

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN
&**

THE HONOURABLE MR. JUSTICE SUNIL THOMAS

THURSDAY, THE 23RD DAY OF JULY 2015/1ST SRAVANA, 1937

WA.No. 1499 of 2015 () IN WP(C).20838/2014

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AGAINST THE ORDER/JUDGMENT IN WP(C) 20838/2014 of HIGH COURT OF KERALA
DATED 20-02-2015**

APPELLANT(S)/PETITIONER:

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K.SASIKUMARAN, AGED 58 YEARS,
S/O.LATE BALAN, H.NO.29/76 B, VELAMKUDY PARAMBIL HOUSE,
KOTTOOLI PO, KOZHIKODE-673 016.**

**BY ADVS.SRI.P.V.KUNHIKRISHNAN
SRI.P.V.ANOOP
SMT.PRIYANKA VARGHESE
SRI.G.ANEESH**

RESPONDENT(S)/RESPONDENTS:

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1. STATE OF KERALA TO BE REP.BY PRINCIPAL SECRETARY TO GOVERNMENT,
INDUSTRIES (F) DEPARTMENT, GOVERNMENT OF KERALA,
THIRUVANANTHAPURAM-695 001.**

**2. MANAGING DIRECTOR,
KERALA STATE INDUSTRIAL ENTERPRISES LTD.
COTTON HILL, THYCAUD PO THIRUVANANTHAPURAM-695 014.**

**R2 BY ADVS. SRI.M.GOPIKRISHNAN NAMBIAR
SRI.P.GOPINATH
SRI.P.BENNY THOMAS
SRI.K.JOHN MATHAI
R1 BY SRI.P.PADMALAYAN, GOVERNMENT PLEADER**

**THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 23-07-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

DG

APPENDIX

PETITIONER'S EXHIBITS:

- ANNEXURE-A: COPY OF THE JUDGMENT DATED 20.02.2015 IN WPC.NO.20838/2014 ALONG WITH EXHIBITS.
- ANNEXURE-B: COPY OF NO.6038-BPE-1-95-PLG., THIRUVANANTHAPURAM DATED 17.11.1995.
- ANNEXURE-C: COPY OF THE APPLICATION DATED 03.01.2005.
- ANNEXURE-D: COPY OF THE ORDER DATED 18.07.2006 IN WPC NO.17348/2006.
- ANNEXURE-E: COPY OF THE ANSWER BY MINISTER DATED 26.06.2003.
- ANNEXURE-F: COPY OF THE G.O.(M.S) NO.152/2005/ID DATED 24.11.2005.
- ANNEXURE-G: COPY OF THE JUDGMENT DATED 07.03.2008 IN W.P.C.NO.6823/2008(K).
- ANNEXURE-H: COPY OF THE REPLY OF INDUSTRY DEPARTMENT DATED 21.05.2008.
- ANNEXURE-I: COPY OF THE ORDER DATED 29.08.2009 OF THE MANAGING DIRECTOR GRANTING FESTIVAL BATTU TILL 2009 TO THOSE EMPLOYEES WHO AVAILED SSNP SCHEME.
- ANNEXURE-J: COPY OF THE JUDGMENT DATED 16.1.2012 IN WPC NO.30522/2009.
- ANNEXURE-K: COPY OF THE ENQUIRY REPORT DATED 9.4.2012.
- ANNEXURE-L: COPY OF THE REPLY OF KSIE MANAGING DIRECTOR DATED 3.7.2012.
- ANNEXURE-M: COPY OF THE JUDGMENT DATED 7.2.2014 IN W.P.C NO.17348/2006.
- ANNEXURE-N: COPY OF THE PETITION SUBMITTED BY THE PETITIONER TO THE SECRETARY, INDUSTRY DEPARTMENT AND KSIE MANAGING DIRECTOR DATED 13.4.2015.
- ANNEXURE-O: COPY OF THE G.O.(M.S) NO.228/10/ID DATED 16.11.2010.
- ANNEXURE-P: COPY OF THE ORDER DATED 11.4.2012 IN 3W.P.C.NO.1221/2012(C).

RESPONDENT'S EXHIBITS - NIL

//TRUE COPY//
P.A TO JUDGE

**THOTTATHIL B.RADHAKRISHNAN &
SUNIL THOMAS, JJ.**

W.A.No.1499 of 2015

Dated this the 23rd day of July, 2015

J U D G M E N T

Thottathil B.Radhakrishnan, J.

1. Kerala Soaps and Oils Ltd., a unit of the 2nd respondent Kerala State Industrial Enterprises Ltd. has Exhibit P1, which is essentially a VRS package. Appellant, who is the writ petitioner availed the benefit of that. Some other employees of that institution were not prepared to take VRS and they continued in service, though the establishment was closed down. They did not voluntarily terminate their relationship with the employer. It appears that there were certain agitations. Later, Government came out with a proposal to receive some of the units. Resultantly, through a package, there were certain revival proposals and a further compensation being granted to those employees who continued without availing the benefit of exhibit P1, VRS package. Those employees got the benefit of exhibit P3. Petitioner moved the learned single Judge complaining that he

went out only because of the offers contained in exhibit P1 and since exhibit P3 is a modified version of exhibit P1, he should also be permitted to enjoy the benefit of exhibit P3.

2. Having heard the learned counsel for the appellant and the learned counsel for the 2nd respondent, we are satisfied that the learned single Judge was fully justified in taking the view that by accepting the benefit of exhibit P1, VRS scheme, there was a break down of the jural relationship between the petitioner and the employer and no further jural relationship of master and servant survived for the petitioner to enjoy any further VRS scheme or any other beneficial proposal, even if the terms of exhibit P3 are better in comparison to the contents of exhibit P1. The findings of the learned single Judge do not merit interference. We also see that no other point was raised before the learned single Judge.

3. However, it is submitted by the learned counsel for the appellant, that the appellant has not been extended the entire benefit of exhibit P1 and some representations in this regard is

pending. That was not a matter agitated before the learned single Judge. Therefore, we don't have to adjudicate that plea in the course of adjudication of this writ appeal. However, it is clarified that no such issue stands answered either way through the judgment of the learned single Judge or through this judgment. Any such issue will stand left open for consideration if the petitioner raise the same before the appropriate authority.

Subject to what is aforesaid, this writ appeal is dismissed.

Sd/-
(THOTTATHIL B.RADHAKRISHNAN, JUDGE)

Sd/-
(SUNIL THOMAS, JUDGE)

//TRUE COPY//

P.A TO JUDGE

DG