

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 15TH DAY OF JANUARY 2015/25TH POUSHA, 1936

WP(C).No. 36398 of 2009 (T)

PETITIONER(S) :

**DR.P.K.SASIDHARAN, AGED 43 YEARS,
S/O.GOPALAN, PRESENTLY WORKING AS READER,
DEPARTMENT OF PHILOSOPHY, SREE SANKARACHARYA
UNIVERSITY OF SANSKRIT, KALADI, ERNAKULAM.**

**BY ADVS.SRI.C.V.MANUVILSAN
SRI.P.G.SURESH
SMT.K.VIDYA
SRI.M.R.VIBIN**

RESPONDENT(S) :

- 1. SREE SANKARACHARYA UNIVERSITY OF SANSKRIT,
KALADI POST, ERNAKULAM,
REPRESENTED BY ITS REGISTRAR.**
- 2. THE CHANCELLOR,
SREE SANKARACHARYA UNIVERSITY OF SANSKRIT, RAJ BHAVAN,
THIRUVANANTHAPURAM.**
- 3. THE VICE CHANCELLOR,
SREE SANKARACHARYA UNIVERSITY OF SANSKRIT,
KALADI POST, ERNAKULAM.**
- 4. THE FINANCE OFFICER,
SREE SANKARACHARYA UNIVERSITY OF SANSKRIT,
KALADI POST, ERNAKULAM.**
- 5. THE HEAD OF SCHOOL OF VEDIC STUDIES,
SREE SANKARACHARYA UNIVERSITY OF SANSKRIT,
KALADI POST, ERNAKULAM.**

**R1,R3 TO R5 BY ADV. SRI.ARUN B.VARGHESE, S.C
R2 BY SR.GOVERNMENT PLEADER SRI.M.J.RAJASREE**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 15-01-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1: A TRUE PHOTOCOPY OF THE ORDER DATED 16.07.2007.**
- EXHIBIT P2: A TRUE PHOTOCOPY OF THE ORDER DATED 30.03.2007.**
- EXHIBIT P3: A TRUE PHOTOCOPY OF THE CIRCULAR DATED 22.12.2003.**
- EXHIBIT P4: A TRUE PHOTOCOPY OF THE FACTUAL DETAILS ON
THE OBSTRUCTION OF RESEARCH WORK RELATED TO KALARIVIDYA
THE VEDIC TRADITIONS OF KNOWLEDGE.**
- EXHIBIT P5: A TRUE PHOTOCOPY OF THE ORDER DATED 12.10.2004.**
- EXHIBIT P6: A TRUE PHOTOCOPY OF THE COMMUNICATION VIDE NO.7022/ACD.C/
2004/SSUS DATED 29.03.2005.**
- EXHIBIT P7: A TRUE PHOTOCOPY OF THE ORDER NO.ACD.C2/3413/DEPT/5/99
DATED 25.05.2001.**
- EXHIBIT P8: A TRUE PHOTOCOPY OF THE FACTUAL DETAILS ON PRECEDENCE OF
ALLOWING THE REGISTRATION FEE.**
- EXHIBIT P9: A TRUE PHOTOCOPY OF THE REVISED 'GUIDELINES'
DATED 08.11.2003.**
- EXHIBIT P10: A TRUE PHOTOCOPY OF THE MINUTES OF THE MEETING HELD
ON 14.09.2004.**
- EXHIBIT P11: A TRUE PHOTOCOPY OF THE ORDER VIDE NO.ACD.C/7022/2004/SSUS
DATED 28.02.2006.**
- EXHIBIT P12: A TRUE PHOTOCOPY OF THE APPEAL DATED 17.08.2006, FILED BY
THE PETITIONER BEFORE THE VICE CHANCELLOR.**
- EXHIBIT P13: A TRUE PHOTOCOPY OF THE ORDER DATED 18.09.2006.**
- EXHIBIT P14: A TRUE PHOTOCOPY OF THE LETTER NO.ACD.C1/R1/09/SSUS
DATED 07.02.2009.**
- EXHIBIT P15: A TRUE PHOTOCOPY OF THE ORDER IN CRL.M.C.NO.1163/2005
DATED 20.09.2005.**
- EXHIBIT P16: A TRUE PHOTOCOPY OF THE REPORT SUBMITTED BEFORE
THE COURT BELOW FOR DELETING OFFENCES ALLEGED UNDER
SC/ST (PREVENTION OF ATROCITIES ACT).**
- EXHIBIT P16(A): A LEGIBLE COPY OF EXHIBIT P16.**
- EXHIBIT P17: A TRUE PHOTOCOPY OF THE MINUTES OF THE 4TH SESSION OF
12TH KERALA LEGISLATIVE ASSEMBLY.**

WP(C).No. 36398 of 2009 (T)

EXHIBIT P18: A TRUE PHOTOCOPY OF THE SANCTION ORDER NO.6768/ACD.C/2004/SSUS/KAL DATED 28.09.2004.

