

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 5TH DAY OF OCTOBER 2015/13TH ASWINA, 1937

W.P.(C).No.35737 of 2005 (D)

PETITIONER(S):-

K.SATHYADAS,
SELECTION GRADE LECTURER IN CHEMISTRY (RETIRED),
S.N. COLLEGE FOR WOMEN, RESIDING AT 'NAVRANG',
PATTATHANAM P.O., KOLLAM-691 021.

BY ADVS.SRI.C.P.SUDHAKARA PRASAD (SENIOR ADVOCATE)
SRI.ELVIN PETER P.J.
SRI.S.RAMESH
SRI.P.N.SANTHOSH
SRI.NAVEEN.T
SRI.T.G.SUNIL (PRANAVAM)
SMT.POOJA SURENDRAN.

RESPONDENT(S):-

1. THE STATE OF KERALA
REPRESENTED BY ITS SECRETARY TO GOVERNMENT,
HIGHER EDUCATION DEPARTMENT, GOVT. SECRETARIAT,
THIRUVANANTHAPURAM.
2. THE DIRECTOR OF COLLEGIATE EDUCATION,
THIRUVANANTHAPURAM.
3. THE MANAGER,
S.N. COLLEGE FOR WOMEN, KOLLAM.

R1 & R2 GOVERNMENT PLEADER SRI.T.R.RAJESH.
R3 BY ADV. SRI.A.N.RAJAN BABU

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
05-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:-

APPENDIX

PETITIONER'S EXHIBITS:-

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|---------|---|
| EXT.P1 | TRUE COPY OF THE ORDER DATED 8.12.1978 ISSUED BY THE 3RD RESPONDENT. |
| EXT.P2 | TRUE COPY OF THE ORDER DATED 10.1.1984 ISSUED BY THE 3RD RESPONDENT. |
| EXT.P3 | TRUE COPY OF THE ORDER DATED 14.6.1985 ISSUED BY THE FIRST RESPONDENT. |
| EXT.P4 | TRUE COPY OF THE LETTER DATED 6.5.1987 ISSUED BY THE 1ST RESPONDENT. |
| EXT.P5 | TRUE COPY OF THE JUDGMENT IN O.P.NO.7378 OF 1993. |
| EXT.P6 | TRUE COPY OF THE JUDGMENT IN O.P.NO.14224 OF 1996. |
| EXT.P7 | TRUE COPY OF THE JUDGMENT IN O.P.NO.16143 OF 1998. |
| EXT.P8 | TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER ALONG WITH 3 OTHERS. |
| EXT.P9 | TRUE COPY OF THE JUDGMENT IN O.P.NO.10632 OF 2003. |
| EXT.P10 | TRUE COPY OF THE ORDER DATED 16.8.003 ISSUED BY THE 2ND RESPONDENT. |
| EXT.P11 | TRUE COPY OF THE ORDER DATED 15.6.2002 ISSUED BY THE FIRST RESPONDENT. |
| EXT.P12 | TRUE COPY OF THE JUDGMENT IN CIVIL APPEAL NO.1257 OF 1990 OF THE HON'BLE SUPREME COURT. |
| EXT.P13 | TRUE COPY OF THE MEDICAL CERTIFICATE ISSUED BY DR.V.V.BASHI OF MILOT HOSPITAL, CHENNAI. |
| EXT.P14 | TRUE COPY OF THE MEDICAL REPORT ISSUED BY DR.V.V.BASHI OF MILOT HOSPITAL. |

RESPONDENT'S EXHIBITS:-

----- NIL.

vku/-

[true copy]

K. Vinod Chandran, J

W.P.(C).No.35737 of 2005-D

Dated this the 05th day of October, 2015

JUDGMENT

The question raised in the writ petition is with respect to the entitlement of the UGC Scheme, taking into account the Leave Without Allowance granted by the management prior to 14.06.1985. The issue is covered against the petitioner by a Full Bench decision of this Court in ***State of Kerala v. Thomas, M.M.*** [ILR 2015 (1) Kerala 791]. The Full Bench categorically held that Rule 88 of Service Rules, 1959 (Kerala) Part I is applicable to teachers in aided colleges. When leave without allowance for taking up employment abroad is not allowable under the Rules, the fact that such leave was granted and availed, cannot be a reason for reckoning the period of leave as qualifying service for the purpose of pension and for entitlement under the UGC Scheme. In such circumstance, the petitioner is not entitled to the relief asked for. Respectfully following the decision of the Full Bench, the writ petition would stand dismissed. No costs.

Sd/-

K.Vinod Chandran
Judge.

vku/-

[true copy]