

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL Nos.7075-7076 OF 2023
(Arising out of SLP(C)Nos.7259-7260 of 2023)

C. RAJENDRAN & ORS.

... APPELLANTS

Versus

THE UNIVERSITY OF CALICUT & ORS.

... RESPONDENTS

O R D E R

1. Leave granted.

2. The appellants served as Professors/Associate Professors at the Calicut University. They attained the age of their superannuation i.e. 60 years on 12.11.2012, 01.12.2012, 01.10.2012 and 04.10.2012 respectively. The appellants admittedly continued to serve the University till the end of the academic session on 31.03.2013. They represented for disbursement of salary for the period beyond their age of superannuation till the end of the academic session. Their claim was turned down by the authorities which led them to approach the High Court. A learned Single Judge accepted their claim and directed to release the salary and retiral benefits for the period from December, 2012 till 31.03.2013 within one month, failing which, interest at the rate of 6.5% p.a. would entail. The respondents, however, challenged the decision of the learned Single Judge in Writ Appeal No.310 of 2022. The Division Bench of the High Court, vide the impugned judgment, has allowed

the same by holding that the appellants are not entitled to any amount after the attainment of age of superannuation for the period they continued till the end of the academic session.

3. We have heard learned counsel for the parties and carefully perused the material placed on record.

4. It is an admitted fact that the appellants were retained in the service till the end of the academic session and have worked after the age of their superannuation i.e. 60 years till 31.03.2013. It appears to us that the appellants are entitled to the emoluments and other service benefits for the said extended period. Learned Single Judge, thus, had rightly granted them such benefits along with interest at the rate of 6.5% p.a.

5. The contention that the appellants were aware of the age of their superannuation and ought not to have worked beyond the age of 60 years cannot be appreciated for the reason that the appellants being academicians took it as their moral responsibility to complete the academic session and continued to perform their duties till the end of the academic session on 31.03.2013. The appellants are, therefore, entitled to be suitably compensated for the said extended period.

6. For the reasons aforestated, the appeals are allowed; the impugned judgments dated 03.06.2022 and 22.11.2022 are set aside and that of the learned Single Judge dated 22.11.2021 is restored. The respondents are directed to disburse the salary along with interest to the appellants, as directed by the learned Single Judge, upto 31.03.2013. However, the retiral benefits shall be

granted to them reckoning the age of 60 years, which is the age of their superannuation.

7. In the interest of justice, it is further directed that no recovery of the amount to be paid to the appellants shall be effected from the employees of the University, as directed by the Joint Director, Local Fund Audit, Calicut University Audit vide Memo dated 30.03.2013.

8. The arrears of salary up to 31.03.2013 shall be disbursed to the appellants by the University out of its own fund, subject to reimbursement by the State Government in accordance with the Rules/Regulations as may be applicable.

9. The appeals stand disposed of accordingly.

10. As a result, the pending interlocutory application also stands disposed of.

.....J.
(SURYA KANT)

.....J.
(DIPANKAR DATTA)

NEW DELHI;
OCTOBER 30, 2023.

ITEM NO.38

COURT NO.5

SECTION XI-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s).7259-7260/2023

(Arising out of impugned final judgment and order dated 22-11-2022 in RP No.1059/2022 and order dated 03-06-2022 in WA No.310/2022 passed by the High Court of Kerala at Ernakulam)

C. RAJENDRAN & ORS.

Petitioner(s)

VERSUS

THE UNIVERSITY OF CALICUT & ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.63939/2023-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 30-10-2023 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE DIPANKAR DATTA

For Petitioner(s) Dr. KM George, Adv.
Mr. Jogy Scaria, AOR
Ms. Beena Victor, Adv.
Ms. Chitra George, Adv.
Mr. Vivek Guruprasad Ballekere, Adv.
Ms. M Priya, Adv.

For Respondent(s) Mr. P. V. Dinesh, AOR
Ms. Anna Oommen, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeals stand disposed of in terms of the signed order.

As a result, the pending interlocutory application also stands disposed of.

(SATISH KUMAR YADAV)
DEPUTY REGISTRAR

(PREETHI T.C.)
COURT MASTER (NSH)

(Signed order is placed on the file)

