

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

THURSDAY, THE 30TH DAY OF JULY 2015/8TH SRAVANA, 1937

WA.No. 1655 of 2015 IN WP(C).33149/2014

AGAINST THE JUDGMENT IN WP(C) 33149/2014 DATED 08-06-2015

.....

APPELLANT/PETITIONER :

M.V. GANGADHARAN AGED 57 YEARS
S/O. NARAYANAN NAMBIAR, SREEPADAM, ANIKKADY
KOKAKKADU, TRIKARIPUR
KSERGOD DISTRICT (EX. DRAFTSMAN GRADE I (HG)
PROJECT DIVISION, WATER AUTHORITY, KANNUR)

BY ADV. SRI.M.R.GOPALAKRISHNAN NAIR

RESPONDENT/RESPONDENT :

KERALA WATER AUTHORITY
REPRESENTED BY THE MANAGING DIRECTOR, JALABHAVAN
THIRUVANANTHAPUAM - 695 001

BY SRI.GEORGE MATHEW, SC, KERALA WATER AUTHORITY

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 30-07-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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

W.A. No.1655 of 2015

Dated this the 30th day of July 2015

J U D G M E N T

Ashok Bhushan, CJ

Heard.

2. This writ appeal has been filed against the judgment dated 8.6.2015 in W.P.(C) No.33149 of 2014, by which, the claim of the petitioner for payment of interest on the retiral benefits has been refused. Earlier, the petitioner along with other person, who are retired employees of the Kerala Water Authority, had filed two writ petitions, W.P.(C) Nos.18128 of 2014 and 18129 of 2014, before this Court seeking for a direction to make payment of the retirement benefits. The Kerala Water Authority appeared and submitted that due to paucity of funds, it was not possible for them to make the payment. However, since the liability due to the petitioners was not disputed by the Water Authority, the learned Single Judge directed the Water Authority to disburse the benefits due to the petitioners within a period of two months from that date. The appellant herein/one of the writ petitioners before the learned Single Judge did not pray for payment of interest and the

Water Authority has made payment of retirement benefits within the time allowed by this Court.

3. Thereafter, another writ petition, giving rise to this writ appeal, has been filed seeking for a direction to payment of interest. Since this Court, while disposing of the earlier writ petitions, did not pass any order directing payment of interest, we are of the view that the learned Single Judge in the impugned judgment did not commit any error in not entertaining the claim. We do not find any infirmity in the judgment of the learned Single Judge in not directing payment of interest on the retiral benefits due to the fact that in the earlier writ petition, there was no claim of interest raised or considered.

Accordingly, this writ appeal is dismissed.

Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE
JUDGE