

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC
&
THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

WEDNESDAY, THE 8TH DAY OF JULY 2015/17TH ASHADHA, 1937

RP.No. 9 of 2015 () IN WA.1758/2013

AGAINST THE JUDGMENT IN WA 1758/2013 of HIGH COURT OF KERALA
DATED 07-07-2014

REVIEW PETITIONER(S)/APPELLANT/PETITIONER IN WPC:

VASANTHAKUMARI P
MOOZHYYIL VEEDU, CHEKKAKONAM.P.O, KARAKULAM
THIRUVANANTHAPURAM.

BY ADVS.SRI.N.NANDAKUMARA MENON (SR.)
SRI.P.K.MANOJKUMAR

RESPONDENT(S)/RESPONDENTS/RESPONDENTS IN WPC:

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1. THE STATE OF KERALA
REPRESENTED BY SECRETARY TO GOVERNMENT
DEPARTMENT OF PERSONNEL AND ADMINISTRATION
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695001.
 2. KERALA STATE ELECTRONICS DEVELOPMENT CORPORATION LTD(KELTRON)
KELTRON COMPLEX, KARAKULAM, THIRUVANANTHAPURAM-695564
REPRESENTED BY ITS MANAGING DIRECTOR.

R2 BY ADV. SRI.V.ABRAHAM MARKOS
R2 BY ADV. SRI.BINU MATHEW
R2 BY ADV. SRI.TOM THOMAS (KAKKUZHIYIL)
R2 BY ADV. SRI.ABRAHAM JOSEPH MARKOS
R2 BY ADV. SRI.ISAAC THOMAS
R2 BY ADV. SRI.NOBY THOMAS CYRIAC
R1 BY SR GOVERNMENT PLEADER SRI.M.A.FAYAZ

THIS REVIEW PETITION HAVING BEEN FINALLY HEARD ON 08-07-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:

APPENDIX IN RP.9/15

PETITIONER'S EXHIBITS:

ANNEXURE A: THE PHOTOSTAT COPY OF THE MEDICAL CERTIFICATE DATED 29.11.2014 ISSUED BY THE NAVAJEEVAN NTUROPTHY HOSPITAL, TO THE PETITIONER.

/TRUE COPY/

PS TO JUDGE

ANTONY DOMINIC & DAMA SESHADRI NAIDU, JJ.

R.P.No.9 of 2015

in

W.A.No.1758 of 2013

Dated this the 8th day of July, 2015

O R D E R

Antony Dominic, J.

1. Heard learned senior counsel for the petitioner, learned Government Pleader and standing counsel for the second respondent.
2. By judgment dated 7.7.2014, writ appeal filed by the petitioner was disposed of directing that she be paid 1/3rd of the arrears of backwages for the period she was kept out of service following the illegal order of termination issued by the employer. In this review petition, the petitioner says that the said order restricting her back wages to 1/3rd was an error apparent on the face of the record and therefore, should be reviewed.
3. The judgment itself shows that this Court has restricted the backwages to 1/3rd of the wages taking note of the fact that the employer is a company which is deep in red and has been suffering losses for

several years. Although this factual situation prevails even now, still, having regard to the fact that the petitioner is only a Sweeper and also considering the financial hardships that are urged in the petition and before us, we think, ends of justice require that 1/3rd in the judgment be enhanced to 50%.

The review petition is disposed of modifying the judgment in the writ petition accordingly.

Sd/-
ANTONY DOMINIC, Judge.

Sd/-
DAMA SESHADRI NAIDU, Judge.

k kb.