

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE MR.JUSTICE ANTONY DOMINIC
&
THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS**

THURSDAY, THE 19TH DAY OF MARCH 2015/28TH PHALGUNA, 1936

OP(KAT).No. 61 of 2015 (Z)

**AGAINST THE ORDER/JUDGMENT IN OA 387/2014 of KERALA ADMINISTRATIVE
TRIBUNAL, THIRUVANANTHAPURAM**

PETITIONER(S):

- 1. V.K.MADHUSOODANAN AGED 63 YEARS
(FORMELY SUB REGISTRAR , ALAPPUZHA) S/O. KARUNAKARAN
SWARASUDHA, THIMPOLI PO, ARYAD PANCHAYATH
ALAPPUZHA 688 008**
- 2. K.O. FASSALUDEEN AGED 61 YEARS
(RETIRED JOINT SUB REGISTRAR, ALAPPUZHA), S/O.UMMER
RESIDING AT VELIMPURAYIDAM INDIRA JUNCTION
ARALOOKUNNU PO, ALAPPUZHA 688 006**

**BY ADVS.SRI.P.VIJAYA BHANU (SR.)
SMT.M.M.DEEPA
SRI.AJEESH K.SASI**

RESPONDENT(S):

**STATE OF KERALA
REPRESENTED BY ITS SECRETARY TO GOVERNMENT
TAXES DEPARTMENT, GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM, KERALA 695 001**

BY SR.GOVERNMENT PLEADER SRI.S.JAMAL

**THIS OP KERALA ADMINISTRATIVE TRIBUNAL HAVING COME UP FOR
ADMISSION ON 19-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

OP(KAT).No. 61 of 2015 (Z)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1: TRUE COPY OF THE OA NO,. 387 OF 2014 FILED BEFORE THE KERALA
ADMINISTRATIVE TRIBUNAL, THIRUVANANTHAPURAM DATED 20.2.2014**

EXHIBIT P2: TRUE COPY OF THE REPLY STATEMENT DATED 25.7.2014

**EXHIBIT P3: TRUE COPY OF THE ORDER DATED 4.9.2014 IN OA NO.387 OF 2014 OF
STATE ADMINISTRATIVE TRIBUNAL**

RESPONDENT(S)' EXHIBITS

NIL.

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///True copy///

P.S. to Judge

ANTONY DOMINIC & ALEXANDER THOMAS, JJ.

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O.P.(KAT).No. 61 of 2015

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Dated this the 19th day of March, 2015

J U D G M E N T

ANTONY DOMINIC, J.:

The petitioners herein are the applicants in O.A.No.387/2014 before the Kerala Administrative Tribunal. They filed the O.A. challenging the orders passed withholding their pension. The Tribunal by its order dated 4th September, 2014 rejected the application. It is challenging the said order, the Original Petition is filed.

2. We heard the learned counsel for the petitioners and considered the submissions made.

3. The petitioners were Sub Registrar and Joint Sub Registrar respectively in the Registration Department. While in service, a crime was registered against them by the Vigilance Police, which ultimately resulted in Ext.A-1 judgment of the Enquiry Commissioner and Special Judge, Kottayam, convicting and sentencing the petitioners for rigorous imprisonment for various periods for the offences under the Prevention of Corruption Act. They challenged the conviction and sentence in appeal before the

High Court in Criminal Appeal No.2018/2010, which is pending consideration of this Court. Though sentence has been suspended, no orders interfering with the conviction has been passed. On account of the above, the Government issued order dated 26.12.2012, withholding pension of the applicants. A review was filed. That was also rejected. It is these proceedings which were challenged before the Tribunal. Admittedly the petitioners are now under conviction for offences under the Prevention of Corruption Act. As things now stand, the Government is entitled to withhold their pension. Such a decision of the Government cannot be said to be illegal. Be that as it may, as rightly observed by the Tribunal, if the appeal now pending before this Court is decided in favour of the petitioners, it will be open to them to move the competent authority for reconsideration of the decision. Subject to the above, we confirm the order passed by the Tribunal and dismiss the Original Petition.

Sd/-

ANTONY DOMINIC, JUDGE

Sd/-

ALEXANDER THOMAS, JUDGE

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///True copy///

P.S. to Judge

O.P. (KAT) 61/15

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