EXHIBIT P19: A TRUE PHOTOCOPY OF THE ORDER DATED 18.02.2005.

EXHIBIT P20: A TRUE PHOTOCOPY OF THE FACTUAL DETAILS ON THE ISSUED OF KERALA THINKING.

EXHIBIT P21: A TRUE PHOTOCOPY OF THE APPEAL MEMORANDUM SUBMITTED BY THE PETITIONER TO THE 2ND RESPONDENT.

EXHIBIT P22: A TRUE PHOTOCOPY OF THE ORDER VIDE NO.GS 5-2218/2008 DATED 29.11.2008 PASSED BY THE 2ND RESPONDENT.

EXHIBIT P23: A TRUE PHOTOCOPY OF THE DOCKET SHEET OF THE WRIT PETITION EARLIER FILED BY THE PETITIONER ON 28.05.2009.

EXHIBIT P24: A TRUE COPY OF THE AFFIDAVIT SOLEMNLY AFFIRMED BY THE COUNSEL FOR THE PETITIONER.

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.36398 of 2009

Dated this the 15th day of January, 2015

JUDGMENT

The petitioner is working as the Reader in the Department of Philosophy in the Sree Sankaracharya University of Sanskrit, Kaladi. The petitioner approached this Court challenging recovery of sum of Rs.1,495/- from his salary in the month of June, 2007, following an order for refund of the same to the University.

2. The brief facts are as follows:

The University conducts academic seminars for the benefit of students, researchers and academic communities. The petitioner made a request for conducting seminar on 6.8.2004 for two days on the topic "Vedic influence on Kalarividya the points of contacts and difference". The petitioner submitted a detailed note along with a budget

estimate of Rs.18,000/- and the University sanctioned Rs.15,000/- on 21.8.2004. The petitioner again approached the University demanding Rs.18,000/-, the University issued revised order dated 12.10.2004 sanctioning revised budget of Rs.18,000/- and paid the amount in advance. The petitioner after conducting seminar, submitted a statement of expenditure along with bills and vouchers amounting to Rs.19,495/-.

3. It is to be noted that the petitioner has collected Rs.1,550/- @ Rs.25/- per head from the participants so as to meet the excess expenditure. The balance of Rs.55/- was remitted to the University Account on 12.1.2005. The University Audit and Finance Wing found that the collection from the participants is illegal and appropriation of the amount by the petitioner is also unsustainable. Accordingly, a sum of Rs.1,495/- was recovered from the petitioner's salary for the month of June, 2007.

4. The petitioner availed all remedies and he had also approached the Chancellor. The Chancellor did not interfere with the recovery of Rs.1,495/-.

5. The petitioner produced bills and vouchers for Rs.19,495/-. The University only sanctioned Rs.18,000/-. The petitioner admittedly collected Rs.1,550/- from the participants. The petitioner since expended Rs.19,495/-, after appropriating the money spent from the amount collected of Rs.1,550/-, remitted the balance of Rs.55/- to the University Account. These are all facts not disputed. The only question is whether the petitioner is entitled to collect the amount from the participants to meet expenditure. There is no dispute regarding that the petitioner had expended the money and the petitioner produced bills and vouchers for the amount expended by him. Though collection of the money from the participants may be irregular but nevertheless there is nothing to show that the petitioner unduly benefited by

collection of any amount from the participants. On the other hand, he had duly accounted the amount and produced the vouchers before the University showing how amount was spent and the balance of Rs.55/- was remitted to the University Account.

In such situation, I am of the view, the recovery of Rs.1,495/- from the salary of the petitioner is illegal and unsustainable as the University did not suffer any loss to recover the amount from the salary of the petitioner. In view of the above, the impugned orders are set aside. The University is directed to pay the amount to the petitioner immediately along with next month's salary.

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

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

ln