

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.HARILAL

WEDNESDAY, THE 16TH DAY OF DECEMBER 2015/25TH AGRAHAYANA, 1937

WP(C).No. 431 of 2006 (B)

PETITIONER(S) :

PHILIPOSE.K.P., RETD. CLERK OF
ST.JOSEPH'S HIGH SCHOOL, UPPUTHODE, KAVALACKAL HOUSE,
MURIKKASSERY P.O., IDUKKI, PIN-685 604.

BY ADVS.SRI.BABU JOSEPH KURUVATHAZHA
SRI.C.P.SIVADASAN NAIR

RESPONDENT(S) :

1. STATE OF KERALA, REP. BY THE
SECRETARY TO GOVERNMENT, DEPARTMENT OF GENERAL
EDUCATION, GOVT. SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DEPUTY DIRECTOR OF EDUCATION,
THODUPUZHA, IDUKKI.

3. THE DISTRICT EDUCATIONAL OFFICER,
KATTAPPANA, IDUKKI DISTRICT.

BY GOVERNMENT PLEADER SRI.E.M.ABDUL KHADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 16-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

W.P(C) .431/2006(B)

APPENDID

PETITIONER's EXHIBITS:

Ext.P1-TRUE COPY OF THE OPTION EXERCISED BY THE PETITIONER
AS PER GO(P).3000/98 DT.25.11.98 DETAILING THE
SANCTIONING OF HIGHER GRADE AND SELECTION GRADE OF THE
PETITIONER W.E.F.1.8.97 & 1.6.99 APPROVED BY R3.

Ext.P2-TRUE COPY OF THE ORDER DT.30.4.04 IN WP(c).13970/04 OF
THIS COURT

Ext.P3-TRUE COPY OF THE REPRESENTATION DT.10.6.05 FILED BY THE
PETITIONER BEFORE THE RESPONDENTS.

Ext.P4-TRUE COPY OF THE REPRESENTATION DT.28.10.04 FILED BY
THE PETITIONER BEFORE THE RESPONDENTS.

Ext.P5- TRUE COPY OF THE REPRESENTATION DT.7.11.05 FILED BY
THE PETITIONER BEFORE THE RESPONDENTS.

RESPONDENTS' EXHIBITS: NIL

okb.

//true copy//

P.A. to Judge.

K.HARILAL, J.

W.P.(C) No.431 of 2006

Dated this the 16th day of December, 2015.

JUDGMENT

Government Pleader takes notice for the respondents.

2. This writ petition is filed challenging the delay and inaction on the part of the respondents in disbursing the admissible terminal benefits due to the petitioner and he prayed for issuing a direction to the respondents to disburse admissible terminal benefits due to him forthwith.

3. The petitioner has retired from Government service on 31.5.2004, while working as a Selection Grade Clerk. The petitioner had joined in service as Peon on 29.9.1980 and he was promoted as Clerk on 12.8.1985. It was by reckoning the period of service rendered by him as Last Grade Employee from 29.9.1980 to 12.8.1985 Higher Grade and Selection Grade of the Clerk were sanctioned to the petitioner with effect from 1.8.1997 and 1.6.1999 respectively. However, the

sanction of higher grade and selection grade by reckoning the last grade service rendered by the petitioner was objected by the Audit party under the respondents and when steps were taken to recover the benefits already disbursed to the petitioner, he approached this Court and filed W.P(C) No.13970/2004 along with others and this Court as per interim order dated 30.4.2004 stayed recovery of the amount from the petitioner. Aggrieved by the non-disbursement of admissible terminal benefits the petitioner filed Exts.P3 to P5 representations one by one, but no action has been taken on any of the said representations so far. This is the grievance projected in this writ petition.

2. Heard the learned counsel for the petitioner and the learned Government Pleader. The learned counsel confined his arguments to the limited relief, issuing a direction to consider and pass orders on his representations.

3. Having regard to the grievance projected in this writ petition, the 3rd respondent is directed to consider and pass orders on Exts.P3 to P5, at the

earliest, at any rate, within a period of two months from the date of receipt of a copy of this judgment, if terminal benefits have not been disbursed to him so far.

This writ petition is disposed of.

Sd/-
K. HARILAL, JUDGE

okb.