

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC
&
THE HONOURABLE MR. JUSTICE SHAJI P. CHALY

THURSDAY, THE 25TH JUNE, 2015/4TH ASHADHA, 1937

W.A.No. 1927 of 2012 () IN WP(C).36232/2004

AGAINST THE JUDGMENT IN W.P.(C) NO.36232/2004 of HIGH COURT OF KERALA DATED
17-09-2012

APPELLANT(S)/RESPONDENTS 1 & 3 :

1. UNION OF INDIA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
MINISTRY OF FINANCE, DEPARTMENT OF REVENUE,
GOVERNMENT OF INDIA, NORTH BLOCK, NEW DELHI.
2. SUPERINTENDENT (PREVENTIVE),
OFFICE OF THE COMMISSIONER OF CENTRAL EXCISE,
CUSTOMS & SERVICE TAX, ICE BHAVAN, PRESS CLUB ROAD,
THIRUVANANTHAPURAM-695 001.

BY ADV. SRI.THOMAS MATHEW NELLIMOOTTIL, SENIOR SC, CBEC

RESPONDENT(S)/PETITIONER AND 2ND RESPONDENT:

1. THE PRABHATH COLLEGE TRUST,
REPRESENTED BY SECRETARY (B.KRISHNAN NAIR),
THE PRABHATH COLLEGE TRUST, PEROORKADA,
THIRUVANANTHAPURAM-695 005.
2. STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT,
FINANCE DEPARTMENT, GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM-695001.

R1 BY ADV. SRI.B.RAGUNATHAN

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 25.06.2015, THE COURT
ON THE SAME DAY DELIVERED THE FOLLOWING:

P.T.O.

**ANTONY DOMINIC
&
SHAJI P. CHALY, JJ.**

W.A. No.1927 of 2012

Dated this the 25th day of June, 2015

JUDGMENT

Antony Dominic, J.

Heard the learned counsel for the appellants, learned counsel appearing for the 1st Respondent and the learned Government Pleader appearing for the 2nd Respondent.

2. This appeal is filed against the judgment in W.P.(C) No.36232 of 2004. By judgment dated 17.09.2012, the writ petition was disposed of directing that the directions in the judgment in W.P.(C) No.4718 of 2004 and connected cases would govern the case of the 1st Respondent herein also. It is this judgment which is challenged before us.

3. The appellants had filed Writ Appeal No.558 of 2006 against the judgment in W.P.(C) No.4718 of 2004 and that appeal was heard along with a batch of similar cases and was disposed of by judgment dated 25.07.2013.

4. In view of the above, since the matter is covered by the Division Bench judgment, this appeal is also disposed of directing that the judgment in Writ Appeal No.558 of 2006 will govern the parties in this appeal also.

Writ Appeal is disposed of accordingly.

Sd/-

**ANTONY DOMINIC
JUDGE**

Sd/-

**SHAJI P. CHALY
JUDGE**

//true copy//

P.S. to Judge

St/-