

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

WEDNESDAY, THE 27TH DAY OF MAY 2015/6TH JYAISHTA, 1937

WP(C).No. 15677 of 2015 (H)

PETITIONER(S):

**GIJI K. JOSEPH,
AGED 45 YEARS,
S/O.K.V.JOSEPH, ASSISTANT PROFESSOR IN ZOOLOGY,
NIRMALA COLLEGE, MUVATTUPUZHA,
ERNAKULAM DISTRICT.**

**BY ADVS.SRI.V.A.MUHAMMED
SRI.V.RAJASEKHARAN NAIR**

RESPONDENT(S):

**1.THE STATE OF KERALA
REPRESENTED BY ITS ADDITIONAL CHIEF
SECRETARY TO GOVERNMENT, HIGHER EDUCATION DEPARTMENT
SECRETARIAT, THIRUVANANTHAPURAM 695 001.**

**2.THE DIRECTOR OF COLLEGIATE EDUCATION
VIKAS BHAVAN, THIRUVANANTHAPURAM 695 033.**

**3.THE DEPUTY DIRECTOR OF COLLEGIATE EDUCATION,
MARKET FED BUILDING, GANDHI NAGAR,
KADAVANTHRA, ERNAKULAM - 682 020.**

**4.THE MAHATMA GANDHI UNIVERSITY,
REPRESENTED BY ITS REGISTRAR, POST M.G.UNIVERSITY CAMPUS,
ATHIRAMPUZHA, KOTTAYAM DISTRICT 686 562.**

**5.THE PRINCIPAL
NIRMALA COLLEGE, MUVATTUPUZHA,
ERNAKULAM DISTRICT 686 661.**

**R BY GOVERNMENT PLEADER SMT.LOWSY.A.
R BY SRI.VARUGHESE M.EASO, SC, M.G.UNIVERSITY**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
27-05-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF THE APPOINTMENT ORDER DATED 30.5.2009.

EXT.P2: COPY OF THE ORDER OF THE M.G.UNIVERSITY DATED 20.7.2010.

EXT.P3: COPY OF THE ORDER OF THE DEPUTY DIRECTOR OF EDUCATION, KOTTAYAM DATED 13.12.2010.

EXT.P4: COPY OF THE RELIEVING ORDER DATED 2.12.2010.

EXT.P5: COPY OF THE APPPOINTMENT ORDER OF THE PETITIONER DATED 1.12.2010.

EXT.P6: COPY OF THEORDER OF THE M.G.UNIVERSITY DATED 23.7.2011.

EXT.P7: COPY OF THE ORDER OF THE 3RD RESPONDENT DATED 3.4.2012.

EXT.P8: COPY OF THE ORDER OF THE 3RD RESPONDENT DATED 17.10.2013.

EXT.P9: COPY OF THE COVERING LETTER OF THE PRINCIPAL DATED 16.11.2013.

EXT.P10: COPY OF THE REPRESENTATION ADDRESSED THE 3RD RESPONDENT DATED 11.11.2013.

EXT.P11: COPY OF THE LETTER OF THE 2ND RESPONDENT DATED 2.6.2014.

EXT.P12: COPY OF THE LETTER OF THE 2ND RESPONDENT DATED 28.10.2014.

EXT.P13: COPY OF THE LETTER OF THE 2ND RESPONDENT 02.02.2015.

EXT.P14: COPY OF THE APPEAL PETITION FILED BEFORE THE GOVERNMENT DATED 22.05.015, WITHOUT ANNEXURES.

EXT.P15: COPY OF THE STAY PETITION FILED ALONG WITH EXT.P14 DATED 22.5.2015.

RESPONDENTS EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C).NO.15677 OF 2015 (H)

Dated this the 27th day of May, 2015

J U D G M E N T

The petitioner, who is appointed as Lecturer in Zoology in St.Thomas College, Ranni, left the said College to take up appointment in Nirmala College, Muvattupuzha. While fixing the salary of the petitioner at Nirmala College, Muvattupuzha, the pay that he was receiving at St.Thomas College, Ranni was not taken into consideration. Although the petitioner took up the matter with the Education authority, the same did not find favour despite the 2nd respondent taking a view that the petitioner was entitled to the benefit that he was seeking by way of increments. In order to resolve the issue, therefore, the petitioner moved the 1st respondent through Exts.P14 and P15 appeal and stay petition respectively. The limited prayer of the petitioner is for a direction to the 1st respondent to consider and pass orders on Ext.P14 appeal and keep the recovery steps pursuant to Exts.P8 and P13 in abeyance till such time as orders are passed by the 1st respondent in the appeal.

2. I have heard the learned counsel for the petitioner as also the Government Pleader for the respondents.

On a consideration of the facts and circumstances of the case as also the submissions made across the bar, I dispose the writ petition with a direction to the 1st respondent to consider and pass orders on Ext.P14 appeal within a period of two months from the date of receipt of a copy of this judgment, after hearing the petitioner. The recovery steps pursuant to Exts.P8 and P13 shall be kept in abeyance till such time as orders are passed by the 1st respondent in the appeal.

A.K.JAYASANKARAN NAMBIAR
JUDGE

prp