

(2019) 06 KL CK 0027

In the High Court Of Kerala

Case No : Writ Petition (Civil) No. 14368 Of 2019

Deepa Annie Mathew

APPELLANT

Vs

State Of Kerala

RESPONDENT

Date of Decision : 07-06-2019

Acts Referred:

Citation : (2019) 06 KL CK 0027

Hon'ble Judges : P.V.Asha, J

Bench : Single Bench

Advocate : U.Balagangadharan, B.Unnikrishna Kaimal

Judgement

1. Petitioner, who has been working as HSA (Malayalam) under the 4th respondent, was granted promotion as HSST (Malayalam) as per Ext.P1

order dated 24.07.2017. It is stated that the 3rd respondent rejected the proposal for approval of the same. The Manager has preferred an appeal

Ext.P3 before the second respondent.

2. Petitioner points out that subsequent to the appointment as HSST (Malayalam), she is not paid even the salary attached to post of HSA

(Malayalam).

3. It is seen that petitioner has been working as HSA (Malayalam) from 08.07.2003 onwards with approval. Therefore even assuming that the

approval is not granted for her appointment as HSST (Malayalam), she is entitled to continue as HSA (Malayalam) as long as there is a sanctioned

post. Therefore, there is nothing wrong in making payment towards the post of HSA (Malayalam) as she will continue to hold lien in that post, till

approval is granted in the post of HSST (Malayalam).

Therefore, there shall be a direction to the second respondent to consider Ext.P3

appeal submitted by the Manager, after affording an opportunity of hearing to the petitioner, 4th respondent and any other person, who is likely to be affected, within a period 'two months' from the date of receipt of a copy of the judgment.

In the meanwhile, there shall be a direction to the 6th respondent to see that the salary is paid to petitioner as admissible to the HSA (Malayalam). The 5th respondent shall present the bill before the 6th respondent.