

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 4TH DAY OF MARCH 2015/13TH PHALGUNA, 1936

WP(C).No. 6312 of 2015 (L)

PETITIONER(S) :

KUNHALAN.K. AGED 55 YEARS,
KADAKKADAN HOUSE, KOORIYAD, INDIANOOR,
KOTTAKAL, MALAPPURAM.

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

RESPONDENT(S) :

1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY,
GENERAL EDUCATION DEPARTMENT, GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM, 695001.

2. THE REGIONAL DEPUTY DIRECTOR,
HIGHER SECONDARY EDUCATION, MALAPPURAM, 676505.

3. THE DISTRICT EDUCATIONAL OFFICER,
MALAPPURAM-676505.

4. THE MANAGER,
AKM HIGHER SECONDARY SCHOOL, KOTTOOR, INDIANOOR
KOTTAKAL, MALAPPURAM-676503.

R BY GOVERNMENT PLEADER SRI.VIJULAL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
04-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 6312 of 2015 (L)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXHIBIT-P1: TRUE COPY OF THE APPOINTMENT ORDER DATED 8.7.2013 ISSUED TO THE PETITIONER BY THE MANAGER.

EXHIBIT-P2: TRUE COPY OF THE JUDGMENT IN W.P.(C) NO.21837/2013 DATED 10.9.2013.

EXHIBIT-P3: TRUE COPY OF THE INTERIM ORDER IN W.P.(C) NO.29761/2013 DATED 14.1.2015.

EXHIBIT-P4: TRUE COPY OF THE ORDER DATED 9.2.2015 FROM THE 2ND RESPONDENT.

RESPONDENT(S) ' EXHIBITS

-----: NIL

/TRUE COPY/

P.S. TO JUDGE.

A.MUHAMED MUSTAQUE, J.

W.P.(C) No. 6312 OF 2015

Dated this the 4th day of March, 2015

JUDGMENT

The petitioner was appointed as a Lab Assistant under 25% quota in an aided Higher Secondary School. This appointment was not approved for want of sanction for such post. In fact, this Court in W.P.(C) No.29761/2013 directed the Government to consider sanctioning of the post of Lab Assistant. In the meanwhile, the petitioner is retired from the service on attaining the age of superannuation.

2. The petitioner's present grievance is relating to forwarding of the pension papers . The petitioner submits that his pension papers shall be verified by the 2nd respondent to forward the same to the Accountant General. The learned Government Pleader points out that since the petitioner's service in the post of Lab Assistant has not been approved, he can only claim the pensionary benefits of the lower post from which he was posted as Lab Assistant and that his pension papers has to be forwarded by the 3rd respondent -District Educational Officer. The Government Pleader also submits that the petitioner's scale of pay in the lower post is higher

than the scale of pay of the post of Lab Assistant.

3. In the facts and circumstances as above, I am of the view that without prejudice to the petitioner's claim for approval as Lab Assistant, the petitioner's pension papers has to be forwarded by the 3rd respondent.

4. In view of the above facts, the 4th respondent-Manager shall forward the service book of the petitioner, without prejudice to his claim for sanctioning the post of Lab Assistant, to the 3rd respondent. Thereafter, the 3rd respondent shall forward the pension papers to the Accountant General for sanctioning pension in the lower post held by the petitioner. Needful shall be done by the 3rd respondent within one month from the date of receipt of a copy of the pension papers from the Manager.

The writ petition is disposed of as above.

**Sd/-
A.MUHAMED MUSTAQUE,
Judge.**

dpk

/true copy/ PS to Judge.

