

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 13TH DAY OF OCTOBER 2015/21ST ASWINA, 1937

WP(C).No. 34074 of 2003 (F)

PETITIONERS:

1. **K.M. ABRAHAM**
VARAKUKALAYIL HOUSE, VATTUKULAM P.O.
KOTTAYAM (DT), PIN-686 596.
[RETIRED COLLEGE LECTURER
MAHATMA GANDHI UNIVERSITY].
2. **THANKAMMA A.E.**
ALUMPARAMBIL, MUTTAR P.O.
ALAPPUZHA-689 574.
[RETIRED COLLEGE LECTURER
MAHATMA GANDHI UNIVERSITY].

BY ADV. SRI.N.N.SUGUNAPALAN (SR.)

RESPONDENTS:

1. **PRINCIPAL SECRETARY**
HIGHER EDUCATION DEPARTMENT, GOVT. OF KERALA
GOVT. SECRETARIAT, THIRUVANANTHAPURAM.
2. **STATE OF KERALA**
REPRESENTED BY THE CHIEF SECRETARY TO GOVT.
GOVT. SECRETARIAT, THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI. S. JAMAL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13-10-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 34074 of 2003 (F)

APPENDIX

PETITIONERS' EXHIBITS :-

- EXT.P1 - COPY OF THE JUDGMENT OF THE FULL BENCH OF THIS
 COURT REPORTED IN 2003 (3) KLT 345.
- EXT.P2 - COPY OF THE REPRESENTATION SUBMITTED BY THE
 PETITIONERS BEFORE THE GOVERNMENT ON 03.10.2003.

RESPONDENTS' EXHIBITS:- NIL

//TRUE COPY//

P.A. TO JUDGE

sp

K. VINOD CHANDRAN, J.

W.P(C). No.34074 of 2003

Dated this the 13th day of October, 2015.

JUDGMENT

The issue raised in the above writ petition is with respect to the petitioners being entitled to benefits including the benefit of pay revision, while the petitioners continued in employment, by virtue of Rule 60(c) of Part-I KER, beyond the date of superannuation till the end of the academic year. The issue is covered by the Full Bench judgment of this Court reported in ***Accountant General v. Kunjamma [2003 (3) KLT 345]***. The Hon'ble Supreme Court has also approved the aforesaid judgment in ***State of Kerala v. T.V. Neelakandan Nair and others [(2005) 5 SCC 561]***.

In such circumstance, following the binding precedent, the above writ petition is allowed and the petitioner shall be paid all consequential benefits within a period of three months from the date of receipt of a certified copy of judgment. However, it is

made clear that the petitioner shall not be entitled to any interest, if the amount is paid within the aforesaid three months, if not already paid.

The writ petition is disposed of.

Sd/-

**K. VINOD CHANDRAN,
JUDGE.**

//True Copy//

P.A. to Judge.

Sp/20/10/15