR.)
SMT.P.R.REENA
SRI.N.SUGATHAN**

**THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 26-02-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

DG

**THOTTATHIL B.RADHAKRISHNAN &
K.HARILAL, JJ.**

W.A.No.274 of 2013
&
C.M.Appl.No.138 of 2013

Dated this the 26th day of February, 2015

J U D G M E N T

Thottathil B.Radhakrishnan, J.

- 1.This writ appeal with application seeking condonation of delay remains defective. We have looked into the matter. The employer University is the appellant. The writ petitioner is the 1st respondent. He has been served and he represented through the counsel. Respondents 2 and 3 in the writ appeal were respondents 2 and 3 in the writ petition. No leave has been granted in the writ petition adverse to their interest. Even if that were so, they have not preferred any appeal. That apart, the University can seek no claim in the appeal as against respondents 2 and 3 because all that has been ordered by the learned single Judge is that the petitioner should be given benefits at par with respondents 2 and 3 because the

petitioner is senior to them. Under such circumstances, notice to unserved respondents in C.M.Application and the writ appeal are dispensed with. The C.M.Application is treated as ripe.

2.Perused affidavit. Heard. We are satisfied that sufficient cause has been shown to condone the delay of 104 days in filing the appeal.

3.Heard the learned counsel for the appellant and the learned counsel for the 1st respondent.

The writ petition was filed since the petitioner was not given the benefit of a particular pay revision order though respondents 2 and 3 who were juniors to him were given such benefit. On the basis of materials on record, the learned single Judge, quite rightly, concluded that the Registrar of the University could not have amended the pay revision order since he has no authority to do so. Accordingly, it was held that the writ petitioner continues to be entitled to the ratio

promotion to the higher grade as provided in Exhibit P4 pay revision order. It was also noted that such benefit was actually given to respondents 2 and 3, who were juniors to the writ petitioner. That way also, the decision of the learned single Judge stands. We see no merit in the writ appeal and the same is accordingly dismissed.

Sd/-
(THOTTATHIL B.RADHAKRISHNAN, JUDGE)

Sd/-
(K.HARILAL, JUDGE)

//TRUE COPY//

P.A TO JUDGE

DG