

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 13TH DAY OF JANUARY 2015/23RD POUSHA, 1936

WP(C).No. 9531 of 2014 (N)

PETITIONER :

**A.M MATHEW
AMBATTUPOTHIYIL, THIDANAD P.O.,
KOTTAYAM DISTRICT-686 123.**

BY ADV. SRI.N.ANAND

RESPONDENTS :

- 1. STATE OF KERALA
DEPARTMENT OF EDUCATION,
REPRESENTED BY ITS SECRETARY,
THIRUVANANTHAPURAM-695 001.**
- 2. THE DISTRICT EDUCATIONAL OFFICER
KANJIRAPPALLY.**

R1 & R2 BY GOVERNMENT PLEADER SMT. LOWSY A

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 13-01-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

- P1 : COPY OF THE COURSE CERTIFICATE ISSUED BY THE PRINCIPAL,
GOVT.MODEL SCIENCE COLLEGE, NO.483 DTD.17.7.1998.
- P2 : COPY OF THE CERTIFICATE ISSUED BY THE CORPORAL EDUCATION
AGENCY, DIOCESE OF PALAI DTD.16.5.1997.
- P3 : PROCEEDINGS OF THE KERALA LEGISLATURE DTD.21.3.2001.
- P3(A): COPY OF THE PROCEEDINGS OF THE KERALA LEGISLATURE DTD.21.3.2001.
- P4 : COPY OF THE COMMUNICATION DTD.25.4.2008 ISSUED BY THE DEPUTY
DIRECTOR OF EDUCATION DTD.25.4.2008 IN NO.D2/12710/06.
- P5 : COPY OF THE COMMUNICATION DTD.18.9.08 ISSUED BY THE PETITIONER TO
MINISTER FOR EDUCATION.
- P6 : COPY OF THE COMMUNICATION DTD.2.2.2010 IN NO.D2/17638/08.
- P7 : COPY OF THE REMINDER DTD.14.6.2013 IN NO.P-2/80014/2008/DPI.
- P8 : COPY OF THE COMMUNICATION DTD.31.5.2013 IN NO.D2/2768/11 ISSUED BY
THE DEPUTY DIRECTOR OF EDUCATION TO DIRECTOR OF PUBLIC
INSTRUCTIONS, THIRUVANANTHAPURAM.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

A.MUHAMMED MUSTAQUE, J.
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W.P(C).No.9531 of 2014
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Dated this the 13th day of January, 2015

JUDGMENT

Petitioner was appointed as High School Assistant (untrained) on 20.06.1963 at the St.Anthony's High School, Plassanal. Petitioner left for higher studies on 19.07.1966 without availing any leave. Petitioner, after obtaining the Post Graduate Degree, reappointed as HSA and entered regular service as HSA on 21.07.1969. Petitioner submits that he has not resigned from service. However, in the service book, it is inadvertently entered that petitioner was resigned from service. Petitioner retired as Headmaster on 31.03.1997. Petitioner's present dispute pertains to non-reckoning of the period from 20.06.1963 to 19.07.1966 for pensionary benefits. Petitioner's case is that he was actually not resigned from service but only absent.

2. Aggrieved by non-reckoning of the above period, petitioner approached the Petitions Committee constituted under Rule 223 of the Rules of Procedure and Conduct of Business in Kerala Legislative Assembly. Petitioner submits that the above Committee recommended the Government for re-fixation of pensionary benefits of the petitioner taking into account the earlier

service. Ext.P3 is the recommendation of the committee referred above. However, it is seen that the Government did not pass any order so far.

3. In the light of Ext.P3, I am of the view that appropriate decision shall be taken by the first respondent. Petitioner shall approach the first respondent within a period of four weeks from the date of receipt of a copy of the judgment. Needful shall be done by the first respondent within a further period of three months after affording an opportunity of hearing to the petitioner.

The Writ Petition is disposed of.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE.