

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 19TH DAY OF MARCH 2015/28TH PHALGUNA, 1936

WP(C).No. 18621 of 2012 (C)

PETITIONER:

**DR. MALATHY M.R.,
LECTURER, SELECTION GRADE (RETD), DEPARTMENT OF BOTANY,
ST.PETER'S COLLEGE, KOLENCHERRY, ERNAKULAM DISTRICT.**

BY ADV. SRI.S.MUHAMMED HANEEFF

RESPONDENT(S):

- 1. MAHATMA GANDHI UNIVERSITY,
REP. BY ITS REGISTRAR, UNIVERSITY CAMPUS, ATHIRAMPUZHA,
KOTTAYAM.**
- 2. DEPUTY DIRECTOR OF COLLEGIATE EDUCATION,
ERNAKULAM, PIN - 682 016.**
- 3. DIRECTOR OF COLLEGIATE EDUCATION,
THIRUVANANTHAPURAM, PIN - 695 001.**
- 4. STATE OF KERALA,
REP. BY ITS SECRETARY TO THE GOVERNMENT
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM
PIN - 695 001.**

**R1 BY ADV. SRI.VARUGHESE M.EASO, SC, M.G. UNIVERSITY
R1 BY ADV. SRI.VIVEK VARGHESE P.J., SC, M.G. UNIVERSITY
R2 TO R4 BY ADV. GOVERNMENT PLEADER SMT.A.LOWSY.**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 19-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

WP(C).No. 18621 of 2012 (C)

APPENDIX

PETITIONERS EXHIBIT

EXHIBIT P1: A TRUE COPY OF THE ORDER NO.1939/AC/BV/4/3009/ACAD. DATED 05/05/2009 ISSUED BY THE 1ST RESPONDENT.

EXHIBIT P2: A TRUE COPY OF THE ORDER NO.A3-8289/2009(1) DATED 06/05/2010 ISSUED BY THE 2ND RESPONDENT.

EXHIBIT P3: A TRUE COPY OF THE RELEVANT EXTRACT OF THE JUDGEMENT DATED 09/03/2012 IN WP(C) 25962/2008 OF THIS HONOURABLE COURT.

RESPONDENTS EXHIBITS : NIL

/TRUE COPY/

P.A.TO JUDGE

vmr.

A.MUHAMED MUSTAQUE, J.

W.P.(C).No. 18621 of 2012

Dated this the 19th day of March, 2015

J U D G M E N T

The issue raised before this Court is in regard to retention of two increments granted to the petitioner when she moved to Selection Grade with effect from 4.11.2012. The 2nd respondent sanctioned two advance increments to the petitioner in the Selection Grade Lecturer with effect from the date acquiring Ph.D. The case of the petitioner is that when she was sanctioned higher scale of pay, the respondent stopped two increments granted as per Ext.P2 with effect from 1.1.2006.

2. The only question is whether the petitioner is entitled to retain advance increments already granted to her. This issue is covered in favour of the petitioner in number of cases. Ext.P3 is one of such judgment, wherein this Court held that the denial of the benefit of two advance increments to the petitioner, when she moves into selection grade, cannot be accepted.

3. Therefore, if the petitioner has been denied with two advance increments, when she moved to the higher scale of pay, that shall be restored to the petitioner. Therefore, the pension has

to be re-fixed in accordance with the retention of increments. The arrears shall be disbursed in accordance with the above observation. Needful shall be done within a period of three months from the date of receipt of a copy of this judgment.

The writ petition is disposed of as above.

Sd/

**A.MUHAMED MUSTAQUE,
JUDGE**

jm/