

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 1ST DAY OF DECEMBER 2015/10TH AGRAHAYANA, 1937

WP(C).No. 8048 of 2005 (G)

PETITIONER(S):

**BABU RAJENDRAN,
S/O.LATE NARAYANA PILLAI, AGED 54 YEARS,
DEPUTY MANAGER (ADMN. & PERSONNEL) (RETIRED)
KERALA STATE DRUGS & PHARMACUTICALS LTD., ALAPPUZHA
RESIDING AT MULLOTHU HOUSE, PAZHAVEEDU, POST
ALAPPUZHA DISTRICT, PIN 688 009.**

**BY ADVS.SRI.S.V.BALAKRISHNA IYER (SR.)
SRI.S.SAJITH
SRI.P.B.KRISHNAN**

RESPONDENT(S):

- 1. STATE OF KERALA, REPRESENTED BY
THE PRINCIPAL SECRETARY, INDUSTRIES DEPARTMENT
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.**
- 2. THE KERALA STATE DRUGS &
PHARMACCUTICALS LTD., REPRESENTED BY ITS
MANAGING DIRECTOR, KALAVOOR POST, ALAPPUZHA 688 522.**
- 3. THE CHAIRMAN, KERALA STATE DRUGS &
PHARMACEUTICALS LTD., KALAVOOR POST
ALAPPUZHA 688 522.**

**R1 BY GOVERNMENT PLEADER SRI.S.JAMAL
R2 & R3 BY ADV. SRI.B.SAJEEV KUMAR,SC,DRUGS & PHARMACEU**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 01-12-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

VS

APPENDIX

PETITIONER(S)' EXHIBITS :

- EXT.P1 NIL TRUE COPIES OF THE STATEMENT OF SALARY FOR THE PERIOD, APRIL TO DECEMBER 2003
- EXT.P2 DATED 16.08.2004. TRUE COPY OF THE JUDGMENT IN WPC NO.7326/2004 OF THIS HONOURABLE COURT.
- EXT.P3 DATED 14.12.2004. TRUE COPY OF THE JUDGMENT IN WA.NO.2229/2004 OF THIS HONOURABLE COURT
- EXT.P4 DATED 14.10.2003. TRUE COPY OF THE NOTICE ISSUED BY RESPONDET NO.2 ADDRESSED TO THE PETITIONER.
- EXT.P5 DATED 9.3.2000. TRUE COPY OF THE GOVT.ORDER NO.38/2000/ID REGARDING APPROVAL AND ORDERS FOR REVISION OF PAY SCALES OF THE SUPERVISORY AND MANAGERIAL PERSONNEL OF KSDP, w.e.f. 1.1.1998.
- EXT.P6 DATED 6.2.2001. TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE RESPONDENT NO.2
- EXT.P7 DATED 3.3.2001. TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE RESPONDENT NO.2.
- EXT.P8 DATED 6.4.2004. TRUE COPY OF THE REPRESENTATION REQUESTING FOR THE STATEMENT SHOWING THE AMOUNTS PAID AND YET TO BE PAID TO THE PETITIONER TO RESPONDENT NO.2
- EXT.P9 DATED 22.4.2004. TRUE COPY OF THE REPRESENTATION REQUESTING FOR THE STATEMENT SHOWING THE AMOUNTS PAID AND YET TO BE PAID TO THE PETITIONER TO RESPONDENT NO.23
- EXT.P10 DATED 16.02.2005. TRUE COPY OF REPRESENTATION SUBMITTED BY THE PETITIONER TO RESPONDENT NO.2
- EXT.P11 DATED 21.02.2005. TRUE COPY OF LETTER KSDP/PRS/227/2005 ISSUED TO THE PETITIONER BY RESPONDET NO.2

RESPONDENT(S)' EXHIBITS :

NIL

/TRUE COPY/

PA TO JUDGE

VS

K.VINOD CHANDRAN, J.

W.P.(C).No.8048 of 2005

Dated this the 1st day of December, 2015

JUDGMENT

The petitioner has filed above writ petition alleging non-disbursement of arrears and other retirement benefits. The petitioner's wife also an employee retired from the very same organisation and filed a writ petition for the very same relief, numbered as W.P.(C).No.6185/2005. The same was disposed of by judgment dated 25.11.2014. This Court took notice of the notification issued by the Government in exercise of power conferred under Section 3 (1) of the Kerala Relief Undertakings(Special Provisions) Act, 1961. The second respondent by virtue of SRO No.146/2014 dated 11.02.2014 was declared as a 'Relief Undertaking' till 29.03.2014 and the revival stood further extended as per notification dated 13.03.2015 in G.O.(P).No.23/2015/ID.

2. Even at the earlier point of time, this Court in view of the declaration of the second respondent as a 'Relief

Undertaking' and the impediment to proceed for recovery, disposed of the writ petition giving liberty to the petitioner therein, to move afresh under appropriate circumstances. It was also directed that the petitioner would be alternatively entitled to move the Government to take appropriate decision on the matter, if any claim is put forth by the petitioner. The said liberty granted to the petitioner in W.P. (C).No.6185/2005 shall also be extended to the petitioner herein. The petitioner could either move the Government or move this Court at the appropriate time.

The Writ Petition is closed with the above reservation. No costs.

Sd/-
K.VINOD CHANDRAN
JUDGE

VS