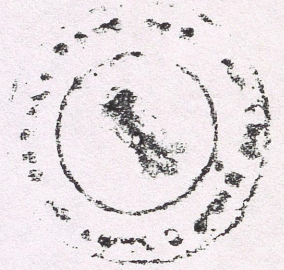


Attention: Advocate M. Srikumar ^{Page 1}
0484 2394435



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

MONDAY, THE 17TH SEPTEMBER 2007 / 26TH BHADRA 1929

WP(C).No. 25589 of 2007(U)

PETITIONER:

DR. KUSALA RAJENDRAN,
W/O. DR.C.P. RAJENDRAN, SCIENTIST E2,
CENTRE FOR EARTH SCIENCE STUDIES,
THIRUVANANTHAPURAM, RESIDING AT 33/1273,
"VASUDHA", VATTIYOORKKAVU P.O., THIRUVANANTHAPURAM.

BY ADV. SRLM.SREEKUMAR

RESPONDENTS:

1. CENTRE FOR EARTH SCIENCE STUDIES,
REPRESENTED BY ITS DIRECTOR, AKKULAM,
THIRUVANANTHAPURAM.
2. THE DIRECTOR,
CENTRE FOR EARTH SCIENCE STUDIES, AKKULAM,
THIRUVANANTHAPURAM.

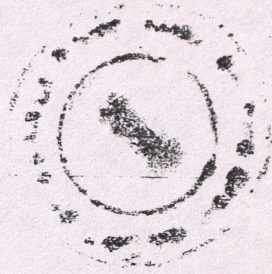
THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 17/09/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

my



ANTONY DOMINIC, J.

=====
W.P. (C) No. 25589 OF 2007
=====



Dated this the 17th September, 2007

J U D G M E N T

The claim raised by the petitioner is for assessment promotion to the post of Scientist F. This claim is on the basis that since once she has attained eligibility to be considered, the respondents are bound to consider her case for assessment promotion. At this stage I do not propose to enter into the merits of the case. The petitioner has produced Ext. P4, a representation stated to have been filed by her to the 2nd respondent and it is submitted that orders have not been passed thereon. If Ext. P4 has been received and is pending with the 2nd respondent I direct the 2nd respondent to consider the request of the petitioner as contained therein. Orders on Ext. P4 shall be passed within a period of four weeks from the date of receipt of a copy of this judgment.

With this direction the writ petition is disposed of.

edh
ANTONY DOMINIC
JUDGE

17m 20/11/07

TELECOPY
Antony
EXAMINER

jan/-

As to judge

IN THE HIGH COURT OF KERALA AT ERNAKULAM



PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

WEDNESDAY, THE 14TH NOVEMBER 2007 / 23RD KARTHIKA 1929

WP(C).No. 33427 of 2007(D)

PETITIONER:

DR. KUSALA RAJENDRAN, W/O.
DR. C.P.RAJENDRAN, SCIENTIST E2, CENTRE FOR EARTH
SCIENCE STUDIES, THIRUVANANTHAPURAM, RESIDING AT
33/1273, "VASUDHA", VATTIYOORKKAVU P.O.,
THIRUVANANTHAPURAM.

BY ADV. SRI.M.R.RAJESH

RESPONDENTS:

1. CENTRE FOR EARTH SCIENCE STUDIES,
REPRESENTED BY ITS DIRECTOR, AKKULAM,
THIRUVANANTHAPURAM-31.
2. THE DIRECTOR,
CENTRE FOR EARTH SCIENCE STUDIES, AKKULAM,
THIRUVANANTHAPURAM-31.
3. THE KERALA STATE COUNCIL FOR SCIENCE,
TECHNOLOGY & ENVIRONMENT, REPRESENTED BY
ITS EXECUTIVE VICE-PRESIDENT, SASTHRABHAVAN,
PATTOM PALACE P.O., THIRUVANANTHAPURAM-04.
4. THE EXECUTIVE VICE-PRESIDENT,
KERALA STATE COUNCIL FOR SCIENCE, TECHNOLOGY &
ENVIRONMENT, SASTHRABHAVAN, PATTOM PALACE P.O.,
THIRUVANANTHAPURAM-04.

BY GOVERNMENT PLEADER SRI. BEJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 14/11/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:



✓

V.GIRIJ.

W.P (C) No. 33427 of 2007

Dated this the 14th November, 2007

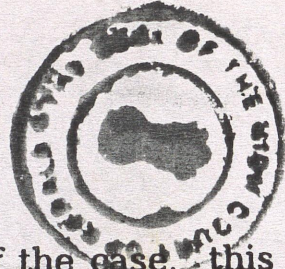


J U D G M E N T

Petitioner who was earlier employed as Scientist EII in the Centre for Earth Science Studies, Thiruvananthapuram claimed, on completion of five years that she is entitled to promotion to the post of Scientist F. Promotion was not granted to her and in the meanwhile, she submitted an application for leave without allowances which was not granted. Petitioner, therefore, submitted an application for resignation. It is now admitted that the petitioner's resignation has been accepted. She has joined the Indian Institute of Sciences, Bangalore. Pursuant to Exhibit -P5 judgment 2nd respondent issued an order stating that if the petitioner's resignation is not accepted by the competent authority then her claim for promotion to the post of Scientist F shall be considered as per rules. Petitioner then submitted Exhibit-P7 requesting the Director to place her claim before the Managing Committee. The issue is to be considered by the Managing Committee.

2. I heard learned counsel for the petitioner and the learned Government Pleader also.

N



3. In the facts and circumstances of the case, this writ petition is disposed of directing the 3rd respondent to place the petitioner's claim as contained in Exhibit-P7 before the Managing Committee, which shall take a decision, with reference to the situation prevailing prior to the submission of resignation by the petitioner. Such decision shall be taken, within three months from the date of receipt of a copy of this judgment.

ma

Self
(V.GIRI, JUDGE)

True copy

P. A to Judge

TRUE COPY

M. S. Khan

EXAMINER

6/4 7/Mar/03/50

SAS 15/12

PI disam

Ymo
11.12.07

3590 15/12 3547
D. Damodaran
15/12/07

Shri. P. J. Thomas, IAS,
Chief Secretary to the Government of Kerala,
Secretariate,
Thiruvananthapuram 695001

Pol. diry (587)

November 30, 2007

Sir,

Sub: Obtaining prior permission from the Govt. of Kerala for foreign visits - non-compliance of the GO and Inaction from KSCSTE - requesting action -reg.

X

It was brought to the notice of Dr. E. P. Yesodharan, EVP of KSCSTE regarding the acts of one Dr. Kusala Rajendran, scientist at CESS. She has gone to Bangkok without even informing the authorities. We understand that our letter was duly forwarded by the EVP to CESS authorities. We also understand that this matter was placed in the management committee of CESS but the committee did not address the seriousness of the matter and no decisions were taken. CESS authorities did not purposefully seek decision from the committee on this act as under the "points for decision" this issue was not mentioned. Please note that the management committee of CESS has a government nominee and hence an omission like this appears to give a tacit government approval for such violations.

Therefore, we request you either to take action on the erring scientist and on the colluding CESS authorities or withdraw the GO to treat all the employees of the government equal.

Y

We also understand another scientist Dr. C. P. Rajendran (incidentally he is the husband of the delinquent scientist referred here) has also been making foreign tours without informing the authorities. A scrutiny of his passport will throw light on this.

To prove that the government has not lost its right to govern, immediate action is requested from an able and efficient administrator like you.

Thanking you and with best wishes

Yours truly,
D. Damodaran

Prof. R. Damodaran,
President, All Kerala Scientists Federation,
21, Tagore Gardens, Ulloor
Thiruvananthapuram 11

Pl offer yr comments
on X and Y above

Ymo
15.12.07

Director (CESS)



450/

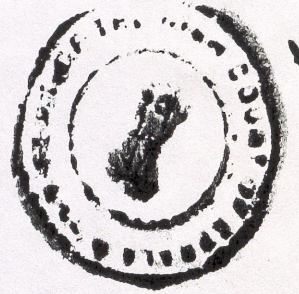
HIGH COURT OF KERALA, ERNAKULA.

1. The year and number of suit *C.P.O. 33427/07.*
- or other proceedings
2. Name of the Court *W.I. e*
3. The name of applicant *Dr. R. Rajesh*
4. Number and date of application *57704/07.*
5. Date of calling for Stamp papers *14.11.07*
6. Date of production of papers *29.11.07*
7. Date of calling for additional papers *29.11.07*
8. Date of production of additional papers *30.11.07*
9. Date when copy was ready *7.12.07.*
10. Date notified for appearance to receive the copy
11. Date when copy was delivered *30/11/07*

M. Shankar *[Signature]*
EXAMINER

~~Mushatik~~ - 9495008101
Mushatik -
Mushid ADRF

Abdul Majid



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

MONDAY, THE 7TH APRIL 2008 / 18TH CHAITHRA 1930

RP.No. 303 of 2008()

AGAINST THE JUDGEMENT IN WPC.33427/2007 Dated 14/11/2007

PETITIONERS/3RD AND 4TH RESPONDENTS IN W.P.(C).

