

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

THURSDAY, THE 6TH DAY OF AUGUST 2015/15TH SRAVANA, 1937

WP(C).No. 20949 of 2015 (P)

PETITIONER(S):

**ANITHA ABRAHAM
SELECTION GRADE LECTURER, DEPARTMENT OF PHYSICS
SREE SANKARA COLLEGE, KALADY, ERNAKULAM.**

BY ADV. SRI.P.C.SASIDHARAN

RESPONDENT(S):

- 1. MAHATMA GANDHI UNIVERSITY
REPRESENTED BY ITS REGISTRAR, PRIYADARSHINI HILLS
KOTTAYAM - 686 001.**
- 2. SREE SANKARA COLLEGE,
KALADY, REPRESENTED BY ITS MANAGER, KALADY. 683 574.**
- 3. THE PRINCIPAL
SREE SANKARA COLLEGE, KALADY, 683 574.**
- 4. THE DEPUTY DIRECTOR OF COLLEGIATE EDUCATION
OFFICE OF DEPUTY DIRECTOR OF COLLEGIATE EDUCATION
ERNAKULAM 682 030.**

**R BY SMT.LATHA ANAND,SC FOR SREESANKARA COLLEGE
R BY SRI.VARGHEESE.M.EASO,SC MGU
R BY GOVERNMENT PLEADER, SMT. LOWSY A.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
06-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1 - TRUE JUDGMENT DATED 10.7.2007 IN OP NO.31506/2001.**
- EXT.P2 - TRUE COPY OF THE ORDER OF APPROVAL OF APPOINTMENT OF THE PETITIONER DATED 17.9.2010**
- EXT.P3 - TRUE COPY OF THE ORDER DATED 20.11.2012**
- EXT.P4 - TRUE COPY OF THE ORDER DATED 11.6.2014**
- EXT.P5 - TRUE COPY OF THE COVERING LETTER DATED 8.10.2014
FORWARDING THE PROPOSAL FOR APPROVAL OF PROMOTION OF
THE PETITIONER AS LECTURER SELECTION GRADE.**

RESPONDENT(S)' EXHIBITS

NIL

// True copy //

PA to Judge

das

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C). No. 20949 of 2015

Dated this the 6th day of August, 2015

JUDGMENT

The petitioner, who was appointed in the Department of Physics under the service of the 2nd respondent College on 10.06.1996, approached this Court through the present writ petition, aggrieved by the fact that, notwithstanding the appointment of the petitioner as Lecturer with effect from 10.06.1996, and the approval as Lecturer Senior Scale with effect from 10.06.2001, she has not been paid the salary that is due to her by the respondent. It is also her case in the writ petition that, her appointment as Lecturer Selection Grade with effect from 10.06.2006 has not been approved by the respondent University till date.

2. I have heard Sri. P.C.Sasidharan, the learned counsel appearing for the petitioner, Smt.Lowsy A., the learned Government Pleader for the 4th respondent, Sri.Varghese M.Easo, the learned Standing Counsel for the 1st respondent and also Sri.Arun B.Varghese, the learned Standing Counsel for the 2nd and 3rd respondents.

3. The learned Government Pleader, on instructions, would submit that since the filing of the writ petition, the 4th respondent has since countersigned and disbursed the arrears of pay, that are due to the petitioner in the posts of Lecturer and Lecturer Senior Scale, upto 20.11.2012. The learned counsel for the petitioner would submit that there is some balance payments to be disbursed with regard to the service rendered as Lecturer Senior Scale, and the right of the petitioner to pursue the request for disbursement of the said amount may be reserved. It is also submitted that the 1st respondent University ought to be directed to consider the request of the petitioner for approval of her appointment as Lecturer Selection Grade, which has been pending with the respondent University for quite some time now.

On an overall consideration of the facts and circumstances of the case, I dispose the writ petition by recording the fact that the petitioner has been paid the salary due to her for the period from 20.06.1996 to 20.12.2012 in the post of Lecturer and Lecturer Senior Scale. I leave it open to the petitioner to pursue her claim for the balance amounts, if any, that remains to be disbursed by the 4th respondent. The 1st respondent University is directed to

take a decision in the matter of approval of the appointment of the petitioner as Lecturer Selection Grade, within a period of one month from the date of receipt of a copy of this judgment, after hearing the petitioner.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE

das