

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN

&

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

TUESDAY, THE 15TH DAY OF SEPTEMBER 2015/24TH BHADRA, 1937

RP.No. 717 of 2015 () IN WA.249/2015

AGAINST THE JUDGMENT IN WA 249/2015 of HIGH COURT OF KERALA DATED 14-07-2015

REVIEW PETITIONER/RESPONDENT/PETITIONER:

E.JACOB VARGHESE AGED 64 YEARS
S/O. CHACKO KOCHU CHACKO, ELANJICKAL HOUSE, PALLOM P.O
KOTTAYAM DISTRICT

(PARTY IN PERSON)

RESPONDENTS/APPELLANTS/RESPONDENTS:

1. STATE OF KERALA
REPRESENTED BY THE PRINCIPAL SECRETARY TO GOVERNMENT
FINANCE DEPARTMENT, GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM 695 001
2. THE DIRECTOR
INFORMATION & PUBLIC RELATION(E) DEPARTMENT
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM 695 001
3. THE DISTRICT INFORMATION OFFICER,
DISTRICT INFORMATION OFFICE, COLLECTORATE P.O
KOTTAYAM

BY SR.GOVERNMENT PLEADER SRI.P.I.DAVIS

THIS REVIEW PETITION HAVING BEEN FINALLY HEARD ON 15-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

APPENDIX TO R.P.NO.717 OF 2015

REVIEW PETITIONER'S EXHIBITS:

ANNEXURE 1 : TRUE COPY OF THE CERTIFICATE DATED 16/7/2015 ISSUED BY THE MALAYALA MANORAMA CO.LTD TO THE EFFECT THAT THE PETITIONER HAS RETIRED ON 30/06/2006 ON SUPERANNUATION.

ANNEXURE 2: TRUE COPY OF THE REVISED EMPLOYMENT CERTIFICATE DATED 16/7/2015 ISSUED BY THE MALAYALA MANORAMA CO.LTD.

ANNEXURE 3: TRUE COPY OF THE CERTIFICATE DATED 16/7/2015 ISSUED BY THE MALAYALA MANORAMA CO.LTD TO THE EFFECT THAT THE PETITIONER HAS WORKED ON CONTRACT BASIS FROM 15/1/1990 TO 30/6/1997.

RESPONDENT'S EXHIBITS:

NIL

// True Copy// PA to Judge

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

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R.P.No.717 of 2015
in W.A.No.249 of 2015

Dated this the 15th day of September 2015

ORDER

Shaffique, J

This review petition is filed by the respondent in the writ appeal, who is the writ petitioner seeking to recall the judgment dated 14/07/2015 in W.A.No.249/2015.

2. The main contention urged in the review petition is that this Court should not have distinguished between regular service and contract service for the purpose of computing the eligibility criteria of minimum 10 years period of service. In fact, this question has been decided by us in terms of Clause 4(1) of the scheme which clearly indicates that the eligibility to receive pension arises when a person retires from service as a non-journalist. Even according to the petitioner and as evident from Ext.P1, the petitioner's date of retirement is 30/06/2006 by which time he did not have the required service. Hence, we do not think that a different interpretation could be given to Clause 4(1).

3. Yet another ground urged is that the petitioner had put in 19 years of service. No such contention has ever been raised by the petitioner either in the writ petition or while submitting his application before the competent authority. Even according to him, he joined Malayala Manorama in 1997 and worked as Junior Clerk till 2009. The contention was that after the date of retirement he was working on contract basis.

4. We had already held that service till the date of retirement alone can be computed for the purpose of pension. Other grounds urged are not matters which are germane for consideration in the review petition as the petitioner seeks for a re-hearing of the matter which cannot be considered in a review petition.

We do not find any error apparent on the face of record to warrant review of the judgment. Accordingly, the review petition is dismissed.

(sd/-)
(ASHOK BHUSHAN, CHIEF JUSTICE)

(sd/-)
(A.M.SHAFFIQUE, JUDGE)

jsr

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