1. THE KERALA STATE COUNCIL FOR SCIENCE TECHNOLOGY & ENVIRONMENT, REPRESENTED BY ITS EXECUTIVE VICE-PRESIDENT, SASTHRABHAVAN PATTOM PALACE PO, THIRUVANANTHAPURAM.
2. EXECUTIVE VICE-PRESIDENT KERALA STATE COUNCIL FOR SCIENCE TECHNOLOGY & ENVIRONMENT, -DO- -DO-

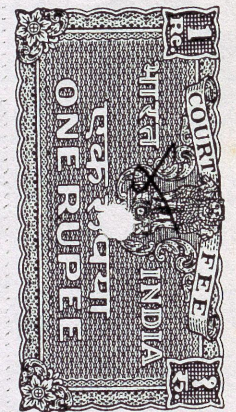
BY ADV. SRI.P.A.AHAMMED

RESPONDENTS: PETITIONER, RESPONDENTS 1 & 2

1. DR. KUSALA RAJENDRAN
W/O.DR.C.P.RAJENDRAN, SCIENTIST E2
CENTRE FOR EARTH SCIENCE STUDIES
THIRUVANANTHAPURAM, RESIDING AT 33/1273
VASUDHA, VATTIYOORKKAVU PO, THIRUVANANTHAPURAM.
2. CENTRE FOR EARTH SCIENCE STUDIES
REPRESENTED BY ITS DIRECTOR, AKKULAM
THIRUVANANTHAPURAM-31.
3. THE DIRECTOR, CENTRE FOR EARTH SCIENCE
STUDIES, AKKULAM, THIRUVANANTHAPURAM-31

BY GOVERNMENT PLEADER SRI. BEJOY CHANDRAN

THIS REVIEW PETITION HAVING BEEN FINALLY HEARD ON 07/04/2008, ALONG WITH R.P. 337/08, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:



B

V.GIRI, J

R.Ps.337/2008 & 303/2008 in W.P.(C).33427/2007

Dated this the 7th day of April, 2008



ORDER

I heard learned counsel for the review petitioners Sri.P.V.Lohithakshan, Mr. Thofeek Ahammed and the learned counsel for the writ petitioner Mr.M.R.Rajesh.

2. Counsel for the review petitioners submits that the writ petition was disposed of without considering Rule 12.2 of the Scientists Recruitment and Promotion Rules, at the admission stage. No doubt, writ petition was disposed of at the stage of admission, but it may not be correct to say that Rule 12.2 of the Rules was not considered. The said rule was extracted in Ext.P6, which was challenged in the writ petition. The judgment only directs that the petitioners request be placed before the Managing Committee and it must be considered with reference to the situation prevailing prior to her resignation.

3. Learned counsel for the review Petitioners submits that under Rule 12.2 of the Rules, petitioner will forfeit

3

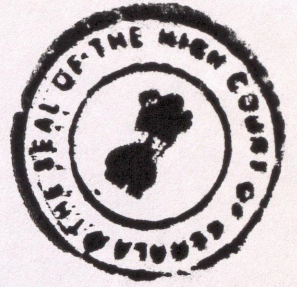


her claim for any benefit by way of promotion, if she resigns from the post. This may be true. But this Court had taken note of the fact that the petitioner had raised a claim for career advancement in 2003 and as an instrumentality of the State, review petitioner normally would be required to consider the claim in accordance with the rules prevailing at that time. Directions issued in the judgment only require the review petitioners to consider the claim of the Original petitioner on merits and not to decline consideration, on the premise that on her resignation, she forfeits her rights to claim any benefit including the benefit in relation to the period when she was in service.

4. Counsel also brings to my notice the fact that the petitioner's resignation has actually been accepted only on 11.12.2007 by the Managing Committee. The judgment of this Court is dated 14.11.2007.

5. I do not find any error on the face of the judgment and it is not a case where a provision, which is binding

B



R.Ps.337 & 303/2008

3

on the parties in question, was shielded from the eyes of this Court. I do not find any grounds to review the judgment. Accordingly, the Review Petitions are dismissed.

Sd/-
V.GIRI,
Judge

mrCS

P.A To Judge

True Copy

Examiner



INDIAN INSTITUTE OF SCIENCE
Bangalore 560 012, INDIA

Dr. Kusala Rajendran
Associate Professor
Centre for Earth Sciences
Email: kusala@civil.iisc.ernet.in
Tel: (80) 22932633 (w)
(80) 23600126 (h)

December 3, 2007

To:

The Executive Vice-President
Kerala State Council for Science Technology and Environment
Pattom, Trivandrum

Sir,

Sub: My writ petition to the Hon'ble High Court regarding assessment promotion

Enclosed is the judgment from the Hon'ble High Court on the issue of my pending assessment promotion. In the light of this judgment kindly take urgent measures to conduct the assessment within the stipulated time.

Sincerely yours,

Kusala Rajendran

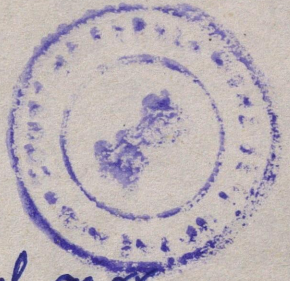
Copy to:

The Director
CESS

ORDER XLI, RULE 14 OF THE CODE OF CIVIL PROCEDURE, 1908

IN THE HIGH COURT OF JUDICATURE OF THE STATE OF KERALA

WP
Appeal Suit No. 1447 of 2008 B
Regular First Appeal



Appellant:— Centre for Earth Science Studies and more

Respondent:— 1. Dr. Kusala Rajendran
w/o. Dr. C.P. Rajendran
Former Scientist B2
Centre for Earth Science Studies
To 33/1273, Vasudha, Vattioorkkavu P.O
Thiruvananthapuram

The respondent aforesaid:—

Take notice that an appeal from the decree in WP (C) RP 337/08
15
3827 of 2007 of the
District/Sub Court of Road dated 7.4.08 has been presented by
Advocate Sri P.V. Lakshankutty on behalf of the appellant and registered in
this Court, and that the 11/08/08 day of 11/08/08 2008 has been fixed by this
Court for the hearing of this appeal.

If no appearance is made on your behalf, by yourself, your Advocate, or someone by law authorised to act for you in this appeal, it will be heard and decided ex parte in your absence.

Pachuale

(By order)

P. P. [Signature]
Section Officer

For Registrar.

High Court,
Ernakulam 21/07/2008 }

2

Presented on:

BEFORE THE HON'BLE HIGH COURT OF KERALA AT ERNAKULAM

W.A.No. ¹⁴⁴⁷~~1147~~ of 2008

(against the judgment dated 7.4.2008 of the learned single judge in R.P.
No.337 of 2008 in W.P. 33427 of 2007)

Centre for Earth Science Studies & another }..Appellants/ Petitioner in RP/
} Respondents 1 & 2 in W.P.

Vs.

Dr. Kusala Rajendran & 2 others }..Respondents/ Respondents in
} R.P- Petitioner & Respondents
} 3 & 4 in W.P.(C).

**MEMORANDUM OF WRIT APPEAL FILED UNDER SECTION 5 OF
THE KERALA HIGH COURT ACT**



Advs: E.K. Madhavan (M-6)
P.V. Lohithakshan (L-63)

COUNSEL FOR THE APPELLANTS

BEFORE THE HON'BLE HIGH COURT OF KERALA AT ERNAKULAM

W.A No. OF 2008

(against the order dated 7.4.2008 of the learned single judge in R.P.No.337 of 2008 in W.P.(c) No. 33427 of 2007)

Centre for Earth Science Studies & another }..Appellants/Petitioner in RP/
} Respondents 1 & 2 in W.P.

Vs.

Dr.Kusala Rajendran & 2 others }..Respondents/Respondents in
} RP- Petitioner & Respondents
} 3 & 4 in W.P.©.

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4.	Copy of Review Petition No.337 of 2008.	13 - 27
5.	Copy of the Writ Petition (c) No.33427 of 2007.	28 - 47

Dated this the 26th day of June, 2008.

COUNSEL FOR THE APPELLANTS

BEFORE THE HON'BLE HIGH COURT OF KERALA AT ERNAKULAM

W.A. No. of 2008

(against the order dated 7.4.2008 of the learned single judge in R.P. No.337
of 2008 in W.P.(C). No. 33427 of 2007)

Appellants / Petitioners in R.P./
respondents 1 & 2 in W.P.(C)

1. Centre for Earth Science Studies,
Akkulam, Thiruvananthapuram - 31,
Rep. by its Director.
2. The Director,
Centre for Earth Science Studies,
Akkulam, Thiruvananthapuram - 31,

Vs.

