

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 14TH DAY OF JANUARY 2015/24TH POUSHA, 1936

WP(C).No. 26272 of 2014 (H)

PETITIONER :

**SARAMMA E.J.,
TECHNICAL ASSISTANT GRADE II (RETD),
SCHOOL OF ENGINEERING,
COCHIN UNIVERSITY OF SCIENCE & TECHNOLOGY,
RESIDING AT BETHANY HOUSE, COCHIN UNIVERSITY P.O.,
COCHIN -22.**

**BY SRI.K.JAJU BABU,SENIOR ADVOCATE
ADVS. SMT.M.U.VIJAYALAKSHMI
SRI.BRIJESH MOHAN**

RESPONDENT(S):

- 1. COCHIN UNIVERSITY OF SCIENCE & TECHNOLOGY,
COCHIN UNIVERSITY P.O., COCHIN -22,
REPRESENTED BY ITS REGISTRAR.**
- 2. THE DEPUTY DIRECTOR OF LOCAL FUND AUDIT,
(HIGHER GRADE),
COCHIN UNIVERSITY OF SCIENCE & TECHNOLOGY,
COCHIN UNIVERSITY P.O., COCHIN -22.**

**R1 & R2 BY ADV. SRI.V.S.AFSAL KHAN, SC, COCHIN UTY
SRI.MILLU DANDAPANI**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 14-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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WP(C).No. 26272 of 2014 (H)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1: COPY OF THE JUDGMENT DATED 4/12/2013 IN WPC 8033/2013 OF THIS HON'BLE COURT.
- P2: COPY OF THE PAY SLIP OF THE PETITIONER FOR THE MONTH OF JULY, 2014.
- P3: COPY OF THE ORDER NO.FIN IV/13/P/2014 DATED 29/8/2014 OF THE 1ST RESPONDENT
- P4: COPY OF THE REPRESENTATION DATED 9/9/2014 SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT.
- P5: COPY OF THE ORDER NO.AD.G2/NLC/2013 DATED 16/9/2014 OF THE 1ST RESPONDENT
- P6: COPY OF THE JUDGMENT DATED 11/4/2011 IN WPC 26373/2010 OF THIS HON'BLE COURT
- P7: COPY OF THE STATEMENT SHOWING THE RETIREMENT BENEFIT DUE TO THE PETITIONER

RESPONDENT(S)' EXHIBITS

- R1(A): COPY OF THE LETTER NO.20615/B2/12/H EDN DATED 20/3/2014 ISSUED BY THE GOVT. OF KERALA TO THE 1ST RESPONDENT
- R1(B): COPY OF THE LETTER NO.26989/B2/2000/H EDN DATED 5/8/2004 ISSUED BY THE GOVT. OF KERALA TO THE 1ST RESPONDENT.
- R1(C): COPY OF THE LETTER NO.35964/B2/07/H EDN DATED 4/1/2008 ISSUED BY THE GOVT OF KERALA TO THE 1ST RESPONDENT
- R1(D): COPY OF THE LETTER NO.479/B2/2008/H EDN DATED 9/5/2008 ISSUED BY THE GOVT. OF KERALA TO THE 1ST RESPONDENT
- R1(E): COPY OF THE LETTER NO.35964/B2/07/H EDN DATED 21/1/2009 ISSUED BY THE GOVT OF KERALA TO THE 1ST RESPONDENT
- R1(F): COPY OF THE CIRCULAR NO.35043/B1/08/H DATED 10/2/2009 ISSUED BY THE GOVT. OF KERALA TO THE 1ST RESPONDENT

/TRUE COPY/

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P.A.TO.JUDGE

A.MUHAMED MUSTAQUE, J.
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W.P(C).No.26272 of 2014
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Dated this the 14th day of January, 2015

JUDGMENT

Petitioner was entered in the service of the first respondent-Cochin University of Science and Technology on 27.07.1984 as Soil Analyst and retired from service on 31.07.2014 while working as Technical Assistant Grade-III in the School of Engineering. Petitioner submits that at the time of retirement, she was drawing a basic pay of ₹36,140/- and her total monthly salary was ₹68,977/-. Petitioner further submits that the University has passed Ext.P3 order provisionally for payment of retirement benefits. However, it is submitted that on account of audit objection, University refused to disburse the pensionary benefits. Petitioner submits that she is entitled to pensionary benefits based on the last drawn salary. The reason for not granting pensionary benefits is stated to be audit objections relating to the time bound Higher Grade promotion given to the petitioner based on the decision of the Syndicate of the 1st respondent. Petitioner relies on judgments of this Court produced as Exts.P1 and P6.

2. I have gone through Exts.P1 and P6. The above judgments are covered in favour of the petitioner. This Court in

Ext.P1 judgment observed as follows:

“The pensionary benefits due to the petitioners, as computed in accordance with the grant of higher grade, shall be disbursed”.

3. I am of the view that audit objection is unsustainable on account of conformation of granting Higher Grade based on the judgment of this Court in W.P(C).Nos.26373 of 2010 and 8033 of 2013.

In view of the above, the Writ Petition is allowed. There shall be a direction to the first respondent to disburse the pensionary benefits to the petitioner within a period of two months.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE.