

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

FRIDAY, THE 3RD DAY OF JULY 2015/12TH ASHADHA, 1937

RP.No. 538 of 2015 IN WA.60/2015

AGAINST THE JUDGMENT IN WA 60/2015 DATED 28-01-2015
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REVIEW PETITIONERS/APPELLANTS/RESPONDENTS IN WA :

1. KERALA STATE ELECTRICITY BOARD LTD
REPRESENTED BY ITS SECRETARY, VYDYUTHI BHAVAN,
PATTOM, THIRUVANANTHAPURAM-695 004.
2. THE CHIEF INTERNAL AUDITOR,
KERALA STATE ELECTRICITY BOARD LTD. VYDYUTHI BHAVAN
PATTOM, THIRUVANANTHAPURAM-695 004.
3. THE EXECUTIVE ENGINEER,
KERALA STATE ELECTRICITY BOARD LTD., VYDYUTHI BHVAN
PATTOM, THIRUVANANTHAPURAM-695 004.

BY ADVS.SRI.P.SANTHALINGAM (SR.)
SRI.S.SHARAN,SC,K.S.E.BOARD

RESPONDENT/RESPONDENT/PETITIONER IN WPC :

K.V.RAJENDRAN
S/O. (LATE), T.V. VASUDEVAN, "PRANAVAM"
NEAR SUBRAMANIAN TEMPLE, CHEVAYOOR.P.O.
KOZHIKODE-673 002.

R1 BY ADV. SRI.THOMAS ANTONY
SRI.M.P.PRAKASH

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON
03-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**ASHOK BHUSHAN, C.J &
A.M. SHAFFIQUE, J.**

R.P. No.538 of 2015

in

W.A. No.60 of 2015

Dated this the 3rd day of July 2015

O R D E R

Ashok Bhushan, CJ

Heard the learned counsel for the review petitioners as well as the learned counsel appearing for the respondent/writ petitioner.

2. This review petition has been filed seeking for review of the judgment dated 28.1.2015 passed by this Court in W.A. No.60 of 2015. The appeal was filed by the appellants against the judgment of the learned Single Judge dated 14.8.2014 in W.P.(C) No.16578 of 2011. The writ petition was filed by the petitioner aggrieved by Ext.P4 proceedings issued by the Kerala State Electricity Board for recovering excess payment of gratuity paid to him. The learned Single Judge allowed the writ petition filed by the writ petitioner holding that the order passed by the controlling authority under the Payment of Gratuity Act, 1972 has become final and no steps were taken by

the Board to modify or set aside that order. Against the said judgment, an appeal was filed by the Board, which was dismissed by the Division Bench.

3. Learned counsel for the review petitioners raised only one submission in this review petition. It is submitted that an observation may be made by this Court that the Division Bench judgment dated 28.1.2015 does not preclude the appellants from challenging the order of the controlling authority. It is submitted that the controlling authority committed an error by adding earlier period of service rendered by the respondent. Learned counsel for the review petitioners pointed out that, in fact the review petitioners have filed an appeal against the order of the controlling authority, which appeal was dismissed by the appellate authority on 9.8.2007. Since the appeal filed by the review petitioners had already been dismissed, we do not find any reason for making any observation as prayed for by the learned counsel for the review petitioners. There is no error in the judgment of the Division

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Bench dated 28.1.2015, warranting any interference by the review jurisdiction of this Court.

The review petition is without any merit. It is hence, dismissed.

**ASHOK BHUSHAN
CHIEF JUSTICE**

**A.M. SHAFFIQUE
JUDGE**

Jvt