Respondents/Respondents in R.P /
Petitioner & Respondents 3 & 4 in W.P.(C)

1. Dr. Kusala Rajendran,
W/o.Dr. C.P.Rajendran,
Former Scientist E2,
Centre for Earth Science Studies,
33/1273, 'Vasudha', Vattioorkkavu.P.O,
Thiruvananthapuram.
2. The Kerala State Council for Science, -
Technology & Environment,
Sasthra Bhavan,
Pattom Palace P.O,
Thiruvananthapuram - 4.
Rep. by its Executive Vice President.
3. Executive Vice President
The Kerala State Council for Science, -
Technology & Environment,
Sasthra Bhavan,
Pattom Palace P.O,
Thiruvananthapuram - 4.

MEMORANDUM OF WRIT APPEAL FILED BY THE APPELLANTS UNDER
SECTION 5 OF THE KERALA HIGH COURT ACT AGAINST ORDER DATED
7.4.2008 OF THE LEARNED SINGLE JUDGE IN W.P.(C) NO. 33427 OF
2007 THROUGH THEIR COUNSEL M/S. MENON & MENON, ADVOCATES,
HRS COMPLEX, SRM ROAD, KOCHI - 18.

Notices etc., to the appellants may be served on their Counsel
M/s.Menon & Menon, Advocates, H.R.S.Complex, S.R.M.Road, Kochi - 18.

Notices etc., to the respondents may be served through their address as shown above.

STATEMENT OF FACTS

1. The appellants are respondents 1 and 2 in W.P.(C) No.33427 of 2007 and review petitioners in R.P. No.337 of 2008 on the file of this Hon'ble Court. The review petition was filed by the appellants herein having aggrieved by the judgment dated 14.11.2007 of the learned single judge in W.P.(C) No.33427 of 2007. The learned single judge has been pleased to dispose of the writ petition at the stage of admission itself without notice to the appellants. The writ petition was filed by the 1st respondent herein seeking a writ of certiorari to quash Ext.P6 issued by the appellants herein and a writ of mandamus to command the 2nd appellant and the 3rd respondent herein to effect assessment promotion in case the 1st respondent, if necessary, by extending period of leave without allowance granted by Ext.P7 or by invoking Rule 13 of the Scientist's Recruitment & Promotion Rules (hereinafter referred to as the 'Promotion Rules' for short). A learned single judge of this Hon'ble Court disposed of the writ petition on 14.11.2007 directing the 2nd respondent herein to place the writ petitioner's claim as contained in Ext.P7 before the Managing Committee, which shall take a decision with reference to the situation prevailing prior to the submission of resignation by the writ petitioner and such decision shall be taken within 3 months from the date of receipt of a copy of the judgment.

2. It is submitted that the writ petitioner /1st respondent was employed as a Scientist EII under the 1st appellant viz. Centre for Earth Science Studies, Thiruvananthapuram (hereinafter referred to as 'CESS' for short). The 1st respondent/ writ petitioner submitted letter dated 30.6.2007 to relieve her from CESS to take up assignment of Associate Professor in Indian Institute of Science, Bangalore. The 1st appellant forwarded the said letter of the 1st respondent/ writ petitioner to the 2nd respondent, the Kerala State Council for

Science, Technology & Environment (hereinafter referred to as the 'Council' for short) for appropriate decision as CESS is one of the R&D centres under it. The council as per its letter dated 21.7.2007 informed that no lien can be granted to the writ petitioner and if the 1st respondent/ writ petitioner wish to take up the assignment she can submit her resignation. The 1st appellant communicated the said decision to the 1st respondent/ writ petitioner as per Ext.P2. Thereafter 1st respondent/ writ petitioner submitted Ext.P3 letter stating that she is submitting her resignation with effect from 13.8.2007 and requested to do the needful. On the very same date the 1st respondent /writ petitioner submitted Ext.P4 note also to the 2nd appellant requesting to conduct the assessment interviews within 3 months and give her an opportunity to attend the interviews. The 1st respondent/ writ petitioner thereafter filed W.P.(C). No.25589 of 2007 before this Hon'ble Court seeking inter alia the relief of consideration of Ext.P4. A learned single judge of this Hon'ble Court disposed of the said writ petition as per Ext.P5 judgment without notice to the appellants directing the 2nd appellant to consider the request of the 1st respondent/ writ petitioner in Ext.P4 and to pass orders within a period of 4 weeks from the date of receipt of a copy of the judgment. In compliance of Ext.P5 judgment the 2nd appellant issued Ext.P6 after specifically quoting Rule 12.2 of the Promotion Rules stating that in case the resignation of the 1st respondent/ writ petitioner is accepted by the competent authority Rule 12.2 will apply to her assessment promotion also. The 1st respondent/ writ petitioner thereafter submitted Ext.P7 representation dated 22.10.2007 requesting to place her request before the Management Committee to extend her leave to a reasonable time until the council may be in a position to conduct the assessment promotion citing similar cases where leave have been allegedly granted to others. The 1st respondent/ writ petitioner rushed to this Hon'ble Court again with W.P.(C). No.33427 of 2007

which resulted in the judgment dated 14.11.2007 which was sought to be reviewed by the appellants by filing R.P. No.337 of 2008.

