

(2021) 01 KL CK 0558

In the High Court Of Kerala

Case No : Writ Petition (C) No. 24580 Of 2018

Pathummakutty

APPELLANT

Vs

State Of Kerala And Ors

RESPONDENT

Date of Decision : 25-01-2021

Acts Referred:

Citation : (2021) 01 KL CK 0558

Hon'ble Judges : Devan Ramachandran, J

Bench : Single Bench

Advocate : K. Rakesh, Sunil Kumar Kuriakose

Judgement

1. The petitioner has approached this Court seeking a direction to respondents 1 to 4 to reckon the spells of broken service, spent by her before she

was admitted to regular service, for the purpose of declaration of probation and other service benefits. The petitioner specifically relies on Ext.P3

judgment of this Court, which had been delivered by another learned Judge in the case of a person stated to be similarly situated and prays that she

also be granted the benefits of the declarations therein. The petitioner, therefore, prays that this writ petition be ordered on the same lines as Ext.P3

judgment.

2. In response, the learned Government Pleader submitted that since the submissions of Sri.K.Rakesh - learned counsel for the petitioner, are founded

on the declarations in Ext.P3 judgment and since the petitioner therein appears to be similarly situated as the petitioner in this case, the Authorities are

willing to consider if she is also entitled to the benefits granted therein. The learned Government Pleader, therefore, prayed that this writ petition be

ordered to such effect.

3. When I go through Ext.P3 judgment, it is indubitable that a learned Judge of this Court has found that spells of broken service will have to be

reckoned for the purpose of declaration of probation and also for grant of increments. This benefit was granted in the said judgment based on Rules

6A and 61(4) of Chapter XIV of the Kerala Educational Rules (KER); and since the petitioner asserts that she is entitled to the same benefit - she

being identically situated as the petitioner in Ext.P3 judgment - I am certain that she is also deserving her case being considered on such terms.

In the afore circumstances, I order this writ petition and direct the competent respondent to issue apposite orders, after considering her claim for

counting the broken period of service put in by her before she entered regular service, for the purpose of declaration and also for increments in terms

of the afore Rules; and this exercise shall be completed within a period of one month from the date of receipt of a copy of this judgment, leading to

disbursement of all eligible monetary benefits within a period of one month thereafter.