

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE THE AG.CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFIQUE**

MONDAY, THE 12TH DAY OF JANUARY 2015/22ND POUSHA, 1936

WA.NO. 169 OF 2011 ()

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AGAINST THE JUDGMENT IN WP(C).NO.6458/2004 DATED 02-11-2010.**

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APPELLANTS/RESPONDENTS IN THE WP(C).:

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- 1. KERALA STATE DRUGS AND PHARMACEUTICALS LTD.,
REPRESENTED BY ITS MANAGING DIRECTOR,
KALAVOOR, ALAPPUZHA.**
 - 2. THE MANAGING DIRECTOR,
KERALA STATE DRUGS AND PHARMACEUTICALS LTD.,
KALAVOOR, ALAPPUZHA.**

BY ADV. SMT.K.V.RESHMI.

RESPONDENT/PETITIONER IN THE WP(C).:

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ISSAC JOHN, SENIOR MANAGER,
KERALA STATE DRUGS AND PHARMACEUTICALS LTD.,
KALAVOOR P.O., ALAPPUZHA-688 004.**

BY ADV. SRI.P.R.VENKETESH.

**THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 12-01-2015,
ALONG WITH W.A. NO. 175/2011, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:**

rs.

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

W.A.Nos.169 & 175 of 2011

Dated this the 12th day of January 2015

J U D G M E N T

Shaffique,J

These appeals are filed by the respondents in W.P.C.Nos.6458 & 6732 of 2004 challenging the judgment of the learned Single Judge by which directions have been issued by the learned Single Judge to pay arrears of subsistence allowance due to the petitioners within a period of three months from the date of receipt of copy of the judgment. The petitioners in W.P.(C) Nos.6732/2004 and 6458/2004 were under suspension from 15/07/2000 to 01/11/2003 and 15/04/2000 to 30/10/2013 respectively. The learned counsel for the appellants submits that the obligation to pay subsistence allowance is not disputed. But the fact remains that there is a moratorium fixed by the Government in exercise of the powers under Section 3 of the Kerala Relief Undertakings (special Provisions) Act, 1961. It is brought to our notice that as per a notification issued by

the Government on 11/02/2014, the period of moratorium was extended upto 31/03/2015.

2. Under such circumstances, the obligation to pay arises only when the moratorium is lifted by the Government or further stay is granted by the Government. If the stay extended by the Government expires, there is an obligation on the part of the appellant to pay the amount. In that event, they will have to comply with the directions issued by the Court. Until such time, we make it clear that the liability to pay will be subject to any notification issued by the Government in this regard.

These writ appeals are disposed of accordingly.

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

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

jsr