3. The learned single judge who heard R.P. No.337 of 2008 along with R.P. No.303 of 2008 filed by respondents 2 and 3 herein dismissed the review petition as per order dated 7.4.2008, without properly and correctly appreciating the contentions of the appellants that judgment dated 14.11.2007 in W.P.(C). No.33427 of 2007 is vitiated by errors apparent on the face of the record.

Aggrieved by the said order dated 7.4.2008 of the learned single judge in R.P. No.337 of 2008 appellants beg to prefer this Memorandum of Writ Appeal on the following among other;

GROUND S

A. It is submitted that order dated 7.4.2008 of the learned single judge of this Hon'ble Court in R.P. No.337 of 2008 in W.P.(C). No.33427 of 2007 is vitiated by errors apparent on the face of the record and hence illegal.

B. The learned single judge who was pleased to hear and dispose of W.P.(C). No.33427 of 2007 without notice to the appellants has not considered Ext.P6 order passed by the 2nd appellant wherein the attention of the 1st respondent/writ petitioner was invited to Rule 12.2 of the Promotion Rules. It was clearly and categorically stated in Ext.P6, which was passed in compliance of the direction contained in Ext.P5 judgment of this Hon'ble Court that the resignation of the writ petitioner was yet to be accepted by the management committee which is the competent authority and in case her resignation is accepted by the competent authority Rule 12.2 of the Promotion Rules which was quoted therein will apply to the assessment promotion of the writ petitioner also. In view of the said specific stand taken by the 2nd appellant based on the Rule 12.2 of the Promotion Rules and acceptance of resignation of the writ petitioner, the learned single judge committed a

patent error in directing to consider the case of the writ petitioner for assessment promotion as contained in Ext.P7 with reference to the situation prevailing prior to the submission of resignation by the writ petitioner.

C. Rule 12.2 of the Promotion Rules extracted in Ext.P6 order of the 2nd respondent reads thus :

Rule 12.2 " Those scientists who leave the service of the Council on their own volition including voluntary retirement, shall not be entitled for any assessment over and above the assessment(s), if any, already availed, even if it may relate to the period when they were in the Council's service."

The writ petitioner was informed by the appellants that in case her resignation is accepted by the management committee, her assessment promotion will be governed by the above quoted Rule 12.2 of the Promotion Rules. The learned single judge did not interfere with Ext.P6 order of the 2nd appellant though ext.P6 was under challenge. In that view of the matter, direction of the learned single judge to place the writ petitioner's claim as contained in Ext.P7 before the management committee which shall take a decision with reference to the situation prevailing prior to the submission of resignation by the writ petitioner is illegal. The learned single judge committed a grave error in not considering Rules 12.2 of the Promotion Rules while passing the judgment in W.P. (C). No.33427 of 2007. If Rule 12.2 of the promotion rules is applied the writ petitioner will not be entitled for any assessment promotion at all. In view of her resignation from service with effect from 12.8.2007, there cannot be any consideration of Ext.P7 submitted by the writ petitioner with reference to the situation prevailing prior to submission of resignation by the writ petitioner and hence the order of the learned single judge is illegal.

D. The learned single judge though had accepted the contention of the appellants based on Rule 12.2 of the Promotion Rules in the order dated 7.4.2008 committed a grave error of law in holding that the writ petitioner

had raised a claim for career advancement in 2003 and as an instrumentality of the state, appellants/review petitioners normally would be required to consider the claim in accordance with the Rules prevailing at that time and directions issued in the judgment only require the appellants to consider the claim of the writ petitioner on merits and not to decline consideration on the premise that on her resignation she forfeits her rights to claim any benefit including the benefit in relation to the period when she was in service. It is most respectfully submitted that the above finding of the learned single judge is against Rule 12.2 of the Promotion Rules which specifically says that those scientists who leave the service of the council on their own volition including voluntary retirement shall not be entitled for any assessment, over and above the assessment (s), if any, already availed, even if it may relate to the period when they were in the council's service.

