

**Satheesh E.N. and Others Vs. The State of Kerala**

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**SooperKanoon Citation :** [sooperkanoon.com/19082](http://sooperkanoon.com/19082)

**Court :** Kerala

**Decided On :** Dec-19-2014

**Judge :** Honourable Mr. Justice a.K.Jayasankaran Nambiar

**Appellant :** Satheesh E.N. and Others

**Respondent :** The State of Kerala

**Judgement :**

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR FRIDAY, THE 19<sup>H</sup> DAY OF DECEMBER 2014 28<sup>TH</sup> AGRAHAYANA, 1936 WP(C).No. 27901 of 2008 (V) ----- PETITIONER(S): ----- 1. SATHEESH E.N., LECTURER SELECTION GRADE, DEPARTMENT OF MATHEMATICS S V R N.S.S. COLLEGE, VAZHOOR.

2. JAYACHANDRAN.V.R LECTURER SELECTION GRADE, DEPARTMENT OF MALAYALAM S V R N.S.S. COLLEGE, VAZHOOR.

3. K.RADHAKRISHNAN NAIR, LECTURER SELECTION GRADE, DEPARTMENT OF BOTANY S V R N.S.S. COLLEGE, VAZHOOR.

4. A.M.SREEKUMARI, LECTURER SELECTION GRADE, DEPARTMENT OF MATHEMATICS S V R N.S.S. COLLEGE, VAZHOOR.

5. M.G.MOHANAN NAIR LECTURER SELECTION GRADE, DEPARTMENT OF MATHEMATICS S V R N.S.S. COLLEGE, VAZHOOR.
6. T.JAYARAJ, LECTURER SELECTION GRADE, DEPARTMENT OF MATHEMATICS S V R N.S.S. COLLEGE, VAZHOOR.
7. K.P.SREEDEVI THAMPATTY LECTURER SELECTION GRADE, DEPARTMENT OF MATHEMATICS S V R N.S.S. COLLEGE, VAZHOOR.
8. M.A.MAHESWARI, LECTURER SELECTION GRADE, DEPARTMENT OF PHYSICS S V R N.S.S. COLLEGE, VAZHOOR.
9. RADHAKRISHNAN NAIR.S, LECTURER SELECTION GRADE, DEPARTMENT OF PHYSICS S V R N.S.S. COLLEGE, VAZHOOR.
10. P.N.GOPALAKRISHNAN NAIR LECTURER SELECTION GRADE, DEPARTMENT OF PHYSICS S V R N.S.S. COLLEGE, VAZHOOR.
11. RAJI N RAMACHANDRAN, LECTURER SELECTION GRADE, DEPARTMENT OF CHEMISTRY S V R N.S.S. COLLEGE, VAZHOOR.
12. SHYLAJA P.S, LECTURER SELECTION GRADE, DEPARTMENT OF CHEMISTRY S V R N.S.S. COLLEGE, VAZHOOR.
13. KUMARI PARIMALA M.S, WP(C).No. 27901 of 2008 (V) LECTURER SELECTION GRADE, DEPARTMENT OF CHEMISTRY S V R N.S.S. COLLEGE, VAZHOOR.
14. V.GHEETHA BAI, LECTURER SELECTION GRADE, DEPARTMENT OF CHEMISTRY S V R N.S.S. COLLEGE, VAZHOOR.
15. S.GEETHA NAIR LECTURER SELECTION GRADE, DEPARTMENT OF CHEMISTRY S V R N.S.S. COLLEGE, VAZHOOR.
16. M.C.SAROJA LECTURER SELECTION GRADE, DEPARTMENT OF CHEMISTRY S V R N.S.S. COLLEGE, VAZHOOR.

