

ഭരണഭാഷ മാതൃഭാഷ

യു.ജി.സി.സെൽ -5/24558/2013/കോ.വി.വ

കോളേജ് വിദ്യാഭ്യാസ ഡയറക്ടറുടെ  
കാര്യാലയം, തിരുവനന്തപുരം,  
തീയതി - 26/03/2015

കോളേജ് വിദ്യാഭ്യാസ ഡയറക്ടർ

ഡെപ്യൂട്ടി ഡയറക്ടർ

കൊല്ലം, കോട്ടയം, എറണാകുളം, തൃശ്ശൂർ, കോഴിക്കോട്.

സർ,

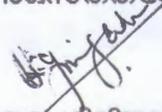
വിഷയം - കോളേജ് വിദ്യാഭ്യാസ വകുപ്പ് - വിദേശത്ത് LWA എടുത്ത് ജോലിക്ക് പോകുന്നവരുടെ LWA കാലയളവ് പെൻഷൻ, പ്ലേസ്‌മെന്റ് എന്നിവയ്ക്ക് പരിഗണിക്കാത്തത് സംബന്ധിച്ച് -

സൂചന- 10/03/2015- ലെ F4 WA 1422/11

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സൂചന കത്ത് പ്രകാരം WA 1422/11, 1494/11, 1515, 1609,1719 എന്നിവയിൽ പൊതുവായി പുറപ്പെടുവിച്ച ജഡ്ജ്മെന്റ് ലഭ്യമായിട്ടുണ്ട്. സ്വകാര്യ കോളേജ് അധ്യാപകർ LWA എടുത്ത് വിദേശത്ത് ജോലിക്ക് പോയാൽ ആ കാലയളവ് പെൻഷൻ, പ്ലേസ്‌മെന്റ് എന്നിവയ്ക്കു പരിഗണിക്കാൻ കഴിയില്ലെന്ന് ജഡ്ജ്മെന്റ് വ്യക്തമാക്കുന്നു. ജഡ്ജ്മെന്റിന്റെ പകർപ്പ് തുടർ നടപടികൾക്കായി ഇതോടൊപ്പം അയയ്ക്കുന്നു.

വിശ്വസ്തതയോടെ,



പി.കെ.ഗിരീജാദേവി

കോളേജ് വിദ്യാഭ്യാസ അഡീഷണൽ ഡയറക്ടർ

പകർപ്പ്:-

സിസ്റ്റം മാനേജർ

വെബ്സൈറ്റിൽ പ്രസിദ്ധപ്പെടുത്തുന്നതിലേക്ക്

എസ്.ഒ.27/03/2015

**ASHOK BHUSHAN, Ag.C.J. & A.M. SHAFFIQUE, J.**

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W.A. Nos.1422, 1453, 1494, 1498, 1515, 1609,  
1719, 1860, 1868 of 2011,  
W.A. Nos.1794 and 1859 of 2013  
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Dated this the 18<sup>th</sup> day of February, 2015

**JUDGMENT**

**Ashok Bhushan, Ag.C.J.**

These writ appeals have been filed against a common judgment dated 19.05.2010 rendered in the writ petitions which were filed by the party respondents.

2. The respondents were working as Lecturer/Principals of private aided colleges coming under the direct payment system. Leave without allowances were granted to the respondents by respective management on different dates for different purposes. The issue which arose for consideration before learned Single Judge was as to whether the period prior to 14.06.1985 can be reckoned for the purpose of pensionary benefits. The learned Single Judge vide his judgment dated 19.05.2010 issued the following directions:

"8. xx                      xx                      xx                      xx

In the light of the discussions above, the respondents are directed to reconsider the claim of the petitioners for reckoning the period of LWA granted to

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them by their respective managements prior to 14.06.1985 for the purpose of pensionary benefits as also for the purpose of placement under the UGC scheme as Senior Scale Lecturers and Selection Grade Lecturers within three months from the date of receipt of a copy of this judgment in the light of the observations contained in this judgment.

xx            xx            xx            xx            xx"

3. Against the above judgment of learned Single Judge, these writ appeals have been filed by the State. The Writ Appeals were ultimately referred by a reference order dated 07.09.2012 to be considered by Full Bench, there being two divergent views taken by different Division Benches. Ultimately the matter came to be heard by Full Bench and Full Bench, vide its order dated 21.01.2015, has decided the reference giving the following answer:

"We therefore answer the reference holding that the period during which the teachers of Private Colleges were on loss of pay for the purpose of employment abroad cannot be reckoned either for pension or for placement under the UGC scheme."

4. The learned counsel for the parties agree before us that in view of the answer by Full Bench by order dated

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them by their respective managements prior to 14.06.1985 for the purpose of pensionary benefits as also for the purpose of placement under the UGC scheme as Senior Scale Lecturers and Selection Grade Lecturers within three months from the date of receipt of a copy of this judgment in the light of the observations contained in this judgment.

xx                    xx                    xx                    xx                    xx"

3. Against the above judgment of learned Single Judge, these writ appeals have been filed by the State. The Writ Appeals were ultimately referred by a reference order dated 07.09.2012 to be considered by Full Bench, there being two divergent views taken by different Division Benches. Ultimately the matter came to be heard by Full Bench and Full Bench, vide its order dated 21.01.2015, has decided the reference giving the following answer:

"We therefore answer the reference holding that the period during which the teachers of Private Colleges were on loss of pay for the purpose of employment abroad cannot be reckoned either for pension or for placement under the UGC scheme."

4. The learned counsel for the parties agree before us that in view of the answer by Full Bench by order dated

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WA No. 1422 of 2011 & conn. cases

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21.01.2015, nothing survives to be considered in these writ appeals and writ appeals are to be allowed setting aside the judgment of learned Single Judge.

In the result, all the writ appeals are allowed setting aside the judgment of learned Single Judge dated 19.05.2010 and all the writ petitions are dismissed.

*sdl-*

**Ashok Bhushan,  
Acting Chief Justice.**

*sdl-*

**A.M. Shaffique,  
Judge.**

ttb/18/02

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