

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE AG.CHIEF JUSTICE MR.ASHOK BHUSHAN

&

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

WEDNESDAY, THE 28TH DAY OF JANUARY 2015/8TH MAGHA, 1936

WA.No. 60 of 2015 () IN WP(C).16578/2011

AGAINST THE JUDGMENT IN WP(C) 16578/2011 of HIGH COURT OF
KERALA DATED 14-08-2014

APPELLANT(S)/RESPONDENTS :-

1. KERALA STATE ELECTRICITY BOARD LTD
REPRESENTED BY ITS SECRETARY, VYDYUTHI BHAVAN, PATTOM
THIRUVANANTHAPURAM-695004.
2. THE CHIEF INTERNAL AUDITOR,
KERALA STATE ELECTRICITY BOARD LTD. VYDYUTHI BHAVAN
PATTOM, THIRUVANANTHAPURAM-695004.
3. THE EXECUTIVE ENGINEER,
KERALA STATE ELECTRICITY BOARD LTD., VYDYUTHI BHAVAN
PATTOM, THIRUVANANTHAPURAM-695004.

BY ADV. SRI.PULIKOOL ABUBACKER, SC, KSEB

RESPONDENT(S)/PETITIONER :-

K.V.RAJENDRAN, AGED 65 YEARS,
S/O. (LATE), T.V. VASUDEVAN, "PRANAVAM"
NEAR SUBRAMANIAN TEMPLE, CHEVAYOOR.P.O.
KOZHIKODE-673002.

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

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 28-
01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

jvt

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

W.A. No.60 of 2015

Dated this the 28th day of January 2015

J U D G M E N T

Ashok Bhushan, Ag.CJ

Heard the learned counsel for the appellants.

2. This writ appeal has been filed against the judgment dated 14.8.2014 passed in W.P.(C) No.16578 of 2011, by which, the writ petition filed by the respondent/ writ petitioner was allowed quashing the notice issued by the appellants for recovery of an amount of ₹73,207/-, which was already paid to the writ petitioner as payment towards gratuity.

3. The learned Single Judge took note of the fact that the amount paid towards gratuity was the amount determined by the controlling authority as per Ext.P2 order dated 6.9.2005, which was the authority competent under the Payment of Gratuity Act, 1972. It is submitted that the said order has never been modified or set aside. The appellants subsequently cannot initiate any process for recovery of the amount already paid.

4. Learned counsel for the appellants submits that the

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computation of payment of gratuity was not correct and an audit objection was raised in view of which, the notice for recovery was issued.

5. We have considered the submissions and perused the records.

6. There is no dispute that controlling authority has determined the amount of gratuity as per Ext.P2 against which order, appeal was also filed by the appellants which stood dismissed. The order of payment thus, has become final. The learned Single Judge has rightly taken the view that after the amount towards payment of gratuity has become final by authority competent, it is not open for the appellants to ask for repayment of any amount already paid towards gratuity. Substantial justice has been done by the learned Single Judge in allowing the writ petition.

We do not find any merit in the writ appeal and accordingly, it is dismissed.

Sd/-
ASHOK BHUSHAN
Ag. CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE
JUDGE

//TRUE COPY//

P.A. TO JUDGE