

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

FRIDAY, THE 9TH DAY OF OCTOBER 2015/17TH ASWINA, 1937

W.P.(C).No.37353 of 2009 (L)

PETITIONER(S):-

SMT.G.DHANALAKSHMI, D/O.LATE K.G.PAI,
LECTURER SELECTION GRADE (UGC NOW RETIRED),
HOUSE NO.VI/159, TEMPLE WEST LANE, PERUMBAVOOR P.O.
ERNAKULAM.

BY ADVS.SRI.P.VIJAYABHANU [SENIOR ADVOCATE]
SMT.M.M.DEEPA.

RESPONDENT(S):-

1. STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT,
DEPARTMENT OF COLLEGIATE EDUCATION, SECRETARIAT,
THIRUVANANTHAPURAM.
2. DIRECTOR,
DEPARTMENT OF COLLEGIATE EDUCATION, VIKAS BHAVAN,
THIRUVANANTHAPURAM.

R1 & R2 BY GOVERNMENT PLEADER SRI.S.JAMAL.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
09-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:-

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1 TRUE COPY OF THE ORDER NO.H.4242/2005
 DATED 14.11.2006 ISSUED BY COCHIN DEVASWOM BOARD.
- EXT.P2 TRUE COPY OF THE ORDER NO.GA II/SPL.CELL/2/3121/05
 DATED 28.07.2007 ISSUED BY THE DEPUTY REGISTRAR
 (G&A-II) FOR REGISTRAR.
- EXT.P3 TRUE COPY OF THE ORDER NO.M4-1 5169/08 COLLEGIATE EDN.
 DATED 17.04.2009.
- EXT.P4 TRUE COPY OF THE REPRESENTATION SENT BY THE
 PETITIONER TO THE RESPONDENT DATED 27.10.2009.

RESPONDENT'S EXHIBITS:-

----- NIL.

vku/-

[true copy]

K. Vinod Chandran, J

W.P.(C).No.37353 of 2009-L

Dated this the 09th day of October, 2015

JUDGMENT

The petitioner is aggrieved with Exhibit P3 order, by which her prior service in a College affiliated to the Madurai Kamaraj University was not considered.

2. The petitioner was a Physical Education Lecturer in the Sree Kerala Varma College, Thrissur; affiliated to the University of Calicut. Prior to her appointment in the said college, the petitioner was working as Assistant Professor in the department of Physical Education in APC Mahalakshmi College, Tuticorin, which college is affiliated to the Madurai Kamaraj University. The petitioner is said to have made a representation to reckon the past service of the petitioner as qualifying service, which, according to the petitioner, was accepted by the Cochin Devaswom Board, which was in the management of the college, as per Exhibit P1 and the University by Exhibit P2.

3. A reading of Exhibits P1 and P2 does not indicate any such prior service having been reckoned as service in the University. The University, by Exhibit P2 merely sanctioned her placement in Senior Scale and Selection Grade after reckoning her past service, which is regulated by the University Grants Commission norms. However, pay and allowances as also pension is the liability of the Government and no prior service could be reckoned for that benefit.

4. The Principal of the College is said to have placed a recommendation before the Government, which was rejected as per Exhibit P3. Exhibit P3 found that there is absolutely no provision by which the prior service in a different University could be reckoned for the purpose of computing the pensionary benefits. This Court does not find any infirmity in the order in the context of there being no enabling provision to reckon the same.

In such circumstance, the writ petition is dismissed. No costs.

Sd/-

K.Vinod Chandran
Judge.

vkul/-

[true copy]