

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE C.K.ABDUL REHIM

WEDNESDAY, THE 22ND DAY OF NOVEMBER 2017 / 1ST AGRAHAYANA, 1939

Con.Case(C).No. 1339 of 2015 IN WPC. 2101/2010

AGAINST THE ORDER/JUDGMENT IN WP(C) 2101/2010 of HIGH COURT OF KERALA

PETITIONER/PETITIONER:

T. GIRIJA DEVI
AGED 58, W/O.LATE SUKUMARAN NAIR,
KAIVITTUVILAKOM VEEDU, ANAYARA P.O., THIRUVANANTHAPURAM.

BY ADV.SRI.D.AJITHKUMAR

RESPONDENTS/RESPONDENTS 1 TO 5:

1. P.K. RADHAKRISHNAN
(AGE AND FATHER'S NAME NOT KNOWN TO THE PETITIONER),
VICE CHANCELLOR, UNIVERSITY OF KERALA, PALAYAM,
THIRUVANANTHAPURAM-695146.
2. MOHAMMED BASHEER
(AGE AND FATHER'S NAME NOT KNOWN TO THE PETITIONER),
REGISTRAR, UNIVERSITY OF KERALA, PALAYAM,
THIRUVANANTHAPURAM, PIN-695146.
3. S.V.SUDHEER
(AGE AND FATHER'S NAME NOT KNOWN TO PETITIONER), DIRECTOR,
ACADEMIC STAFF COLLEGE, KARIAVATTOM, THIRUVANANTHAPURAM, PIN-695004.
4. MINI DEJO KAPPAN
(AGE AND FATHER'S NAME NOT KNOWN TO THE PETITIONER),
PLANNING AND DEVELOPMENT, UNIVERSITY OF KERALA, PIN-695933.
5. P.K.RAJU
(AGE AND FATHER'S NAME NOT KNOWN TO PETITIONER),
FINANCE OFFICER, UNIVERSITY OF KERALA, PALAYAM,
THIRUVANANTHAPURAM, PIN-695146.

BY ADV. SRI.PAUL JACOB, SC, UNIVERSITY OF KERALA
R1,R2,R4,R5 BY ADV. SRI.THOMAS ABRAHAM, SC, UNIVERSITY OF KERALA

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR ADMISSION ON 22-11-2017, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

AMG

APPENDIX

PETITIONER'S ANNEXURES

- ANNEXURE-A1 - CERTIFIED COPY OF THE JUDGMENT IN
WP (C) No.2101/2010 DATED 13-02-2015.
- ANNEXURE-A2 - TRUE COPY OF THE REQUEST DATED 23-03-2015 GIVEN BY THE
PETITIONER TO 2ND RESPONDENT.
- ANNEXURE-A3 - TRUE COPY OF THE ORDER DATED 20-05-2015 OF THE RESPONDENT
UNIVERSITY.
- ANNEXURE-A4 - TRUE COPY OF THE ORDER DATED 20-06-2015 OF THE RESPONDENT
UNIVERSITY.

RESPONDENTS' EXHIBITS

NIL

AMG

C.K. ABDUL REHIM, J.

Con. Case (c) No. 1339 OF 2015

DATED THIS THE 22nd DAY OF NOVEMBER, 2017.

J U D G M E N T

By virtue of Annexure-A1 judgment this court had quashed Ext.P5 proceedings, through which regular appointment of the petitioner was cancelled by the University. By the time the writ petition was disposed of, the petitioner had attained superannuation. Hence this court observed that, the petitioner shall not be entitled for pay and allowances on a regular basis for the period between Ext.P5 and the date of superannuation. But it was made clear that she will be entitled for all terminal benefits reckoning the notional service on a regular basis. The respondents were directed to take consequential steps without any further delay and the benefits due to the petitioner was directed to be paid within 3 months from the date of receipt of a copy of the judgment.

2. In the contempt of court case it is mentioned that, Annexure-A3 proceedings was issued consequent to the judgment, disbursing the benefits like DCRG and leave

surrender, to the petitioner. It is also mentioned that as per Annexure-A4 the amounts due under the provident fund account was disbursed. The contempt of court case was filed raising an allegation that, the respondents have failed to comply with the directions, because the regular pension was not sanctioned and paid to the petitioner.

3. In the affidavit filed by the person holding charge of the Registrar of the University it is mentioned that, the appointment order of the petitioner does not provide for any entitlement for regular pension on her retirement. Therefore the claim for pension is not sustainable.

4. Learned counsel for the petitioner disputed the above position and asserted that petitioner is entitled to get pension out of her service. The above aspect is in controversy between the parties. What need to be decided in this contempt of court case is only as to whether there was compliance of the directions contained in the judgment or not. This court only directed for payment of benefits due to the petitioner by reckoning her service on a regular basis till the date of superannuation. According to the

respondents the directions stands complied with, since the DCRG, leave surrender and benefits under the provident fund account were already paid. But the petitioner disputes that the judgments stands not fully complied with, because no amount of pension was paid. As evident, the eligibility for pension is in dispute between the parties. It is to be noted that in the direction issued by this court no specific order was issued with respect to eligibility for getting the pension. Therefore it cannot be said that there is failure on the part of the respondent in complying with the directions contained in the judgment. However, the petitioner will be at liberty to pursue the matter in appropriate proceedings, for getting payment of the pension, if she is found eligible.

5. Subject to the right reserved as mentioned above, the contempt of court case is hereby closed.

Sd/-
C.K. ABDUL REHIM
JUDGE

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True copy

P.A. to Judge