

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE MOHAMMED NIAS C.P.

WEDNESDAY, THE 31ST DAY OF JANUARY 2024 / 11TH MAGHA, 1945

WP(C) NO. 35157 OF 2019

PETITIONER

ABDUL SALAM Y
AGED 43 YEARS
SELECTION GRADE LECTURER (RETIRED) MSM COLLEGE
KAYAMKULAM, RESIDING AT MALIAKKAL HOUSE, NEAR MSM
COLLEGE 690 572.

BY ADV R.RAJASEKHARAN PILLAI

RESPONDENTS

- 1 THE STATE OF KERALA
REPRESENTED BY THE SECRETARY, HIGHER EDUCATION
DEPARTMENT, GOVT. SECRETARIAT,
THIRUVANANTHAPURAM 695 001.
- 2 THE DIRECTORATE OF COLLEGIATE EDUCATION,
6TH FLOOR, VIKAS BHAVAN, PALAYAM THIRUVANANTHAPURAM,
KERALA 695 033.
- 3 THE ACCOUNTANT GENEREAL,
AUDIT BHAVAN, MAHATHMA GANDHI RD, NEAR SECRETARIAT,
STATUE, PALAYAM, THIRUVANANTHAPURAM, KERALA 695 001.
- 4 THE SUB TREASURY OFFICER,
KAYAMKULAM 690 502.
- 5 THE PRINCIPAL,
MSM COLLEGE, KAYAMKULAM 690 572.

OTHER PRESENT:

SRI.PREMCHAND R.NAIR, SR.GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
31.01.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

MOHAMMED NIAS C.P, J.

W.P(C).No.35157 of 2019

Dated this the 31st day of January, 2024

JUDGMENT

The petitioner retired on attaining superannuation while working as a Selection Grade Lecturer (Arabic) in the UGC grade with effect from 31.03.2010 from MSM College, Kayamkulam, in which the 5th respondent is the Principal.

2. From the pension payment order, Ext.P1, it is seen that the petitioner's service in the college from 19.10.1981 to 31.03.2010 alone was counted as qualifying service for the purpose of computing pension. The petitioner claims that before joining the service in MSM College, Kayamkulam, he had worked as a Junior Accountant from July 1978 till 17.10.1981. This period, according to the petitioner, is also be reckoned for the purpose of granting the pensionary benefits, adding the same as part of qualifying service.

3. The petitioner, therefore prays for a direction to the 2nd and 3rd respondents to reckon his previous service as a Junior Accountant in the Treasure Department from July 1978 to 17.10.1981, as qualifying service and to recompute the pensionary benefits accordingly.

4. A statement has been filed on behalf of the 2nd respondent, pointing out that the service book of the petitioner maintained in the Treasury department had not been furnished to the office of the 2nd respondent and that no reliable document was given for showing the employment covering the period in question. It is also stated that it is for the government to take a decision.

5. In view of the above statement, there will be a direction to the 1st respondent to decide whether the petitioner's service as Junior Accountant in the Treasury Department between July 1978 and 17.10.1981 can also be counted as qualifying service for the purpose of computing the pension. The 1st respondent will issue a notice to the petitioner and take a decision in accordance with law, after affording an opportunity of hearing to the petitioner. This shall be done within a period of four months

of receipt of a copy of this judgment.

The writ petition is disposed of as above.

Sd/-

MOHAMMED NIAS C.P

smm

JUDGE

APPENDIX OF WP(C) 35157/2019

PETITIONER EXHIBITS

EXHIBIT P1	TRUE COPY OF THE PENSION PAYMENT ORDER OF THE PETITIONER.
EXHIBIT P2	TRUE COPY OF THE CERTIFICATE FROM THE SUB TREASURY OFFICER, KAYAMKULAM
EXHIBIT P3	TRUE COPY OF THE APPLICATION DATED 29- 10-2018 SUBMITTED BY THE PETITIONER BEFORE THE DISTRICT TREASURY OFFICER ALPPUZHA
EXHIBIT P4	TRUE COPY OF THE REPLY DATED 17-11- 2018
EXHIBIT P5	TRUE COPY OF THE REPLY DATED 18-11- 2018 FROM THE SUB TREASURY KAYAMKULAM.