17. DR.UNNIKRISHNAN N LECTURER SELECTION GRADE, DEPARTMENT OF BOTANY S V R N.S.S. COLLEGE, VAZHOOR.
18. MINI.S, LECTURER SELECTION GRADE, DEPARTMENT OF BOTANY S V R N.S.S. COLLEGE, VAZHOOR.
19. SYLAJA.S.NAIR LECTURER SELECTION GRADE, DEPARTMENT OF BOTANY S V R N.S.S. COLLEGE, VAZHOOR.
20. DR.S.V.PRADEEP LECTURER SELECTION GRADE, DEPARTMENT OF BOTANY S V R N.S.S. COLLEGE, VAZHOOR.
21. V.G.LALITHAKUMARI LECTURER SELECTION GRADE, DEPARTMENT OF BOTANY S V R N.S.S. COLLEGE, VAZHOOR.
22. K.S.GEETHAKUMARI LECTURER SELECTION GRADE, DEPARTMENT OF BOTANY S V R N.S.S. COLLEGE, VAZHOOR.
23. DR.P.K.AJITHKUMAR, LECTURER SELECTION GRADE, DEPARTMENT OF HINDI S V R N.S.S. COLLEGE, VAZHOOR.
24. JYOTHY BALAKRISHNAN LECTURER SELECTION GRADE, DEPARTMENT OF HINDI S V R N.S.S. COLLEGE, VAZHOOR.
25. P.S.GEETHAKUMARI LECTURER SELECTION GRADE, DEPARTMENT OF SANSKRIT S V R N.S.S. COLLEGE, VAZHOOR.
26. S.PUSHKALA DEVI, LECTURER SELECTION GRADE, DEPARTMENT OF ECONOMICS S V R N.S.S. COLLEGE, VAZHOOR.
27. K.S.SASIKALA, LECTURER SELECTION GRADE, DEPARTMENT OF ECONOMICS S V R N.S.S. COLLEGE, VAZHOOR.
28. T.V.MURALEEVALLABHAN WP(C).No. 27901 of 2008 (V) LECTURER SELECTION GRADE, DEPARTMENT OF ECONOMICS S V R N.S.S. COLLEGE, VAZHOOR.

29. DR.J PRAMEELA DEVI LECTURER SELECTION GRADE, DEPARTMENT OF ENGLISH S V R N.S.S. COLLEGE, VAZHOOR.
30. A.R.ASOK, LECTURER SELECTION GRADE, DEPARTMENT OF ENGLISH S V R N.S.S. COLLEGE, VAZHOOR.
31. LISSAMMA STEPHEN LECTURER SELECTION GRADE, DEPARTMENT OF ZOOLOGY S V R N.S.S. COLLEGE, VAZHOOR.
32. D.AMBIKA KUMARI, LECTURER SELECTION GRADE, DEPARTMENT OF COMMERCE S V R N.S.S. COLLEGE, VAZHOOR.
33. BALU G VELLIKARA LECTURER SELECTION GRADE, DEPARTMENT OF COMMERCE S V R N.S.S. COLLEGE, VAZHOOR.
34. P.S.SASEEDHARAN LECTURER SELECTION GRADE, DEPARTMENT OF COMMERCE S V R N.S.S. COLLEGE, VAZHOOR.
35. G.JAGADEESH CHANDRAN LECTURER SELECTION GRADE, DEPARTMENT OF COMMERCE S V R N.S.S. COLLEGE, VAZHOOR.
36. G.PRABODHA CHANDRAN LECTURER SELECTION GRADE, DEPARTMENT OF COMMERCE S V R N.S.S. COLLEGE, VAZHOOR.
37. DR.R.JAYAKUMAR LECTURER SELECTION GRADE, DEPARTMENT OF COMMERCE S V R N.S.S. COLLEGE, VAZHOOR.
38. C.HARIKUMAR LECTURER SELECTION GRADE, DEPARTMENT OF COMMERCE S V R N.S.S. COLLEGE, VAZHOOR.
39. D.GANGADATHAN NAIR LECTURER SELECTION GRADE, DEPARTMENT OF COMMERCE S V R N.S.S. COLLEGE, VAZHOOR.
40. R.RAJALAKSHMI LECTURER SELECTION GRADE, DEPARTMENT OF BOTANY S V R N.S.S. COLLEGE, VAZHOOR.
41. L.R.RADHAKRISHNAN KARTHA LECTURER SELECTION GRADE, DEPARTMENT OF COMMERCE S V R N.S.S. COLLEGE, VAZHOOR.

