

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

&

THE HONOURABLE MR. JUSTICE GOPINATH P.

WEDNESDAY, THE 11TH DAY OF MARCH 2020 / 21ST PHALGUNA, 1941

WA.No.150 OF 2020

AGAINST THE JUDGMENT IN WP(C) 22422/2019(C) OF HIGH COURT  
OF KERALA DATED 9/12/2019

APPELLANT/PETITIONER:

DR.C.K.GEETHA  
AGED 61 YEARS  
AATHIRA, PALLAN LANE, THRISSUR EAST,  
THRISSUR 680 005  
(PROFESSOR AND HEAD, DEPARTMENT OF FLORICULTURE  
AND LANDSCAPING (RTD)  
COLLEGE OF HORTICULTURE, KERALA AGRICULTURAL  
UNIVERSITY, VELLANIKKARA, THRISSUR 680 656

BY ADVS.  
SRI.B.RAGHUNATHAN  
SRI.K.JALADHARAN  
SRI.V.M.JACOB

RESPONDENTS/RESPONDENTS:

- 1 KERALA AGRICULTURAL UNIVERSITY  
REPRESENTED BY REGISTRAR, KERALA AGRICULTURAL  
UNIVERSITY, VALLANIKKARA, THRISSUR 680 565
- 2 VICE CHANCELLOR,  
KERALA AGRICULTURAL UNIVERSITY, VALLANIKKARA,  
THRISSUR 680 565

- 3        COMPTROLLER,  
         KERALA GRICULTURAL UNIVESITYM VALLANIKKARA,  
         THRISSUR 680 565
- 4        STATE OF KERALA,  
         REPRESENTED BY PRINCIPAL SECRETARY TO  
         GOVERNMENT, AGRICULTURAL DEPARTMENT, GOVERNMENT  
         SECRETARIAT, THIRUVANANTHAPURAM 695 001
- 5        UNION OF INDIA,  
         REPRESENTED BY SECRETARY TO GOVERNMENT,  
         MINISTRY OF AGRICULTURE, GO 1, S BLOCK, NASE  
         COMPLEX, DPS MARG, NEW DELHI 110 012

R1 BY SRI.AJITH KRISHNAN, SC, KERALA  
AGRICULTURAL UNIVERSITY  
SRI. A.J. VARGHESE-SR.G.P.  
SRI.P.VIJAYAKUMAR, ASGI

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON  
11.03.2020, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:

## **J U D G M E N T**

Dated this the 11<sup>th</sup> day of March, 2020

### **Shaffique, J.**

This appeal is filed by the petitioner in WP(C) No. 22422/19 challenging the judgment of the learned Single Judge to the extent the request of the petitioner for interest has been declined.

2. The facts of the case would disclose that the petitioner retired from the service of Kerala Agricultural University on 30/11/2017. An amount of ₹7,50,531/- was retained from her Death-cum-Retirement Gratuity. The writ petition was filed *inter alia* seeking for a direction to the respondents to disburse the said amount which was withheld from her DCRG with interest @12% per annum from 01/2/2018.

3. The learned Single Judge by the impugned judgment directed that the amount shall be paid within one month from the date of receipt of a copy of the judgment. It was further observed that if the amount is not paid within the aforesaid period, it shall

carry interest @9% per annum. The amount was paid three days after the expiry of one month period and the learned Single Judge had already extended the time.

4. Learned counsel for the appellant would submit that the appellant was legally entitled for interest as it was wrongful withholding of the amount by the University.

5. Counter affidavit has been filed by the respondent University wherein it is contended that the University has withheld the amount from the DCRG of the appellant due to non receipt of funds from the funding agency of the project "Validation of DUS International Guidelines for Phalaenopsis and Cattelya Orchid." The appellant was the Principal Investigator of the project and had direct contact with the funding agency and hence she cannot evade from her responsibility of spending funds with the knowledge that fund was not released by the funding agency. Hence interest cannot be paid by the University as requested by the appellant. The University has taken a specific contention that the amount came to be withheld on account of specific reasons in so far as it was understood to be a wrong payment.

6. Having regard to the fact that the learned Single Judge had in its discretion refused to grant interest, we do not think that we should interfere with the said direction by exercising the appellate jurisdiction. Substantial justice has already been done and the amount has already been paid. In the said circumstances, we do not find any reason to interfere with the judgment of the learned Single Judge.

Appeal is hence dismissed.

Sd/-

**A.M. SHAFFIQUE**

**JUDGE**

Sd/-

**GOPINATH P.**

**JUDGE**

Rp

True Copy

PS to Judge