

CASE DETAILS			
Case Type	Con.Case(C)	Case Status	DISPOSED
Filing Number	Con.Case(C) 2183/2022	Filing Date	09-11-2022
Registration Number	Con.Case(C) 2233/2022 (S)	Registration Date	11-11-2022
CNR Number	KLHC010780572022	E-File NO	EF-HCK-2022-052384 Online
Disposed date	19-12-2022		

ARISED CASE			
Arised From	WP(C) 30281/2021	Disposed by 4298-HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN	DOWNLOAD ORDER

CASE STATUS			
First Hearing Date	Tuesday, the 15th day of November 2022		
Decision Date	Monday, the 19th day of December 2022		
Case Status	DISPOSED		
Nature of Disposal	CLOSED		
Coram	4298-HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN		
Bench	Single		
Last listed Details	Date : 07-07-2023	Bench: 4298 - HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN	List : Daily List Item : 14

CONNECTED CASES	
Connected List	Con.Case(C) No.2240/2022
PETITIONER AND ADVOCATE	
1	Petitioner : DR. C.D. VARGHESE , Age : 60 Years Petitioner Advocate : M.S.RADHAKRISHNAN NAIR

RESPONDENT AND ADVOCATE	
1	Respondent : ISHITA ROY
2	UNIVERSITY GRANTS COMMISSION (UGC) Advocate : S. Krishnamoorthy S (8578)

SERVED ON	
SHRI.S.KRISHNAMOORTHY, SC, S.KRISHNAMOORTHY, SC, UNIVERSITY GRANTS COMMISSION - UGC-SERVED ON	
GOVERNMENT PLEADER-SERVED ON	

ACTS	
Under Act(s)	Under Section(s)
CONTEMPT OF COURTS ACT, 1971	section 12 of contempt of courts act 1971 R/W. ARTICLE 215 OF THE CONSTITUTION OF INDIA

IA DETAILS						
#	IA Number	Date of Filing	Status	Classification	Party	Date of Disposal
1	IA/2/2023	03-06-2023	PENDING	EXEMPT FROM PERSONAL APPEARANCE/SURRENDER	ISHITA ROY	
2	IA/1/2023	25-03-2023	PENDING	TO REHEAR	DR. C.D. VARGHESE	
3	IA/1/2022	06-12-2022	PENDING	EXEMPT FROM PERSONAL APPEARANCE/SURRENDER	ISHITA ROY	

DOCUMENTS							
Document No	Date	File Type	Description	Party Name	Advocate Name	Files	
1/2023	11-04-2023	MEMO		ISHITA ROY	PUBLIC PROSECUTOR		

DOCUMENTS						
Document No	Date	File Type	Description	Party Name	Advocate Name	Files
2/2023	17-05-2023	STATEMENT		DR. C.D. VARGHESE	ELIZEBATH GEORGE	
3/2023	31-05-2023	AFFIDAVIT		ISHITA ROY	PUBLIC PROSECUTOR	
4/2023	06-07-2023	STATEMENT		UNIVERSITY GRANTS COMMISSION (UGC)	S.KRISHNAMOORTHY	

HISTORY OF CASE HEARING						
#	Cause List Type	Hon: Judge Name	BusinessDate	NextDate	Purpose of Hearing	Order
1	Part Two	4298-HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN	15-11-2022	29-11-2022		Adjourned TO 29/11/22
2	Daily List	4298-HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN	29-11-2022	06-12-2022		Adjourned TO 6/12/22.ORDER...
3	Daily List	4298-HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN	06-12-2022	19-12-2022		Adjourned TO 19/12/22
4		4298-HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN	03-07-2023			Post on 06/07/2023 a/w c/case
5		4298-HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN	07-07-2023			ADJOURNED TO 12/07/2023
6		4298-HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN	25-05-2023			POST ON 6/6/2023
7		4298-HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN	06-07-2023			POST ON 7/07/2023
8		4298-HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN	19-06-2023			THE LEARNED SC SEEKS TIME POST ON 30/06/23
9		4298-HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN	05-06-2023			order...post on 19/6/2023
10		4298-HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN	05-06-2023			order...post on 19/6/2023
11		4298-HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN	13-04-2023			POST ON 25/5/2023.ORDER....
12		4298-HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN	31-03-2023			POST ON 13/4/2023.ORDER...
13		4298-HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN	19-12-2022			CLOSED