42. B.VIJAYAKUMAR LECTURER SELECTION GRADE, DEPARTMENT OF PHYSICS S V R N.S.S. COLLEGE, VAZHOOR.
43. UNNIKRISHNAN KARTHA WP(C).No. 27901 of 2008 (V) LECTURER SELECTION GRADE, DEPARTMENT OF MALAYALAM S V R N.S.S. COLLEGE, VAZHOOR.
44. S.RAJASEKHARAN LECTURER SELECTION GRADE, DEPARTMENT OF COMMERCE S V R N.S.S. COLLEGE, VAZHOOR.
45. N.JAYARAJAN, LECTURER SELECTION GRADE, DEPARTMENT OF ECONOMICS S V R N.S.S. COLLEGE, VAZHOOR. BY ADV. SRI.G.SREEKUMAR (CHELUR) RESPONDENT(S): ----- 1. THE GOVERNMENT OF KERALA REP. BY ITS PRINCIPAL SECRETARY TO GOVERNMENT (FINANCE) THIRUVANANTHAPURAM.
2. THE HIGHER EDUCATION SECRETARY THIRUVANANTHAPURAM.
3. THE DIRECTOR OF TECHNICAL EDUCATION THIRUVANANTHAPURAM.
4. THE DIRECTOR OF TREASUREIS THIRUVANANTHAPURAM5 THE DEPUTY DIRECTOR OF COLLEGIATE EDUCATION, KOTTAYAM.
6. THE DISTRICT TREASURY OFFICER KOTTAYAM.
7. THE SUB TREASURY OFFICER PONKUNNAM.
8. THE PRINCIPAL S V R N.S.S. COLLEGE, VAZHOOR, KOTTAYAM DISTRICT. BY ADV. GOVERNMENT PLEADER SRI.P.V.LONACHAN THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON1912-2014, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: WP(C).No. 27901 of 2008 (V) APPENDIX PETITIONER'S EXHIBITS: EXT.P1: A TRUE COPY OF THE
- JUDGMENT
- IN W.P.(C).NO.4975/05 DATED232/05 EXT.P2: A TRUE COPY OF THE
- ORDER

PASSED BY THE FIRST RESPONDENT DATED 22.05.2008 EXT.P3: A TRUE COPY OF THE COMMUNICATION OF THE 5TH RESPONDENT DATED 29.08 EXT.P4: A TRUE COPY OF THE

ORDER

PASSED IN W.P.(C).NO.388/08 DATED 16.11.08 EXT.P5: A TRUE COPY OF THE

JUDGMENT

IN W.P.(C).NO.18059/08 DATED 23.06.08 OF THIS HONBLE COURT RESPONDENTS' EXHIBITS: NIL //TRUE COPY// P A TO JUDGE A.K.JAYASANKARAN NAMBIAR, J.

..... W.P.(C).No.27901 of 2008  
..... Dated this the 19th day of December, 2014

## **JUDGMENT**

The petitioners who are members of the teaching faculty of the S.V.R.N.S.S College at Vazhoor in Kottayam district approached this Court through the present writ petition, seeking a direction to the respondents to deduct Income tax from the arrears of DA/DP payable to the petitioners and, thereafter, to remit the balance amount to the general provident fund account of the petitioners. It is seen that, by an interim order dated 24.09.2008, this Court had directed the respondents to deduct income Tax payable from the DA arrears of the petitioners and to credit the balance amount to the provident fund account provisionally. It was also directed that the amount recovered towards payment of income tax would be made over to the Income Tax Department and that the said arrangement was to be subject to the result of the writ petition. The interim order passed by this Court virtually granted the petitioners the main relief that they were seeking in the writ petition, and in that view of the matter, nothing survives to be considered in the writ petition. Any amount that has been paid to the Income Tax Department by way of tax deducted from the W.P.(C).No.27901 of 2008 2 amounts payable to the petitioners towards arrears of DA/DP, would necessarily stand to the credit of the petitioners and considered in their individual assessments under the Income Tax Act. The petitioners will not, therefore, be prejudiced in any manner by the

deduction so made pursuant to the interim direction of this Court. As there are no further reliefs sought for in the writ petition, the writ petition is closed based on the interim orders already passed by this Court. A.K.JAYASANKARAN NAMBIAR JUDGE mns W.P.(C).No.27901 of 2008 3

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