

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN
&
THE HONOURABLE MR.JUSTICE K.HARILAL**

THURSDAY, THE 15TH DAY OF JANUARY 2015/25TH POUSHA, 1936

OP(KAT).No. 406 of 2014 (Z)

TA 3567/2012 of KERALA ADMINISTRATIVE TRIBUNAL, THIRUVANANTHAPURAM

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PETITIONER(S)/APPLICANT BEFORE THE TRIBUNAL:

**P. SREELATHA, AGED 57 YEARS
RETIRED HIGH SCHOOL ASSISTANT (SOCIAL STUDIES)
JNMHS PUTHUPPANAM, VADAKARA, RESIDING AT SREEVALSAM
MEPPAYIL P.O., KOZHIKODE DISTRICT.**

BY ADV. SRI.R.K.MURALEEDHARAN

RESPONDENT(S)/RESPONDENTS:

- 1. STATE OF KERALA
REP. BY THE SECRETARY, GENERAL EDUCATION DEPARTMENT
SECRETARIAT, THIRUVANANTHAPURAM - 695 001.**
- 2. DEPUTY DIRECTOR OF EDUCATION,
KOZHIKODE-673001.**

BY SR.GOVERNMENT PLEADER SRI. VIJU THOMAS

**THIS OP KERALA ADMINISTRATIVE TRIBUNAL HAVING COME UP FOR ADMISSION
ON 15-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

OP(KAT).No. 406 of 2014 (Z)

APPENDIX

PETITIONER(S)' ANNEXURES:

ANNEXURE-A1: TRUE COPY OF THE TRANSFERRED APPLICATION NO.3567/2012 BEFORE THE KERALA ADMINISTRATIVE TRIBUNAL

ANNEXURE-A2: TRUE COPY OF THE MISCELLANEOUS APPLICATION FILED FOR ACCEPTING ADDITIONAL DOCUMENT.

ANNEXURE-A3: COUNTER AFFIDAVIT FILED BY THE 2ND RESPONDENT

ANNEXURE-A4: CERTIFIED COPY OF THE ORDER IN T.A. NO.3567/2012 DATED 5.44.2014 OF THE KERALA ADMINISTRATIVE TRIBUNAL

RESPONDENT(S)' ANNEXURES: NIL

OKB

TRUE COPY

P.A. TO JUDGE

THOTTATHIL B. RADHAKRISHNAN & K.HARILAL, JJ.

O.P. (KAT) No.406 of 2014

Dated this the 15th day of January, 2015

JUDGMENT

Thottathil B. Radhakrishnan, J.

We have heard the learned counsel for the petitioner and the learned Senior Government Pleader.

2. The petitioner, be a Government servant, challenged certain audit objection by filing a writ petition before this Court in 2011. That was transferred to the Kerala Administrative Tribunal, 'KAT' for short, when that Tribunal was constituted. During the pendency of the matter before there, the petitioner retired. KAT, through the impugned Annexure-A4, held that there is merit in her contention and the matter should be re-considered by the first respondent Government, as the matter involves financial implications as well. We are of the view that no visitation by us in exercise of the authority under Article 227 of the Constitution is called for with that decision of KAT. All that is required to secure the ends of justice is to ensure that the proceedings following the directions in Annexure-A4 order of KAT should conclude on or

before the last working day of March 2015. This we say because, the petitioner's retirement benefits are also not finalised in view of the audit objection raised while she was in service. The time limit fixed hereby shall be treated as peremptory. The time for the petitioner to make a representation will be three weeks from today. All other issues are left open. Original petition is ordered accordingly, without interfering with Annexure-A4 order of KAT.

Sd/—

THOTTATHIL B. RADHAKRISHNAN, JUDGE

Sd/—

K.HARILAL, JUDGE

okb.