

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 3RD DAY OF NOVEMBER 2015/12TH KARTHIKA, 1937

WP(C).No. 19164 of 2007 (F)

PETITIONER(S):

**DR. N.PURUSHOTHAMAN NAIR, (RETD.),
ASSOCIATE PROFESSOR & HEAD, COCONUT RESEARCH, STATION
BALARAMAPURAM, RESIDING AT 264/C (1389), DEVIPRIYA
VANAMALEESWARACOVIL, K.P.ROAD, PARVATHIPURAM
NAGARCOIL-3.**

BY ADV. SRI.P.V.JAYACHANDRAN

RESPONDENT(S):

- 1. THE STATE OF KERALA, REPRESENTED BY
ITS AGRICULTURAL PRODUCTION COMMISSIONER
SECRETARIAT, THIRUVANANTHAPURAM.**
- 2. THE KERALA AGRICULTURAL UNIVERSITY,
REPRESENTED BY ITS REGISTRAR
KERALA AGRICULTURAL UNIVERSITY POST, VELLANIKKARA
THRISSUR.**

**R,R2 BY ADV. SRI.RENJITH THAMPAN,SC,KERALA AGRL.UTY
RR2 BY ADV. SRI.BABU JOSEPH KURUVATHAZHA,SC,KERALA
AGRICULTURAL UNIVERSI
R BY GOVERNMENT PLEADER SMT. M.J. RAJASREE**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 03-11-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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APPENDIX

PETITIONERS EXHIBITS:

EXT.P1	COPY OF REPRESENTATION DTD. 2.8.99
EXT.P2	COPY OF ORDER G.O(P) NO. 179/90/AD DTD, 25.6.90
EXT.P3	COPY OF THE DECISION DTD. 16.6.2000
EXT.P4	COPY OF LETTER DTD. 4.1.2000
EXT.P5	COPY OF LETTER DTD. 5.2.01
EXT.P6	COPY OF THE ORDER G.O (MS) NO.32/2007/AD/ DTD. 19.3.07
EXT.P7	COPY OF LETTER DTD. 21.3.07
EXT.P8	COPY OF PROCEEDINGS NO. GA/C2/29151/06 DTD. 23.5.07

RESPONDENTS EXHIBITS:

// TRUE COPY //

PA TO JUDGE.

SB

K. VINOD CHANDRAN, J.

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Dated this the 3rd day of November, 2015

J U D G M E N T

The petitioner is aggrieved with the fact that the petitioner's service in the Agricultural Department, Government of Tamil Nadu between 23.10.1969 and 28.07.1979 has not been reckoned for the purposes of assessment promotions to the status of a Professor, under the Kerala University First Statutes. The petitioner after his stint in the Agricultural Department, Government of Tamil Nadu joined as Junior Assistant Professor in the respondent University on 30.07.1979. The petitioner was then given direct recruitment to the post of Assistant Professor w.e.f 05.01.1981 and as Associate Professor on 30.07.1989.

2. The petitioner obtained Ph.D Degree on 22.07.1995. The petitioner claims that in considering his

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promotion as a Professor, the periods spent in service of the Government of Tamil Nadu also ought to be considered. The petitioner was once before this Court seeking such consideration and this Court had by judgment dated 15.02.2007 in W.P.(C) No. 27566 of 2005, directed consideration of the same. The petitioner relies on Ext.P3 to impugn Ext.P7 order passed in the case of the petitioner.

3. The reliance placed on Ext.P3 is specifically to the decision taken by the Executive Committee, at its meeting on 16.16.2000. The specific reliance is placed on clause 7(i), which is extracted hereunder:-

i. Agreed to reckon as qualifying service for assessment promotions the period of service rendered by some teachers who joined the KAU up to 25.06.90 while they were in the service of Department/Agencies/Institutions of States and Central Government other than the Departments of Agriculture and Animal Husbandry of the Kerala State, provided such services have been transferred, pension contributions received, comparable in salary and recruitment procedures. Further, such reckoning of services should not be taken into consideration for determining seniority in the respective cadres. Such eligible persons should pay the pension contribution as required for the period.

4. A reading of the aforesaid clause indicates that any service in a Department/Agencies/Institutions of States and Central Government other than the Departments of Agriculture and Animal Husbandry of the Kerala State, shall be reckoned in assessment promotions; provided such services have been transferred, pension contributions received and the said posts are comparable in salary and recruitment. Admittedly, the petitioner's services were not transferred from the Government of Tamil Nadu. The petitioner worked there for about 10 years and then applied and was appointed as Junior Assistant Professor, in the respondent University. Again, the petitioner was directly recruited to the post of Assistant Professor w.e.f. 05.01.1981.

5. The petitioner's services being not one transferred from the Government of Tamil Nadu to the Kerala Agricultural University, the reliance placed on Ext.P3 cannot be countenanced. The petitioner would also contend on the basis

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of a communication issued by the Registrar, that the petitioner had expressed willingness to remit the pension contributions as per Ext.P5. The reckoning of such period cannot be on mere remittance of pension contributions. In fact even Ext.P3 does not contemplate remittance of pension contribution by the employee. What is referred to in the above extracted decision is that the services ought to be transferred and also in pursuance to such transfer, pension contributions received from the other employer to the University. Such an exercise having not been done, the petitioner's services with the Government of Tamil Nadu is not liable to be reckoned for promotions or for pension.

The writ petition hence would stand dismissed. No costs.

**Sd/-
K. VINOD CHANDRAN,
JUDGE**

SB/04/11/2015

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P.A to Judge.