

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE C.K.ABDUL REHIM

THURSDAY, THE 8TH DAY OF JANUARY 2015/18TH POUSHA, 1936

WP(C).No.33556 of 2014 (T)

PETITIONER:

**SHERLY JOHN,AGED 55 YEARS,
W/O A.D POULOSE,HEADMISTRESS,
ST.ANTONY'S HIGH SCHOOL,
PAZHUVIL,THRISSUR DISTRICT-680596.**

**BY ADVS.SRI.V.A.MUHAMMED
SRI.V.RAJASEKHARAN NAIR**

RESPONDENTS:

- 1. THE STATE OF KERALA,
RERPRESENTED BY ITS SECRETARY TO GOVERNMENT,
GENERAL EDUCATION DEAPRTMENT,SECRETARTIAT,
THIRUVANANTHAPURAM-659001.**
- 2. THE DIRECTOR OF PUBLIC INSTRUCTION,
JAGATHY,THIRUVANANTHAPURAM-695014.**
- 3. THE DEPUTY DIRECTOR OF EDUCATION,
THRISSUR AT AYYANTHOLE-680003.**
- 4. THE DISTRICT EDUCATIONAL OFFICER,
THRISSUR DISTRICT-680020.**
- 5. THE CORPORATE MANAGER,
CORPORATE EDUCATIONAL AGENCY,
ARCHDIOCESE OF THRISSUR,
THRISSUR-680001.**

R1 TO R4 BY SENIOR GOVT. PLEADER SRI.V.VIJULAL.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 08-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

pk

WP(C).No.33556 of 2014 (T)

APPENDIX

PETITIONER'S EXHIBITS:

EXHIBIT-P1:TRUE COPY OF THE OPTION OF THE PETITIONER DATED 16-08-2007.

**EXHIBIT-P2:TRUE COPY OF THE FIXATION STATEMENT DATED 22-10-2007 OF
THE PETITIONER.**

**EXHIBIT-P3:TRUE COPY OF THE OPTION SUBMITTED BY THE PETITIONER
DATED 13-05-2011.**

**EXHIBIT-P4:TRUE COPY OF THE STATEMENT OF FIXATION OF THE PETITIONER
DATED 06-08-2011.**

**EXHIBIT-P5:TRUE COPY OF THE AUDIT OBJECTION RAISED BY THE DEPUTY
DIRECTOR DATED 25-11-2013.**

EXHIBIT-P5(a):TRUE COPY OF THE ENGLISH TRANSLATION OF THE EXHIBIT P5.

**EXHIBIT-P6:TRUE COPY OF THE COVERING LETTER OF THE DISTRICT
EDUCATIONAL OFFICER DATED 19-09-2014.**

EXHIBIT-P6(a) TRUE COPY OF THE ENGLISH TRANSLATION OF EXHIBIT P6.

**EXHIBIT-P7:TRUE COPY OF THE RELEVANT EXTRACT OF THE GO (P)
NO.145/2006/FIN DATED 25-03-2006 OF THE GOVT.**

**EXHIBIT-P8:TRUE COPY OF THE GO (P) NO.227/2007/FIN DATED 31-05-2007 OF
THE GOVERNMENT.**

EXHIBIT-P9:TRUE COPY OF THE REPLY OF THE PETITIONER DATED 04-12-2014.

RESPONDENT'S EXHIBITS:

NIL

//TRUE COPY//

P.S. TO JUDGE

pk

C.K. ABDUL REHIM, J.

W.P.(c) No. 33556 OF 2014-T

DATED THIS THE 8th DAY OF JANUARY, 2015.

J U D G M E N T

Grievance of the petitioner is against the recovery proposed against her based on Ext.P5 audit objection, alleging irregularities in fixation of her pay from 01-07-2007 onwards. It is pointed out that the petitioner had submitted a detailed explanation before the 3rd respondent who had raised the audit objection, as evidenced from Ext.P9. Limited relief sought in this writ petition is for a direction to the 3rd respondent to consider Ext.P9 and to dispose of the same, and till then not to effect the recovery.

2. Heard; Government Pleader appearing on behalf of respondents 1 to 4. Considering the fact that Ext.P9 explanation was submitted before the 3rd respondent this court is of the opinion that direction for an early consideration of the same would suffice to meet the ends of justice.

3. Therefore this writ petition is disposed of by directing the 3rd respondent to consider Ext.P9 and to dispose of the same at the earliest, after affording opportunity of personal hearing to the petitioner and to any others concerned. A decision on Ext.P9 shall be taken at the earliest possible, at any rate within a period of 2 months from the date of receipt of a copy of this judgment.

4. Till such time a decision is taken as directed above, recovery of the alleged excess amount from the petitioner's emoluments, pursuant to Ext.P5, shall be kept in abeyance.

Sd/-
C.K. ABDUL REHIM
JUDGE

AMG

True copy

P.A. to Judge