

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 7TH DAY OF DECEMBER 2015/16TH AGRAHAYANA, 1937

W.P.(C).No.34173 of 2010 (V)

PETITIONER(S):

T.R.RATNAM, LECTURER, SELECTION GRADE (RETD.),
DEPARTMENT OF PHYSICS, N.S.S.COLLEGE, PANDALAM,
NOW RESIDING AT "OLEZHAM"
THONNALLORE, PANDALAM, PATHANAMTHITTA DISTRICT.

BY ADVS.SRI.S.MUHAMMED HANEEFF
SRI.R.KRISHNAKUMAR (CHERTHALA)

RESPONDENT(S):-

1. STATE OF KERALA,
REP. BY SECRETARY, HIGHER EDUCATION DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM-695001.
2. DIRECTOR OF COLLEGIATE EDUCATION,
THIRUVANANTHAPURAM-695001.
3. DEPUTY DIRECTOR OF COLLEGIATE EDUCATION,
KOTTAYAM-686039.
4. THE PRINCIPAL,
N.S.S.COLLEGE, PANDALAM-689501.

R1, R2 & R3 BY GOVERNMENT PLEADER SMT.A.LOWSY.
R4 BY ADV. SRI.P.GOPAL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
07-12-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:-

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1 TRUE COPY OF THE ORDER ISSUED BY THE SECRETARY OF
SEETHALAKSHMI RAMASWAMI COLLEGE,
THIRUCHIRAPPALLY DT.19.01.1980.
- EXT.P2 TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE
PETITIONER BEFORE THE 2ND RESPONDENT WITH COPY TO
THE 1ST RESPONDENT.
- EXT.P3 TRUE COPY OF THE COMMUNICATION ISSUED BY THE UGC
DO NO.F1-6/90[PS CELL] DT.JANUARY 1990.
- EXT.P4 TRUE COPY OF THE G.O.[MSO NO.125/1999/FIN.
DATED 07.10.1999.
- EXT.P5 TRUE COPY OF THE COMMUNICATION NO.B2/1429/06
DATED 8.3.2006 ISSUED BY THE 3RD RESPONDENT TO THE
4TH RESPONDENT.
- EXT.P6 TRUE COPY OF THE LETTER ISSUED BY THE 4TH
RESPONDENT TO THE 3RD RESPONDENT DT.17.3.2006.
- EXT.P7 TRUE COPY OF THE SERVICE CERTIFICATE ISSUED BY THE
REGIONAL JOINT DIRECTOR OF COLLEGIATE EDUCATION,
TRICHY REGION DATED 27.8.2009.
- EXT.P8 TRUE COPY OF THE JUDGMENT DT.12.3.2007 IN
W.P.(C).NO.37176/2003 OF THIS HON'BLE COURT.
- EXT.P9 TRUE COPY OF THE G.O.(RT).NO.1449/2007/H.EDN.
DATED 28.7.07 ISSUED BY THE 1ST RESPONDENT.

RESPONDENT'S EXHIBITS:-

NIL.

vku/-

[true copy]

K. Vinod Chandran, J

W.P.(C).No.34173 of 2010-V

Dated this the 07th day of December, 2015.

JUDGMENT

The petitioner, on the basis of a judgment in W.A.No.2579 of 2009, claims that the petitioner is entitled to reckon the service spent by her in a college affiliated to a University outside the State for the purpose of pension.

2. The petitioner had been working in one Seethalakshmi Ramaswami College, Thiruchirappally, from where she resigned and joined the 4th respondent-College, affiliated to the Kerala University. The petitioner admittedly retired from service on 30.06.1998. The petitioner, for the first time, sought for reckoning her prior service by Exhibit P2 dated 12.03.2004. It is the contention of the petitioner that the papers were under process and eventually the petitioner was informed that the petitioner's service book was missing. The petitioner, hence, filed a writ petition in which there was a direction to

re-construct the service book. The judgment in the above writ petition is not seen produced. However, it is submitted that the same was in 2005. Again the petitioner slept over the matter and in 2010 the present writ petition has been filed. When the aforesaid writ petition was pending, a similar matter was disposed of by W.A.No.2579 of 2009.

3. The learned Government Pleader points out that the judgment in W.A.No.2579 of 2009 was challenged before the Supreme Court, in which the following order was passed:

“Delay condoned.

The special leave petition is dismissed

However, it is made clear that the orders passed by the learned Single Judge and the one impugned in this petition shall not be treated as precedent for other cases”.

4. In addition to that the petitioner had slept over her rights and had not raised any claim at any time while in service or immediately after her retirement. Hence, the petitioner is disentitled to claim benefits of prior service at this point of time. It

is to be noticed that the judgment on which reliance is placed cannot also be treated as a precedent by virtue of the orders passed by the Hon'ble Supreme Court.

The writ petition, hence, would stand dismissed. No costs.

Sd/-
K.Vinod Chandran
Judge.

vku/-

[true copy]