INTERIM ORDERS		
Business Date	Hon: Judge Name	Application
29-11-2022	HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN	
31-03-2023	HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN	
13-04-2023	HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN	
05-06-2023	HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN	
05-06-2023	HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN	IA 2/2023

ORDER		
Order Number	Judge	Order Date
1	4298-HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN	19-12-2022

CATEGORY DETAILS	
Category : 23.00 Contempt of Court Cases/Contempt of Court Cases (Civil) (84)	

OBJECTION	
#	Objection
1	All Objections are Complied

Contempt Of Court Case (C) No.2233 OF 2022

C.D.Varghese

.. Petitioner

Vs.

Ishita Roy

.. Respondent

STATEMENT FILED BY S. KRISHNAMOORTHY, COUNSEL
APPEARING FOR THE ADDL. 2ND RESPONDENT
UNIVERSITY GRANTS COMMISSION IN THE ABOVE CASE AS PER
DIRECTED BY THIS HON'BLE COURT

1. I am the Counsel appearing for the University Grants Commission, the Addl. 2nd respondent in the above Writ Petition. I know the facts of the case. I am filing this statement as per the oral instructions received from the University Grants Commission subject to filing a detailed Counter Affidavit. The statement is filed as directed by this Hon'ble Court.
2. It is submitted that the above Contempt of Court Case (Civil) is filed alleging the non-compliance of the judgment in WP(C) No. 30281/2021 dated 16.6.2022. The UGC has been impleaded as the Addl. 2nd respondent by this Hon'ble Court solely to appraise factual aspects since the 1st respondent had submitted that, though the eligibility of the petitioners is not seriously under dispute, the Government of Kerala is unable to favour them with the arrears relating to the 7th UGC Pay Revision on account of the fact that the central share of the same has not been received, despite proposals having been submitted for the same; and therefore, that its financial position, as of now, will not permit disbursement of such huge amounts.
3. In this regard it is submitted that Ministry Of Human Recourses Development had implemented a Scheme to provide financial assistance to State Governments opting to revise pay scales of

teachers and other equivalent cadre covered under the Scheme by way of reimbursement, to the extent of 50% of the additional expenditure involved in the implementation of the pay revision, for the Universities, Colleges and other higher educational institutions, funded by the State Government; but subject to certain terms and conditions. One among those conditions was that a **proposal** for reimbursement on account of pay revision in State funded universities, colleges and other higher educational Institutions shall be submitted in the prescribed format by the State Governments within a time limit.

4. It is submitted that as a **policy** decision the Ministry Of Education has decided the last date for submission of complete proposals by the State Governments was up to **31.03.2022**, for reimbursement of 50% central share under the scheme, subject to the condition that expenditure on this account up to the period 31.03.2019 only will be eligible for reimbursement. Accordingly, the Ministry had directed the State Governments are requested to take necessary action and submit complete proposals for reimbursement of 50% central share under the 'scheme on or before **28.02.2022**.

5. It is submitted that the reimbursement of 50% central share is subject to implementation of the scheme along with the conditions stipulated in the guidelines of the scheme. The last date for submission of complete proposal by the State Governments was 31.03.2022 and all States, were asked to submit complete proposal as per the scheme's guidelines to the Ministry of Education on or before 31.03.2022, however the complete proposal was not received from the State Government of Kerala on or before the last date of the scheme i.e. 31.03.2022, and hence the central share could not be released to the State Government of Kerala. The scheme of reimbursement of central share to the State Governments has been closed with effect from 01.04.2022. Any proposal subsequent to that date cannot be

entertained and if any incomplete proposal submitted cannot also be entertained at this distance.

6. It is submitted that since the Govt. of India had taken such a decision and such a decision is binding on the University Grants Commission under Section 20 of the UGC Act, any proposal after 31.3.2022 can't be entertained. As such the contribution towards the 50% of the additional expenditure involved in the implementation of the pay revision, on the basis of 7th CPC recommendations cannot be extended further. In view of the decision taken by the Ministry of Education as a policy decision, no further grant from the UGC in respect to the implementation of 7th CPC recommendations can be disbursed to the State Of Kerala.

COURT