IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

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

WP(C).No. 30029 of 2003 (Y)

PETITIONER :

JOBY P.E.,AGED 30 YEARS,
S/O.ENASAN, PULLOKARAN HOUSE, MURIYADU.P.O,
THRISSUR DISTRICT

BY ADV. SRI.A.X.VARGHESE

RESPONDENTS :

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1. THE COCHIN UNIVERSITY OF SCIENCE AND TECHNOLOGY,
   REP. BY ITS REGISTRAR, KOCHI

2. THE VICE CHANCELLOR, COCHIN UNIVERSITY OF SCIENCE AND
   TECHNOLOGY, KOCHI

3. DR.M.MEERA BAI, PRINCIPAL INVESTIGATOR, ICFRE PROJECT,
   COCHIN UNIVERSITY OF SCIENCE AND TECHNOLOGY, KOCHI

4. INDIAN COUNCIL OF FORESTRY RESEARCH & EDUCATION,
   P.O.NEW FOREST, DEHRADUN,
   REP. BY DEPUTY DIRECTOR GENERAL (RESEARCH)

R1,R2 BY ADV. SRI.S.GOPAKUMARAN NAIR, SC, COCHIN UTY.
R1,2 BY ADV. SRI.A.A.ABUL HASSAN,SC,COCHIN UNIVERSIT
R1,2 BY ADV. SRI.S.P.ARAVINDAKSHAN PILLAI,SC,COCHI U
R1-R3 BY ADV. SRI.M.R.HARIRAJ, SC, COCHIN UNIVERSITY OF SCIENCE
R BY ADV. SRI.MILLU DANDAPANI

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

WP(C).No. 30029 of 2003 (Y)

APPENDIX

PETITIONER'S EXHIBITS :

EXT.P1 : COPY OF THE APPOINTMENT ORDER DATED 10/12/97

EXT.P2 : COPY OF THE ORDER ISSUED BY THE INDIAN COUNCIL OF FORESTRY RESEARCH AND EDUCATION, DEHRADUN DATED 14/10/1998

EXT.P3 : COPY OF THE CHARACTER AND CONDUCT CERTIFICATE ISSUED TO THE PETITIONER BY THE HEAD OF DEPARTMENT DATED 7/10/99

EXT.P4 : COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER, BEFORE THE 1ST RESPONDENT DATED 4/2/2003

EXT.P5 : COPY OF THE ORDER PASSED BY THE 1ST RESPONDENT DATED 20/8/2003

RESPONDENTS' EXHIBITS :

ANNEXURE R1(a) : COPY OF THE LETTER DATED 12/9/2002 FROM ICFRE

/TRUE COPY/

P.A TO JUDGE

AV

K.VINOD CHANDRAN, J.

W.P.(C) No.30029 of 2003

Dated this the 12th day of October, 2015

J U D G M E N T

The petitioner is aggrieved with the fact that he had not been paid the enhanced pay applicable as per Ext.P2. The petitioner admittedly was appointed to the post of Junior Research Fellow in a project of the Department of Applied Economics under the respondent University. The project was titled 'Institutional Effectiveness in the Collection and marketing of Non-wood Forest Produce in Kerala'.

2. The petitioner admittedly worked between 15.12.1997 to 06.10.1999. The petitioner's claim is based on Ext.P2 dated 14.10.1998, which according to him revised the emoluments of Junior Research Fellows to ₹5,000/- from 01.10.1998 as against ₹2,500/- provided under Ext.P1.

3. The petitioner is seen to have first filed a representation after more than three years, which is Ext.P4 dated 04.02.2003. The University on such representation had also forwarded the application to the agency, which was funding the project, being the Indian Council of Forestry Research and Education. However, as seen from Ext.P5, the

said agency informed the University that the entire project had been closed on 31.12.2001 and all the accounts relating to the World Bank have been settled finally.

4. It is evident that the delay was the reason for the petitioner not being granted the revised emoluments. If the petitioner had been before this Court or before the authorities within a reasonable time from the date of Ext.P2 or at least after he was sent out from service on 06.10.1999, the situation would have been different. The above writ petition is also seen filed after four years. The normal rule of limitation, though not applicable to writ petitions, has to be taken as a guideline especially when recovery of money is sought for, the limitation for which is three years.

Hence, this writ petition would stand dismissed. No costs.

Sd/-
K.VINOD CHANDRAN, JUDGE

AV/13/10/