

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 23RD DAY OF MARCH 2015/2ND CHAITHRA, 1937

WP(C).No. 29633 of 2011 (D)

PETITIONER(S) :

**JOSEPH K.J, LECTURER,
SELECTION GRADE (RETD), DEPARTMENT OF MATHEMATICS,
ST.BERCHMANS COLLEGE, CHANGANASSERY, RESIDING AT
KOCHUKALAM HOUSE, OPPOSITE ASSISSI BHAVAN,
NEAR ASSUMPTION COLLEGE, CHANGANASSERY.**

BY ADV. SRI.S.MUHAMMED HANEEFF

RESPONDENT(S) :

- 1. DEPUTY DIRECTOR OF COLEGIATE EDUCATION,
KOTTAYAM-686 104.**
- 2. DIRECTOR OF COLLEGIATE EDUCATION,
THIRUVANANTHAPURAM-695 001.**
- 3. STATE OF KERALA, REPRESENTED BY ITS
PRINCIPAL SECRETARY, HIGHER EDUCATION DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM-695 001.**
- 4. ACCOUNTANT GENERAL,
THIRUVANANTHAPURAM-695 039.**

BY GOVERNMENT PLEADER SMT.A.LOWSY

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 23-03-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1: TRUE COPY OF ANNEXURE IV CERTIFICATE OF SERVICE AS A TEACHER ISSUED BY THE DISTRICT EDUCATIONAL OFFICER, KOTTAYAM DT.NIL.**
- EXHIBIT P1(A): TRUE COPY OF ANNEXURE IV CERTIFICATE OF SERVICE AS A TEACHER ISSUED BY THE DISTRICT EDUCATIONAL OFFICER, KOTTAYAM DT.NIL.**
- EXHIBIT P1(B): TRUE COPY OF ANNEXURE IV CERTIFICATE OF SERVICE AS A TEACHER ISSUED BY THE DISTRICT EDUCATIONAL OFFICER, KOTTAYAM DT.NIL.**
- EXHIBIT P1(C): TRUE COPY OF ANNEXURE IV CERTIFICATE OF SERVICE AS A TEACHER ISSUED BY THE DISTRICT EDUCATIONAL OFFICER, KOTTAYAM DT.NIL.**
- EXHIBIT P2: TRUE COPY OF K.E.R CERTIFICATE ISSUED BY THE DISTRICT EDUCATIONAL OFFICER, KOTTAYAM DT.NIL.**
- EXHIBIT P3: TRUE COPY OF THE REQUEST OF THE PRINCIPAL, S.B.COLLEGE, CHENGANASSERY TO THE 1ST RESPONDENT DATED 27-03-2008.**
- EXHIBIT P4: TRUE COPY OF THE REQUEST OF THE PRINCIPAL, S.B.COLLEGE, CHENGANASSERY TO THE 1ST RESPONDENT DATED 08-05-2009.**
- EXHIBIT P5: TRUE COPY OF THE ORDER DATED 24-03-2010 ISSUED BY THE 4TH RESPONDENT TO THE PETITIONER.**
- EXHIBIT P6: TRUE COPY OF THE JUDGMENT DATED 31-05-2011 IN W.P.(C).NO.14641/2011 OF THIS HON'BLE COURT.**
- EXHIBIT P7: TRUE COPY OF THE GO(RT)NO.1682/2011/H.EDN.DATED 19-10-2011 ISSUED BY THE 3RD RESPONDENT.**
- EXHIBIT P8: TRUE COPY OF THE RELEVANT EXTRACT OF SERVICE PARTICULARS OF DR.K.D.JOSEPH KOLLAMANA ISSUED BY PRINCIPAL, SB COLLEGE.**
- EXHIBIT P9: A TRUE COPY OF THE PENSION ORDER OF JOSEPH KOLLAMANA ISSUED BY THE 4TH RESPONDENT DATED 05-08-2004.**
- EXHIBIT P10: A TRUE COPY OF THE COMMUNICATION ISSUED BY THE 1ST RESPONDENT TO THE 2ND RESPONDENT DATED 17-05-2005.**
- EXHIBIT P11: A TRUE COPY OF THE PENSION ORDER OF JOSEPH KOLLAMANA ISSUED BY THE 4TH RESPONDENT DATED 13-07-2005.**

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE.

A.MUHAMED MUSTAQUE, J.

W.P.(C)No.29633 of 2011

Dated this the 23rd day of March, 2015

JUDGMENT

The petitioner prior to joining as a Lecturer in an aided College had a service with an aided school. The question is relating to the counting of prior approval approved by the University service for the purpose of pension. This issue is covered in favour of the petitioner in the light of the judgment of this Court in W.P.(Q) No.20495/2013. It is also submitted that the judgment in the above case was also confirmed in Writ Appeal.

In view of the above, there shall be a direction to refix the pension by reckoning the prior approved aided school service. Needful shall be done within a period of three months and thereafter, the entire arrears shall be released to the petitioner within a further period of three months.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE