

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

TUESDAY, THE 22ND DAY OF JULY 2014/31ST ASHADHA, 1936

WP(C) .No. 18823 of 2014 (C)

PETITIONER(S) :

DR.K.ROBY
ASSOCIATE PROFESSOR, DEPARTMENT OF SHIP TECHNOLOGY
COCHIN UNIVERSITY OF SCIENCE AND TECHNOLOGY
COCHIN UNIVERSITY P.O., KOCHI-682022.

BY ADVS.SRI.N.N.SUGUNAPALAN (SR.)
SRI.S.SUJIN

RESPONDENT(S) :

1. COCHIN UNIVERSITY OF SCIENCE AND TECHNOLOGY
COCHIN UNIVERSITY P.O., KOCHI-682022
REPRESENTED BY ITS REGISTRAR.

2. THE REGISTRAR
COCHIN UNIVERSITY OF SCIENCE AND TECHNOLOGY
COCHIN UNIVERSITY P.O., KOCHI-682022.

R BY SRI.MILLU DANDAPANI

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 22-07-2014, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

RKC

WP(C) .No. 18823 of 2014 (C)

APPENDIX

PETITIONER(S) ' EXHIBITS

P1- TRUE COPY OF THE ORDER DATED 26.2.1998 ISSUED BY THE
RESPONDENT UNIVERSITY.

P2- TRUE COPY OF THE UGC CIRCULAR NO.F.132-1/92(IC-1) DATED
30.11.1993.

P3- TRUE COPY OF THE REPRESENTATION DATED 8.4.1999 SUBMITTED
BY THE PETITIONER BEFORE THE RESPONDENTS.

P4- TRUE COPY OF THE REPRESENTATION DATED 5.2.2001 SUBMITTED
BY THE PETITIONER BEFORE THE 2ND RESPONDENT.

P5- TRUE COPY OF THE REPRESENTATION DATED 14.2.2005 SUBMITTED
BY THE PETITIONER BEFORE THE VICE CHANCELLOR OF THE 1ST
RESPONDENT UNIVERSITY.

P6- TRUE COPY OF THE REPRESENTATION DATED 3.11.2008 SUBMITTED
BY THE PETITIONER BEFORE THE 2ND RESPONDENT.

P7- TRUE COPY OF THE LETTER NO.AD.D3/639/84 DATED 21.8.2009
FROM THE 2ND RESPONDENT.

P8- TRUE COPY OF THE DECISION OF THE RESPONDENT UNIVERSITY
SYNDICATE ITEM NO.538.03 THAT HELD ON 17.1.2009.

P9- TRUE COPY OF THE REPRESENTATION DATED 4.2.2010 SUBMITTED
BY THE PETITIONER BEFORE THE 2ND RESPONDENT.

RESPONDENT(S) ' EXHIBITS: NIL

RKC

TRUE COPY

PA TO JUDGE.

A.V.RAMAKRISHNA PILLAI, J

W.P.(C) No.18823 of 2014

Dated this the 22nd day of July, 2014

JUDGMENT

The petitioner has come up before this Court alleging that Ext.P9 representation submitted by him is kept pending without issuing any orders thereon.

2. The petitioner is an Associate Professor in the Ship Technology Department under the first respondent. He alleges that as part of faculty Improvement Programme, he had applied for a scholarship for doing Ph.D in Japan under the Japanese Government Scholarship Programme in the year 1994. He made a request to the respondent University in that regard. The petitioner alleges that the Syndicate of the University which met on 19.12.1994 resolved to grant the petitioner leave without allowance for a period of 5 years, under Rule 91A of Part I KSR. This,

according to the petitioner, was after considering the fact that the said project proposed by the petitioner would be an added advantage to the University. The petitioner took leave with effect from 29.3.1994 to 11.1.1998 as per Ext.P1 and after completing the research project, he rejoined duty in the University after the expiry of the leave granted. The petitioner alleges that as per the UGC norms, the petitioner is entitled for pay and allowances for the period of leave availed for undergoing the research programme as it was for the benefit of the University as well. Therefore, he approached the University for getting the pay and allowances during the leave period. However, the University by Ext.P7 order rejected the said request. Thereafter the petitioner filed Ext.P9 representation before the second respondent which is now pending.

3. When the matter came up for hearing, the learned senior counsel confined his argument to the limited prayer for a direction to the respondent

University to consider Ext.P9 representation.

4. Considering the nature of the prayer, this Court is of the view that this writ petition can be disposed of even without issuing notice to the respondent University.

In the result, this writ petition is disposed of directing the respondent University to consider Ext.P9 representation, after affording the petitioner an opportunity of being heard. This exercise shall be completed within a period of two months.

It shall be open to the petitioner to produce a copy of this judgment as well as a copy of Ext.P9 representation before the officer concerned of the respondent University at the earliest.

**Sd/-A.V.RAMAKRISHNA PILLAI
JUDGE**

css/

true copy

P.S.TO JUDGE