

Arjun Vasudev vs State of Kerala

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Court : Kerala

Decided On : Apr-03-2025

Judge : Honourable Mr.Justice N.Nagaresh

Appeal No. : WP(C)/45844/2024

Appellant : Arjun Vasudev

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE N.NAGARESH
THURSDAY, THE 3RD DAY OF APRIL 2025 / 13TH CHAITHRA, 1947
WP(C) NO. 45844 OF 2024 PETITIONERS: 1 ARJUN VASUDEV, AGED
29 YEARS, S/O. V. P. VASUDEVAN (LATE), RESIDING AT SREYAS
HOUSE, POYILOOR POST, KANNUR DISTRICT LPSA, SOUTH
PATTIAM UP SCHOOL, PATHAYAKUNNU POST, PATTIAM, KANNUR
DISTRICT, PIN - 670693

2 LEENA M., AGED 54 YEARS, W/O. BALAKRISHNAN N, LPSA,
MUTHIYANGA EAST L.P SCHOOL, MUTHIYANGA POST, KANNUR
DISTRICT, PIN - 670691 3 ASHITHA A.P., AGED 36 YEARS, W/O.

RAJEESH N. K, UPSA, SOUTH PATTIAM UP SCHOOL,
PATHAYAKUNNU POST, PATTIAM, KANNUR DISTRICT, PIN - 670691
4 SHIVI TC, AGED 43 YEARS, W/O. SURESH BABU PK, HINDI
TEACHER (FULL-TIME), SOUTH PATTIAM UP SCHOOL,
PATHAYAKUNNU POST, PATTIAM, KANNUR DISTRICT, PIN - 670691
5 DEEPA K.M., AGED 46 YEARS, W/O. SANIL KUMAR, LPSA,
TRIKKANNAPURAM L.P. SCHOOL, KUTHUPARAMBA POST,
KANNUR DISTRICT, PIN - 670643 :2: 6 JYOTSNA P., AGED 40
YEARS, W/O. SAJITH KUMAR K. P, LPSA, MUTHIYANGA EAST L.P.
SCHOOL, KOOTERIPOYIL, MUTHIYANGA POST, KANNUR DISTRICT,
PIN - 670691 BY ADVS. POOVAMULLE PARAMBIL ABDULKAREEM
K.N.KUMARASWAMY SARMA RESPONDENTS:

1 STATE OF KERALA, REPRESENTED BY THE SECRETARY TO
GOVERNMENT, GENERAL EDUCATION DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN -
695001 2 DIRECTOR OF GENERAL EDUCATION, OFFICE OF THE
DIRECTOR OF GENERAL EDUCATION, JAGATHY,
THIRUVANATHAPURAM, PIN - 695014 3 DEPUTY DIRECTOR OF
EDUCATION, OFFICE OF THE DEPUTY DIRECTOR OF EDUCATION,
KANNUR, PIN - 670002

4 DISTRICT EDUCATIONAL OFFICER, OFFICE OF THE DISTRICT
EDUCATIONAL OFFICER, THALASSERY, KANNUR DISTRICT, PIN -
670101 5 ASSISTANT EDUCATIONAL OFFICER, OFFICE OF THE
ASSISTANT EDUCATIONAL OFFICER, KUTHUPARAMBA, KANNUR
DISTRICT, PIN - 670643 BY ADV. SRI.TONY AUGUSTINE,
GOVERNMENT PLEADER THIS WRIT PETITION (CIVIL) HAVING
COME UP FOR ADMISSION ON 03.04.2025, THE COURT ON THE
SAME DAY DELIVERED THE FOLLOWING: :3:

JUDGMENT

Dated this the 3rd day of April, 2025 The petitioners state that they are Teachers working in different Primary Schools as LPSAs and UPSA under the jurisdiction of

the 5th respondent-Assistant Educational Officer. They were appointed in the regular established vacancies but their appointments were initially approved on daily wage basis as their School being uneconomic.

