

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

MONDAY, THE 12TH DAY OF OCTOBER 2015/20TH ASWINA, 1937

WP(C).No. 12052 of 2012 (F)

PETITIONER(S) :

- 1. DR. JOSE JOHN CHUNGATH, PROFESSOR,
COLLEGE OF VETERINARY & ANIMAL SCIENCES,
KERALA VETERINARY & ANIMAL SCIENCES UNIVERSITY,
POOKODE, WAYANAD DISTRICT.**
- 2. DR.P.KUTTINARAYANAN, PROFESSOR & HEAD,
DEPARTMENT OF LIVESTOCK PRODUCTS TECHNOLOGY,
MEAT PLANT, COLLEGE OF VETERINARY & ANIMAL SCIENCES,
KERALA VETERINARY & ANIMAL SCIENCES UNIVERSITY,
MANNUTHY, THRISSUR.**

**BY ADVS.SRI.N.SUGATHAN
SMT.VARSHA BHASKAR
SRI.S.PRASANTH (AYYAPPANKAVU)**

RESPONDENT(S) :

- 1. THE KERALA AGRICULTURAL UNIVERSITY, REPRESENTED BY
THE REGISTRAR, VELLANIKKARA, THRISSUR- 680 654.**
- 2. THE COMPTROLLER, KERALA AGRICULTURAL UNIVERSITY,
VELLANIKKARA, THRISSUR- 680 654.**
- 3. THE DEAN, COLLEGE OF VETERINARY & ANIMAL SCIENCES,
MANNUTHY, THRISSUR- 680 651.**
- 4. KERALA VETERINARY & ANIMAL SCIENCES UNIVERSITY,
REPRESENTED BY THE REGISTRAR, POOKODE, WAYANAD- 673 576.**
- 5. STATE OF KERALA, REPRESENTED BY THE SECRETARY
TO GOVERNMENT, AGRICULTURE (FARMS) DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM- 695 001.**

**R1 & R2 BY ADV. SRI.BABU JOSEPH KURUVATHAZHA, S.C
R3 & R4 BY ADV. SRI.MILLU DANDAPANI, S.C
R5 BY SR.GOVERNMENT PLEADER SRI.MUHAMMED SHAFI**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 12-10-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS :

- EXHIBIT P1:** TRUE COPY OF ORDER NO.GA/C2/23346/99(173) DATED 25.08.2007
ISSUED BY KERALA AGRICULTURAL UNIVERSITY.
- EXHIBIT P2:** TRUE COPY OF REVISED PAY/LEAVE SALARY SLIP
DATED 07.08.2009 OF 1ST PETITIONER ISSUED BY
2ND RESPONDENT.
- EXHIBIT P3:** TRUE COPY OF ARREARS OF SALARY BILL DATED 15.09.2009
SUBMITTED BY 1ST PETITIONER.
- EXHIBIT P4:** TRUE COPY OF REVISED PAY/LEAVE SALARY SLIP
DATED 02.09.2010 ISSUED BY 2ND RESPONDENT.
- EXHIBIT P5:** TRUE COPY OF ARREARS OF SALARY BILL DATED 27.09.2010
SUBMITTED BY 1ST PETITIONER.
- EXHIBIT P6:** TRUE COPY OF LEAVE SALARY SLIP DATED 01.12.2010 ISSUED BY
2ND RESPONDENT.
- EXHIBIT P7:** TRUE COPY OF BILL DATED 18.12.2010 SUBMITTED BY
1ST PETITIONER TO 3RD RESPONDENT.
- EXHIBIT P8:** TRUE COPY OF ORDER NO.GA/C2/23346/99 (97) DATED 25.08.2007
ISSUED BY KERALA AGRICULTURAL UNIVERSITY.
- EXHIBIT P9:** TRUE COPY OF REVISED PAY/LEAVE SALARY SLIP
DATED 13.08.2009 OF 2ND PETITIONER ISSUED BY
2ND RESPONDENT.
- EXHIBIT P10:** TRUE COPY OF ARREAR BILL DATED 23.09.2009 SUBMITTED BY
2ND PETITIONER TO 3RD RESPONDENT.
- EXHIBIT P11:** TRUE COPY OF BILL DATED 03.09.2010 SUBMITTED BY
2ND PETITIONER TO 3RD RESPONDENT.
- EXHIBIT P12:** TRUE COPY OF LEAVE SALARY SLIP DATED 01.12.2010 ISSUED BY
2ND RESPONDENT.
- EXHIBIT P13:** TRUE COPY OF BILL DATED 06.12.2010 SUBMITTED BY
2ND PETITIONER.
- EXHIBIT P14:** TRUE COPY OF G.O (P) NO.1652/2011/AD DATED 05.09.2011.
- EXHIBIT P15:** TRUE COPY OF ORDER NO.BG/B1/14000/11 DATED 16.12.2011
ISSUED BY KERALA AGRICULTURAL UNIVERSITY.

