



2024:KER:72028

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

WEDNESDAY, THE 25<sup>TH</sup> DAY OF SEPTEMBER 2024 / 3RD ASWINA, 1946

RP NO. 1149 OF 2023

AGAINST THE JUDGMENT DATED 22.09.2022 IN WP(C) NO.28701/2022

REVIEW PETITIONER/1ST RESPONDENT IN THE WPC:

KANNUR UNIVERSITY, REPRESENTED BY ITS  
REGISTRAR, OFFICE OF THE KANNUR UNIVERSITY,  
THAVAKKARA, CIVIL STATION P.O, KANNUR,  
PIN - 670002

BY ADV I.V.PRAMOD

RESPONDENTS/PETITIONER/RESPONDENTS 2&3 IN THE WPC:

- 1 SUGATHAKUMARI K.P., DEPUTY LIBRARIAN (RTD),  
KANNUR UNIVERSITY, AGED 61 YEARS, W/O.  
VENUGOPALAN, RESIDING AT SWATHI, OLAVILAM  
P.O, KANNUR, PIN - 673313
- 2 STATE OF KERALA, REPRESENTED BY THE SECRETARY  
OF GOVERNMENT, HIGHER EDUCATION DEPARTMENT,  
SECRETARIAT, THIRUVANANTHAPURAM-, PIN - 695001
- 3 DEPUTY DIRECTOR OF LOCAL FUND AUDIT, KANNUR  
UNIVERSITY, THAVAKKARA, CIVIL STATION P.O,  
KANNUR, PIN - 670002

SRI P C SASIDHARAN

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON  
25.09.2024, ALONG WITH RP.1169/2023, THE COURT ON THE SAME  
DAY PASSED THE FOLLOWING:



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RP 1149/23 & 1169/23

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**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT**

**THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN**

**WEDNESDAY, THE 25<sup>TH</sup> DAY OF SEPTEMBER 2024 / 3RD ASWINA, 1946**

**RP NO. 1169 OF 2023**

**AGAINST THE JUDGMENT DATED 16.08.2022 IN WP(C) NO.24668/2022**

**REVIEW PETITIONER/1ST RESPONDENT:**

**KANNUR UNIVERSITY, REPRESENTED BY ITS  
REGISTRAR, OFFICE OF THE KANNUR UNIVERSITY,  
THAVAKKARA, CIVIL STATION P.O, KANNUR,  
PIN - 670002**

**BY ADV I.V.PRAMOD**

**RESPONDENTS/PETITIONER/RESPONDENTS 2&3:**

- 1 SUJATHA ANIYERI, ASSISTANT LIBRARIAN (RTD),  
KANNUR UNIVERSITY, RESIDING AT PRADEEPTHAM ,  
P.O. VADAKKUMBAD, THALASSERY, PIN - 670105**
- 2 STATE OF KERALA, REPRESENTED BY THE SECRETARY  
OF GOVERNMENT, HIGHER EDUCATION DEPARTMENT,  
SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001**
- 3 DEPUTY DIRECTOR OF LOCAL FUND AUDIT, KANNUR  
UNIVERSITY, THAVAKKARA, CIVIL STATION P.O,  
KANNUR, PIN - 670002**

**SRI.P.C.SASIDHARAN**

**THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON  
25.09.2024, ALONG WITH RP.1149/2023, THE COURT ON THE SAME  
DAY PASSED THE FOLLOWING:**



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## **ORDER**

**[RP Nos.1149/2023, 1169/2023]**

These petitions have been filed by the Kannur University, conceding that they could not honour the amounts as ordered by this Court to the 1<sup>st</sup> respondent/writ petitioner within the time frame fixed.

2. Sri.I.V.Pramod – learned counsel for the petitioner, conceded that the judgments were delivered on 16.08.2022 and 22.09.2022 respectively, with a direction to pay the eligible amounts to the writ petitioner within a period of two months; but that it could be paid only on 03.04.2023, though substantial portions were paid on 22.02.2023. He thus admitted that there was a delay of nearly 5 months, but explained that this was because the University was awaiting concurrence from the Government on account of certain Audit objections.

3. Sri.P.C.Sasidharan – learned counsel for the 1<sup>st</sup> respondent, however, submitted that this Court had fixed the time



frame of two months for effecting payment to his client, making it clear that the University must do so *dehors* any Audit objection with respect to the promotions granted to her in the years 2008 and 2011. He argued that, therefore, when this was a specific direction in the judgment, the afore submissions of Sri.I.V.Pramod cannot hold water.

4. I have no doubt that the contentions of Sri.P.C.Sasidharan are without error because, in the judgment, I had directed the University to disburse the retiral and pensionary benefits to the writ petitioner without advertng with the Audit objections. However, even now they say that the delay was occasioned because they required clarifications from the Government *qua* the said Audit objections.

5. Normally, therefore, this Court would have been fully justified in dismissing this Review Petition. However, I propose not to do so, solely because the University is a Public Authority, stated to be in financial crisis. The delay occasioned is about five



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months from the time fixed by this Court.

6. Taking the above circumstances as mitigating factors, I propose to allow this Review Petition because, concededly, the entire amounts due to the 1<sup>st</sup> respondent have been honoured.

Resultantly, I allow this Review Petition and vacate that portion of the judgment which directs the University to pay interest at the rate of 8% per annum to the writ petitioner.

In all other aspects, the judgment will remain unaltered.

Sd/-

DEVAN RAMACHANDRAN

JUDGE

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