

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH

TUESDAY, THE 30<sup>TH</sup> DAY OF APRIL 2024 / 10TH VAISAKHA, 1946

WP(C) NO. 18980 OF 2023

PETITIONERS:

- 1 VASANTHI.V.K. ,  
AGED 60 YEARS  
W/O LATE VASUDEVAN, KAYAMPALLATHU HOUSE,  
PANANCHAKAM, GREEN PARK STREET,  
MANNUTHY.P.O. , THRISSUR, PIN - 680651
- 2 K.T. RAJAN  
AGED 56 YEARS, S/O THIMOTHY,  
KALIYATH KALAPURACKKAL HOUSE,  
MUKKATTUKARA, NETTISSERY.P.O. ,  
THRISSUR,, PIN - 680651
- 3 MANJITH KUMAR.T.R  
AGED 57 YEARS, S/O T.V. RAGHAVAN,  
THOPPIL HOUSE, VADOOKARA.P.O. ,  
THRISSUR,, PIN - 680007
- 4 ABUBAKKER.K.M.  
AGED 56 YEARS, S/O MUHAMMED,  
KAKKERY HOUSE, PAZHUVIL.P.O. ,  
THIRUVANANTHAPURAM,, PIN - 680564
- 5 SANKARANKUTTY.T. ,  
AGED 61 YEARS, S/O SANKARAN NAIR,  
THRIKKASSERY HOUSE, VELLAPADI DESOM,  
KODAKARA, THRISSUR,, PIN - 680684
- 6 ABDUL SALAM.C.K.  
CHEERAMKULAM HOUSE, PATTIKKAD P.O. ,  
CHATHAMKULAM, THRISSUR,, PIN - 680852
- 7 SUKUMARAN.K. ,  
KIZHUVETHIL HOUSE, CHURCH ROAD,  
KOZHUKKULLY, KOZHUKKULLY.P.O. ,  
THRISSUR, PIN - 680751  
BY ADVS.  
R.T.PRADEEP  
P.BIJIMON  
M.BINDUDAS

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RESPONDENTS:

- 1 KERALA VETERINARY AND ANIMAL SCIENCES UNIVERSITY  
REPRESENTED BY ITS REGISTRAR,  
POOKODE, LAKKIDI P.O.,  
WAYANAD, PIN - 673573
- 2 FINANCE OFFICER  
KERALA VETERINARY & ANIMAL SCIENCES UNIVERSITY,  
POOKODE, LAKKIDI P.O.,  
WAYANAD, PIN - 673573
- 3 PRINCIPAL SECRETARY TO GOVERNMENT  
FINANCE (PRC-C) DEPARTMENT,  
SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001
- 4 JOINT DIRECTOR  
LOCAL FUND AUDIT, KERALA VETERINARY & ANIMAL  
SCIENCES UNIVERSITY, POOKODE,  
LAKKIDI P.O., WAYANAD, PIN - 673573
- 5 DIRECTOR  
OFFICE OF THE DIRECTOR OF LOCAL FUND AUDIT,  
VTH FLOOR, VIKAS BHAVAN.P.O.,  
THIRUVANANTHAPURAM, PIN - 695033

BY ADV MANU GOVIND - SC  
GP - SRI TONNY AUGUSTINE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 30.04.2024, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:

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

In view of the amendment carried out to the Kerala Veterinary & Animal Sciences University Statute, 2014 by notification No.KVASU/GA/A3/11292/2021 dated 28/02/2024 w.e.f. 19/05/2014 the petitioners are also entitled for re-determination of pension and other emoluments based on the ratio promotion. The re-determination shall be done and the payment shall be made by the University as early as possible.

The writ petition is disposed of as above.

