

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 13TH DAY OF JANUARY 2015/23RD POUSHA, 1936

WP(C).No. 27603 of 2014 (A)

PETITIONER(S):

**AKHIL V.,
ASSISTANT PROFESSOR, DEPARTMENT OF COMMERCE,
N.S.S. COLLEGE, PANDALAM,
RESIDING AT 'KRISHNAMANDIRAM', NJAKKANAL P.O.,
KRISHNAPURAM, ALAPPUZHA - 690 533.**

BY ADV. SRI.S.MUHAMMED HANEEFF

RESPONDENT(S):

- 1. PRINCIPAL, N.S.S.COLLEGE,
PANDALAM - 689 501.**
- 2. UNIVERSITY OF KERALA,
REPRESENTED BY ITS REGISTRAR, UNIVERSITY CAMPUS,
THIRUVANANTHAPURAM - 695 034.**
- 3. DEPUTY DIRECTOR OF COLLEGIATE EDUCATION,
KOTTAYAM - 691 001.**
- 4. THE STATE OF KERALA,
REPRESENTED BY ITS SECRETARY TO THE GOVERNMENT,
HIGHER EDUCATION DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.**

**R2 BY ADV. SRI.BECHU KURIAN THOMAS, SC
R3 & R4 BY GOVERNMENT PLEADER SRI.M.A.FAYAZ**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
13-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 27603 of 2014 (A)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1: A TRUE COPY OF THE APPOINTMENT ORDER NO F/3565/2013
DATED 01-06-2013 ISSUED BY THE N.S.S COLLEGES CENTRAL
COMMITTEE, CHENGANACHERRY TO THE PETITIONER.**

**EXHIBIT P2: A TRUE COPY OF THE MINUTES OF THE MEETING OF THE SELECTION
COMMITTEE HELD AT 10 AM ON 26-10-2012.**

**EXHIBIT P3: A TRUE COPY OF THE ORDER NO AC.F.V/339-3/2013 DATED 05-12-2013
ISSUED BY THE 2ND RESPONDENT.**

**EXHIBIT P4: A TRUE COPY OF THE STATEMENT OF WORKLOAD OF THE
PETITIONER'S COLLEGE.**

**EXHIBIT P5: A TRUE COPY OF THE COMMUNICATION NO.3909/D/2011/H.EDN
DATED 09-02-2012 ISSUED BY THE GOVERNMENT.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.27603 of 2014

Dated this the 13th day of January, 2015

JUDGMENT

The petitioner is appointed as Assistant Professor in Commerce in N.S.S.College, Pandalam. By Ext.P3, the petitioner's appointment has been approved by the University. Ext.P3 is dated 5.12.2013. The appointment was with effect from 5.6.2013. The petitioner approached this Court on account of non-disbursal of salary from the date of appointment. The petitioner submits that once the University has approved the appointment, the Government cannot withhold the payment of salary.

2. The learned Government Pleader submits that the delay involved as the Department has to find found out whether there exist excess teacher or not and after enquiry, it was found that there is no impediment in appointing and approving the petitioner as Assistant Professor.

In view of the above submission, the first respondent is directed to forward the bills of the petitioner for the current month immediately and thereupon, the third respondent shall disburse the salary due to the petitioner time to time. The current bill shall be paid immediately within a period of three weeks from the date of production of bills by the first respondent before the third respondent. The arrears of the salary shall be paid by the third respondent within a further period of two months.

The writ petition is disposed of as above. No costs.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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