

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE T.R.RAMACHANDRAN NAIR

TUESDAY, THE 11TH DAY OF AUGUST 2015/20TH SRAVANA, 1937

RP.No. 894 of 2012 () IN WP(C).20076/2003

AGAINST THE JUDGMENT IN WP(C) 20076/2003 of HIGH COURT OF KERALA
DATED 29-07-2011

REVIEW PETITIONER/WRIT PETITIONER:

T.R.THANKAMMA, AGED 68 YEARS
(HIGH SCHOOL ASSISTANT RAJAS HIGHER SECONDARY SCHOOL
KOLLENGODE PALAKKAD RETIRED ON 31-03-1999) W/O.K.N VISWANATHAN
PILLAI MATTAPLAKKAL HOUSE KAITHAKODI P.O VIA KOTATHOOR AYROOR
PATHANAMTHITTA 689 614

BY ADV. DR.K.P.PRADEEP

RESPONDENTS/RESPONDENTS

1. STATE OF KERALA
REPRESENTED BY ITS SECRETARY DEPARTMENT OF EDUCATION
GOVERNMENT OF KERALA SECRETARIAT THIRUVANANTHAPURAM 695 001

2. DIRECTOR OF PUBLIC INSTRUCTIONS
DEPARTMENT OF EDUCATION GOVERNMENT OF KERALA
JAGATHY THIRUVANANTHAPURAM PIN 695003

3. THE DEPUTY DIRECTOR OF EDUCATION
DEPARTMENT OF EDUCATION GOVERNMENT OF KERALA DDE
OFFICE PALAKKAD PIN 678 001

4. THE DISTRICT EDUCATIONAL OFFICER
DEPARTMENT OF EDUCATION GOVERNMENT OF KERALA DEO
OFFICE PALAKKAD PIN 678 001

5. THE PRINCIPAL
RAJAS HIGHER SECONDARY SCHOOL KOLLENGODE PALAKKAD 678 506

6. THE ACCOUNTANT GENERAL OF KERALA (A&E)
THIRUVANANTHAPURAM 695 039

7. UNDER SECRETARY TO GOVERNMENT
GENERAL EDUCATION (A) DEPARTMENT
SECRETARIAT, THIRUVANANTHAPURAM 695 001

R1 TO 4 & 6 BY ADV. GOVERNMENT PLEADER
SRI.A.MOHAMMED SAVED

THIS REVIEW PETITION HAVING BEEN FINALLY HEARD ON
11-08-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

T.R.RAMACHANDRAN NAIR, J.

**R.P.No.894 OF 2012 IN
W.P.(C)No.20076 OF 2003**

Dated this the 11th day of August, 2015

ORDER

This review petition is filed by pointing out that as regards relief Nos. 2 and 3, namely claim for interest for the delayed payment, there is no adjudication by this Court.

2. Heard the learned counsel on both sides.

3. It is true that in the operative portion of the judgment, no separate finding has been rendered with regard to relief Nos. 2 and 3 and the writ petition was disposed of after recording the submission by the learned counsel for the petitioner that after the interim order passed in the writ petition monthly pension has been sanctioned. Apart from the same, commuted value of pension has also been sanctioned.

4. The learned counsel for the review petitioner submits that in spite of the direction in the interim order, there was further delay in disbursing the pensionary benefits and that in the light of the various

judgments of this Court, for the delay that has been caused, the review petitioner is entitled for reasonable interest as fixed by this Court.

5. Since the said issue has not been adjudicated in the writ petition, it is only proper that the judgment is recalled to that extent. The respondent will also have to explain the reason for the delay and also will have to be granted an opportunity to defend the matter. Accordingly, the judgment is recalled and the writ petition is reposted for hearing.

The review petition is allowed to that extent.

T.R.RAMACHANDRAN NAIR, JUDGE

SV.