Sd/-

**DR. KAUSER EDAPPAGATH  
JUDGE**

APA

APPENDIX OF WP(C) 18980/2023

PETITIONER EXHIBITS

- EXHIBIT P1 COPY OF JUDGMENT DATED 21.8.2014 IN W.P.(C) NO.23102/2012 OF THE HON'BLE HIGH COURT OF KERALA
- EXHIBIT P2 COPY OF JUDGMENT DATED 8.12.2015 IN W.A. NO.1462/2015 OF THE HON'BLE HIGH COURT OF KERALA
- EXHIBIT P3 TRUE COPY OF ORDER DATED 19.12.2018 BY WHICH AN AMOUNT OF RS.3,91,376/- WITHHELD FROM THE PENSIONARY BENEFITS OF DECEASED HUSBAND OF 1ST PETITIONER WITH RESPECT TO THE POST OF FARM SUPERVISOR GRADE-I BY 1ST RESPONDENT
- EXHIBIT P4 TRUE COPY OF ORDER DATED 6.6.2018 BY 1ST RESPONDENT BY WHICH 2ND PETITIONER WAS PROMOTED AS SENIOR FARM SUPERVISOR WITH EFFECT FROM 1.6.2018
- EXHIBIT P5 TRUE COPY OF AUDIT OBJECTION WITH RESPECT TO 3RD PETITIONER AS PER COMMUNICATION OF 2ND RESPONDENT DATED 26.4.2022
- EXHIBIT P6 TRUE COPY OF ORDER DATED 26.4.2022 BY 2ND RESPONDENT BY WHICH THE PENSIONARY BENEFITS OF 3RD PETITIONER DETERMINED WITHOUT RECKONING THE RATIO PROMOTION POST OBJECTED BY THE AUDIT
- EXHIBIT P7 TRUE COPY OF ORDER DATED 13.2.2023 BY 2ND RESPONDENT BY WHICH THE PENSIONARY BENEFITS OF 4TH PETITIONER DETERMINED WITHOUT RECKONING THE RATIO PROMOTION POST OBJECTED BY THE AUDIT
- EXHIBIT P8 TRUE COPY OF ORDER DATED 2.9.2017 BY 1ST RESPONDENT BY WHICH PETITIONER NO.5 WAS PROMOTED FROM FARM ASSISTANT SELECTION GRADE TO FARM SUPERVISOR GRADE-II WITH EFFECT FROM 1.1.2017 AND CONSEQUENT FIXATION OF PAY IN THE PROMOTED POST
- EXHIBIT P9 TRUE COPY OF ORDER DATED 23.5.2019 BY 1ST RESPONDENT BY WHICH THE PENSIONARY BENEFITS OF 5TH PETITIONER WAS FIXED WITHOUT RECKONING THE RATIO PROMOTION POST OBJECTED BY THE AUDIT
- EXHIBIT P10 TRUE COPY OF ORDER DATED 21.11.2015 BY DIRECTOR, CENTRE FOR ADVANCED STUDIES ANIMAL

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GENETICS BREEDING, K.V.A.S.U., MANNUTHY BY WHICH 6TH PETITIONER WAS PROMOTED FROM FARM ASSISTANT SELECTION GRADE TO FARM SUPERVISOR GRADE-II WITH CONSEQUENTIAL FIXATION OF SCALE OF PAY IN THE PROMOTED POST

EXHIBIT P11 TRUE COPY OF ORDER DATED 27.5.2010 BY 1ST RESPONDENT BY WHICH THE ANTICIPATORY PENSION OF 6TH PETITIONER DETERMINED BY RECKONING HIS POST AS FARM SUPERVISOR GRADE-II

EXHIBIT P12 TRUE COPY OF ORDER DATED 29.11.2022 BY JOINT FINANCE OFFICER, KERALA VETERINARY & ANIMAL SCIENCES UNIVERSITY BY WHICH AN AMOUNT OF RS.2,16,776/- WAS WITHHELD FROM DCRG OF 6TH PETITIONER TO BE RECOVERED FOR THE EXCESS PAY DRAWN FOR THE RATIO PROMOTION POST OBJECTED BY THE AUDIT

EXHIBIT P13 TRUE COPY OF ORDER DATED 20.5.2021 BY 1ST RESPONDENT BY WHICH THE PENSIONARY BENEFITS OF 7TH PETITIONER WAS DETERMINED WITHOUT RECKONING THE RATIO PROMOTION POST OBJECTED BY THE AUDIT

EXHIBIT P14 TRUE COPY OF ORDER DATED 17.1.2017 BY 1ST RESPONDENT BEARING NO.KVASA/GA/B/3186/2014

EXHIBIT P15 TRUE COPY OF JUDGMENT DATED 1.6.2017 IN W.P.(C) NO.40592/2016 OF THE HON'BLE HIGH COURT OF KERALA.

EXHIBIT P16 TRUE COPY OF JUDGMENT DATED 11.1.2022 IN W.P.(C) NO.20155/2021 OF THE HON'BLE HIGH COURT OF KERALA.

EXHIBIT P17 TRUE COPY OF JUDGMENT DATED 4.11.2022 IN W.P.(C) NO.22313/2019, W.P.(C) NO.5259/2021 AND W.P.(C) NO.12763/2021 OF THE HON'BLE HIGH COURT OF KERALA.

EXHIBIT P18 TRUE COPY OF ORDER DATED 10.4.2023 BY DEPARTMENT OF ANIMAL HUSBANDRY DIRECTING TO IMPLEMENT EXHIBIT-P17