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.A.TO JUDGE.

A.M. SHAFFIQUE, J.

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W.P. (C) No. 12052 of 2012

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Dated this, the 12th day of October, 2015

J U D G M E N T

Petitioners together claim the amounts specified in Exts.P3, P5, P7, P10 and P11. Exts.P3, P5 and P7 relate to the first petitioner and Exts.P10 and P11 relate to the second petitioner. Learned counsel for the petitioners submits that relief No.(iv) with reference to Ext.P13 bill is not claimed by the second petitioner.

2. The short facts involved in the writ petition would disclose that the petitioners were working as Professors in the Kerala Agricultural University. The General Council of University decided to implement the UGC Scheme in July, 2007. Government also issued appropriate orders implementing the 2006 UGC Scheme w.e.f. 1/1/2006. Petitioners were entitled for salary on the basis of the UGC Scheme. But, they were not being paid on that basis by the Kerala Agricultural University. In the meantime, Kerala Agricultural University was divided into three divisions and the petitioners who were working under the Veterinary Department were linked with the Kerala Veterinary and Animal

Sciences University. The bills now claimed by the petitioners relate to the period while they were working under the Kerala Agricultural University.

3. Learned counsel appearing for the 1st respondent submits that under Section 55 of the Kerala Veterinary and Animal Sciences University Act, all the assets and liabilities of the Kerala Agricultural University has been transferred to the Kerala Veterinary and Animal Sciences University and therefore, if at all any amount is payable, it has to be paid by the succeeding University, viz., the 3rd respondent.

4. Learned counsel appearing for the 3rd respondent submits that the assets and liabilities only included the actual movables and immovable assets of the Kerala Agricultural University and no specific mention has been made with reference to the arrears of salary and other perks which were payable by the Kerala Agricultural University to their erstwhile employees. That apart, no amounts were transferred to the College of Veterinary and Animal Sciences to enable the 3rd respondent to pay any arrear bill of the petitioners.

5. Learned counsel for the petitioners submits that there

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is no dispute regarding the liability to pay the amount and the dispute is only with reference to the manner in which payment is to be effected and that too either by the 1st respondent or by the 3rd respondent. Learned counsel for the 3rd respondent further submitted that this issue was pending for quite sometime and there was a direction issued by this Court in an earlier writ petition filed as WP(C) No.5685/2014 that the Government should intervene and take appropriate steps in the matter.

6. Be that as it may, fact remains that as far as the petitioners are concerned, their bills are with reference to a period while they were working with Kerala Agricultural University. The primary obligation is on the 1st respondent University to pay the amount and if at all they want to make any adjustments with reference to the transfer of assets and liabilities, which they are claiming, they have to work out their remedies with the 3rd respondent.

Under such circumstances, I am of the view that the writ petition can be disposed of as under;

- (1) The 1st respondent shall pay the amount covered by Exts.P3, P5 and P7 bills to the first petitioner and

Exts.P10 and P11 bills to the second petitioner within a period of two months from the date of receipt of a copy of this judgment.

(2) If the 1st respondent claims any equity with reference to application of Section 55 of the Kerala Veterinary and Animal Sciences University Act, it shall be open for the 1st respondent to take up the matter with the 3rd respondent or the State Government, as the case may be, and resolve the issue between the parties.

Sd/-
A.M. SHAFFIQUE, JUDGE

Rp
12/10/2015

//True Copy//
PS to Judge