E. It is submitted that the learned single judge in fact did not consider the contention raised by the appellants based on Rule 12.2 of the Promotion Rules, in the context of the direction issued in the judgment dated 14.11.2007 to consider and take a decision regarding the claim of the writ petition contained in Ext.P7 with reference to the situation prevailing prior to the submission of resignation by the petitioner. If existence of Rule 12.2 of the Promotion Rules is accepted, the claim of the petitioner for assessment promotion could not have been ordered to be considered with reference to the situation prevailing prior to the submission of resignation by the writ petitioner. The above vital issue was not considered by the learned single judge in the correct perspective while passing order dated 7.4.2008 in the review petition. Once the resignation of the writ petitioner is accepted, her claim for assessment promotion stands forfeited and therefore the learned single judge erred in not reviewing the judgment dated 14.11.2007 in W.P.(C). No.33427 of 2007.

F. It is submitted that the writ petitioner who was informed by the 2nd appellant as per Ext.P6 Note that if her resignation is accepted by the Competent Authority Rule 12.2 will apply to her assessment promotion also had not chosen to challenge Rule 12.2 of the Rules in the W.P.(C). No.33427 of 2007. In the absence of a specific challenge to Rule 12.2 of the Rules, no direction could have been validly issued to consider the claim of the writ petitioner with reference to the situation prevailing prior to the submission of resignation by her. A resigned scientist like the writ petitioner is governed by Rule 12.2 of the Promotion Rules. Such scientist who leave the service of the council on their own volition shall not be entitled for any assessment over and above any assessments already availed, even if it may relate to the period when they were in the Council's service. The learned single judge has not considered the applicability of Rule 12.2 of the Rules to the writ petitioner while disposing of the above writ petition. The same error was committed by the learned judge while dismissing R.P. No.337 of 2007 as well.

G. It is submitted that the claim of the writ petitioner in Ext.P7 is to place her request before the management committee to extend her leave to a reasonable time until the Council may be in a position to conduct the assessment promotion. The learned single judge committed a legal error in directing the 2nd respondent herein to place the claim of the writ petitioner contained in Ext.P7 before the Management Committee of CESS. When the resignation of the writ petitioner has been accepted by the competent authority on 11.12.2007 with effect from 12.8.2007 there is no question of consideration of extension of leave of the writ petitioner until the Council is in a position to conduct the assessment as directed in the judgment of the learned single judge. It is submitted that the judgment of the learned single judge suffers an error apparent on the face of the record in as much as it has been directed therein that the 2nd respondent herein has to place the claim of the writ petitioner contained in Ext.P7 before the Management Committee and

the Management Committee has to take a decision with reference to the situation prevailing prior to the submission of resignation by the writ petitioner who had resigned with effect from 12.8.2007. When the relevant Rule specifically states that the Scientist's who leave the services of the Council on their own volition shall not be entitled for any assessment over and above the assessment already availed, even if they relate to the period when they were in the Council's service, the direction of the learned single judge in the above judgment and in the review petition is illegal and vitiated by errors apparent on the face of the record.

For the above grounds and for the grounds to be urged at the time of hearing of the above Writ Appeal it is humbly prayed that this Hon'ble Court be pleased to set aside order dated 7.4.2008 of the learned single judge in R.P. No.337 of 2008 against the judgment in W.P.(C). No.33427 of 2007, dismiss the writ petition by allowing the above writ appeal with costs of the appellants.

INTERIM RELIEF

For the reasons stated in the Memorandum of Writ Appeal it is humbly prayed that this Hon'ble Court be pleased to stay the operation of the order dated 7.4.2008 of the Learned Single Judge in R.P. No.337 of 2008 against the judgment in W.P.(C). No.33427 of 2007 pending final disposal of the above Writ Appeal.

Dated this the day of June, 2008.

COUNSEL FOR THE APPELLANTS

No.CESS/Adm/2018 A

Centre for Earth Science Studies
Thiruvananthapuram Dt.30.12.2008

CIRCULAR

Sub: Assessment Promotion of Scientific and Technical staff for the period 2003-2008 as per rules existed prior to 19.6.2003 as a one time case – Revised SAR and SSAR forms for Group III and Group II (Grade 3-6) – Forwarded

- Ref: 1. Note No.142/EVP/2008/KSCSTE dated 24.10.2008
2. Note No.158/NOTE/2008/KSCSTE dated 9.12.2008
3. Letter No.3117/C1/08/KSCSTE dated 18.12.2008
4. Circular No.CESS/Adm/2018/A dated 24.12.2008
5. Circular No.CESS/Adm/2018 A dated 27.12.2008

In partial modification of the Circular fifth cited, those who come under Group III and Group II (Grade 3-6) are requested to furnish the Self Assessment Report (SAR) and Supplementary Self Assessment Report (SSAR) for subsequent year(s) in the revised form attached herewith. Other points mentioned in the Circular dated 27.12.2008 remain the same.