2. Later, when the School became economic, the

5th respondent granted approval on Scale of Pay to the petitioners with effect from 01.06.2022 onwards. However, it is ordered in those approval orders that their arrears of salary should be deposited in the Provident Fund account. It is also ordered that they should refund the entire daily wage amount :4: which already they received during the period of their service from 01.06.2022 onwards so as to credit their arrears of salary into their PF account. Such condition in the approval orders are illegal and unsustainable and liable to be interfered with, contend the petitioners.

3. I have heard the learned counsel for the petitioners and the learned Government pleader representing the respondents.

4. This Court considered the similar issue in Exts.P15 and P16 judgments. In Ext.P15 judgment in W.P.(C) No.5940 of 2024, this Court held as follows:

After considering all the relevant aspects, I am of the view that in the light of the stand taken by the 4th respondent in the counter affidavits filed in these writ petitions, these writ petitions can be disposed of. Accordingly, it is ordered that the Assistant Educational Officer, Thalassery North and Assistant Educational Officer, Koothuparamba are directed to deposit the arrears of salary as ordered above in the respective Provident Fund accounts of the :5:

petitioners within a period of one month from the date of receipt of a copy of this judgment.

5. By Ext.P16 judgment in W.P.(C) No.32107 of

2024, this Court disposed of similar writ petition directing the respondents to ensure that the arrears of salary of the petitioners therein are deposited in

Provident Fund account after adjusting the amounts already received by the petitioner as daily wages.

6. Considering the fact that the petitioners are

similarly situated like the petitioners in Exts.P15 and P16 judgments, I am of the view that the writ petition can be disposed of with similar directions. The writ petition is accordingly disposed of directing the 5th respondent to ensure that the arrears of salary of the petitioners are deposited in their Provident Fund account after adjusting the amounts already received by them as daily wages :6: during the relevant periods. This shall be done within a period of three months from the date of receipt of copy of this judgment. The question of payment of interest is left open. Sd/- N. NAGARESH JUDGE SR :7: APPENDIX OF WP(C) 45844/2024 PETITIONERS' EXHIBITS:

Exhibit P1 TRUE COPY OF THE APPOINTMENT ORDER

DATED 06/06/2019 ISSUED BY THE MANAGER OF THE SCHOOL Exhibit P2 TRUE COPY OF THE ORDER NO. E/5903/2019 DATED 23/12/2019 ISSUED BY THE 5TH Exhibit P3 TRUE COPY OF THE ORDER NO. E/57379/2023 DATED 20/07/2024 ISSUED BY THE 5TH

Exhibit P4 TRUE COPY OF THE APPOINTMENT ORDER

DATED 01/06/2011 OF 2ND PETITIONER Exhibit P5 TRUE COPY OF THE ORDER NO. C/135116/2023 DATED 26/06/2023 ISSUED

Exhibit P6 TRUE COPY OF THE APPOINTMENT ORDER

DATED 01/06/2017 OF THE 3RD PETITIONER Exhibit P7 TRUE COPY OF THE ORDER NO. E/135206/2023 DATED 19/07/2023 ISSUED

Exhibit P8 TRUE COPY OF THE APPOINTMENT ORDER

DATED 06/06/2019 OF THE 4TH PETITIONER Exhibit P9 TRUE COPY OF THE ORDER NO. E/5906/2019 DATED 02/12/2019 ISSUED BY THE 5TH Exhibit P10

TRUE COPY OF THE ORDER NO. :8: E/711843/2024 DATED 05/03/2024
ISSUED

Exhibit P11 TRUE COPY OF THE APPOINTMENT ORDER

DATED 02/06/2014 ISSUED BY THE MANAGER OF THE SCHOOL Exhibit P12
TRUE COPY OF THE ORDER NO. B/36564/2022 DATED 21/06/2023 ISSUED
BY THE 5TH

Exhibit P13 TRUE COPY OF THE APPOINTMENT ORDER

DATED 02/06/2014 OF 6TH PETITIONER Exhibit P14 TRUE COPY OF THE
ORDER NO. C/135117/2023 DATED 26/06/2023 ISSUED Exhibit P15 TRUE
COPY OF THE JUDGMENT DATED BY THIS HONBLE COURT Exhibit P16
TRUE COPY OF THE JUDGMENT DATED BY THIS HONBLE COURT.

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