

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC
&
THE HONOURABLE MR. JUSTICE ANIL K. NARENDHAN

FRIDAY, THE 24TH DAY OF JULY 2015/2ND SRAVANA, 1937

RP.No. 185 of 2015 (Z) IN OP(KAT).280/2014

AGAINST THE JUDGMENT IN OP(KAT) 280/2014 of HIGH COURT OF KERALA
DATED 04-11-2014
(OA.2678/13 OF KAT, TRIVANDRUM DATED 26.3.2014)

REVIEW PETITIONER(S)/PETITIONERS:

1. THE CHIEF ENGINEER, LOCAL SELF GOVERNMENT DEPARTMENT
REVENUE COMPLEX, THIRUVANANTHAPURAM, KERALA 695 001.
2. THE SECRETARY
LOCAL SELF GOVERNMENT (EU) DEPARTMENT
GOVERNMENT OF KERALA, THIRUVANANTHAPURAM KERALA 695 001
3. THE SECRETARY
FINANCE (PENSION A) DEPARTMENT, GOVERNMENT OF KERALA
THIRUVANANTHAPURAM, KERALA 695 001.
4. THE SECRETARY TO GOVERNMENT
HARBOR ENGINEERING DEPARTMENT
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, KERALA 695 001.
5. THE ACCOUNTANT GENERAL (A&E)
THIRUVANANTHAPURAM, KERALA 695 001.

BY SR GOVERNMENT PLEADER SRI. ALOSIUS THOMAS

RESPONDENT(S)/RESPONDENT:

MATHEW THARIAN KOTTAM, AGED 56 YEARS,
S/O. K.M. THARIAN, RESIDING AT G 307, PANAMPALLY NAGAR
KOCHI, ERNAKULAM 682 036 (EXECUTIVE ENGINEER (RTD))
IDUKKI DISTRICT PANCHAYATH OFFICE, PAINAVU, IDUKKI
KERLA.

R BY SRI. S. ABDUL RAZZAK

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 24-07-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ANTONY DOMINIC & ANIL K. NARENDRAN, JJ.

R.P.No.185 of 2015
in OP(KAT).No.280 of 2014

Dated this the 24th day of July, 2015

O R D E R

Antony Dominic, J.

This review petition is filed by the petitioners in the OP. By the judgment under review, this Court affirmed the order of the Tribunal directing that on the terminal benefits due to the respondent, he shall be paid 9% interest. The said direction is impugned as erroneous by pointing that in W.P(C).14113/06 the respondent has obtained stay of Government Order GO (MS)17/05/F&PD dated 21.5.2006, by which punishment of barring of increment was imposed on him. A closer scrutiny of the order passed by this Court in that writ petition shows that the said order did not, in any manner, prevent the petitioners from disbursing the legitimate dues of the respondent. Therefore, this contention cannot be accepted.

However, Government Pleader points out that though the respondent retired from service on 30.11.2012, the Tribunal ordered that interest be paid from

1.3.2012. Having regard to the fact that the respondent retired from service only on 30.12.2012, the date 1.3.2012 mentioned in the order of the Tribunal and confirmed by this Court is patently an error. Therefore, it is ordered that the date 1.3.2012 mentioned in the order of the Tribunal is corrected and read as 1.12.2012 and from that date onwards, the respondent will be entitled to interest as ordered by the Tribunal.

RP is disposed of accordingly.

Sd/-
ANTONY DOMINIC, Judge.

Sd/-
ANIL K. NARENDRAN, Judge.

kkb.

/TRUE COPY/

PS TO JUDGE