Circulated among the Scientific & Technical Officers of the Division for compliance

[Signature]
Director

[Signature]
31 12

[Signature]
01/01/09

[Signature]
01/01/09

[Signature]
01/01/09

1511

To
[Signature]

All Heads/SIC of Divisions - for circulation among the concerned personnel

Centre for Earth Science Studies

SELF ASSESSMENT REPORT (SAR) FOR GROUP-III AND GROUP-II (GRADE 3-6)

(Vide Rule 14 of CESS Scientific & Technical Staff Recruitment and Assessment Promotion Rules)

Part-I

(To be filled in by the Assessee)

1. Assessment period - Give dates : From To
(Details furnished below shall be relevant and pertaining to the above period only)

2. Name :

3. Date of birth :

4. Grade held and from which date :

5. Academic background :

Degree (in reverse order)	Subjects/ Specialisation	Class/ Grade	University/ Institute	Year
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6. Additional qualifications acquired and/or training undergone (those relating to the assessment period be underlined) :

7. Nature of work (wherever it is a group work, your role be mentioned clearly & clearly) be given briefly with duration :

i) Basic Research (including design/development) :

ii) Applied Research (including consultancy) :

iii) Academic work (leading to the conferring of a degree/diploma) :

iv) Extension (including training offered, science communication, etc) :

v) Service in Committees/
bodies/tasks of common
interest to the Institution

vi) Administrative position held, if any

vii) Please state the approximate
percentage of your total working
time spent on items iii, iv & v

8. Please give brief description of R & D projects on which actively worked during this period under report showing separately your role as Principal Investigator/Project Co-ordinator/Member etc.

a) Summary table

Sl.No	Title of of the project	Your role	No. of other scientists involved	Duration of project	Total budget	Completed/ continuing
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b) Brief Description (*shall not exceed 200 words for each project)

Sl.No.	Title of the project	* Details of Major your contribution	* Conclusions/ objectives	* Impact anticipated conclusion	of the project
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9. Current Membership of Professional Bodies, Technical Committees / Societies / Academies with date from which he / she became member

10. Honours, Awards with dates etc. during the period under report.

- 11. Conference / Seminars / Workshops / Symposia / Panel discussion attended during the period within or outside the Country & your contribution to the event (including organisation)

- 12. Papers published during the period under report with details of journals, books, proceedings, bulletins, etc. Project/Technical Reports be listed separately. Please enclose a copy of reprint / preprint of the papers published / in press during the period under review.

Date:

Signature :

Name :

Division :

(To be filled in by the Head of Division / Officer-in-Charge)

- 1. Is the information furnished by the assessee correct to the best of your knowledge? :

- 2. Do you agree with the details given by the assessee in columns 7 & 8? :

- 3. Any other comments: :

Date:

Signature of the Head of Division /
Officer-in-Charge

Name :

Designation :

CENTRE FOR EARTH SCIENCE STUDIES**Supplementary Self Assessment Report for Scientists (SSAR)
for Subsequent year(s)****(Rule 18(5) of CESS Scientific & Technical Staff
Recruitment & Assessment Promotion Rules)****Part-I****(To be filled in by the assessee)**

1. Period for which supplementary information is given. :
(Details furnished below shall be relevant and pertaining to the above period only)
2. Name :
3. Present position, grade, pay and scale of pay :
4. Additional qualification/training acquired :
5. Nature of work :
 - i) **Research** :
 - ii) **Design/Development**
 - iii) **Extension (Socially relevant studies)**
 - iv) **Service in Committees/bodies of common interest to the institution**
 - v) **Administrative position held, if any**
6. Brief description of R & D projects newly undertaken/commenced during the period under report

Title of Project	Your role	Duration	Date of Commencement	Anticipated conclusion

7. **Membership of Professional Bodies/Societies etc. newly acquired/conferred in addition to those already mentioned in the SAR**
8. **Honours/Awards with dates received during the year under report**
9. Conference/Seminars etc. attended during the year under report.
10. i) **Papers published during the year under report**
- ii) **Reports**
- iii) **Abstracts Submitted**

Date :

Signature:
Name & Designation :

Part - II

(To be filled in by the Head of Division/Officer-in-Charge)

1. Is the information furnished by the assessee correct to the best of your knowledge :
2. Do you agree in general with the assessment and projection made by the assessee? Please give your critical appraisal. :
3. Any other comment :

Date:

Signature:
Name & Designation:
Division: .