

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 14TH DAY OF SEPTEMBER 2015/23RD BHADRA, 1937

W.P.(C).No.6153 of 2007 (G)

PETITIONER(S):-

JAYAN JOHN,
ASSISTANT GRADE-II, KERALA STATE BEVERAGES
(MANUFACTURING AND MARKETING) CORPORATION LTD.,
SHOP IN CHARGE, SHOP NO.249, MUHAMMA,
ALAPPUZHA.

BY ADV. SRI.ELVIN PETER P.J.

RESPONDENT(S):-

1. KERALA STAE BEVERAGES (MANUFACTURING AND
MARKETING) CORPORATION LTD.,
REPRESENTED BY ITS MANAGING DIRECTOR,
SASTHAMANGALAM, THIRUVANANTHAPURAM.
2. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT
TAXES DEPARTMENT, GOVT.SECRETARIAT
THIRUVANANTHAPURAM.

R1 BY STANDING COUNSEL SRI.C.S.AJITH PRAKASH
R2 BY GOVERNMENT PLEADER SRI.T.R.RAJESH.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
14-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:-

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1 TRUE COPY OF THE EMPLOYEES PENSION SCHEME, 1995
ISSUED IN MARCH, 1996.
- EXT.P2 TRUE COPY OF ORDER, G.O.(MS) NO.13/2002/TD.
DATED 18.2.2002.
- EXT.P3 TRUE COPY OF ORDER, G.O.(MS).NO.82/2003/H/.EDN.
DATED 20.06.2003.
- EXT.P4 TRUE COPY OF REPRESENTATION DATED 17.6.2003 FILED
BY THE GENERAL SECRETARY, KERALA STATE BEVERAGES
CORPN. STAFF ORGANISATION TO THE 1ST RESPONDENT.
- EXT.P5 TRUE COPY OF REPRESENTATION DT.6.11.2003 FILED BY
THE GENERAL SECRETARY, KERALA STATE BEVERAGES
CORPN. STAFF ORGANISATION TO THE HON'BLE MINISTER
FOR EXCISE.
- EXT.P6 TRUE COPY OF THE STATEMENT FILED BY THE 1ST
RESPONDENT IN W.P.(C).NO.39147/2003.

RESPONDENT'S EXHIBITS:-

NIL.

vku/-

[true copy]

K. Vinod Chandran, J

W.P.(C).No.6153 of 2007-G

Dated this the 14th day of September, 2015

JUDGMENT

The petitioner having reached the age of superannuation of 55, sought for continuance till 58 years, since there was a proposal for enhancement of the retirement age in the respondent-Corporation.

2. At the time of admission, by order dated 23.02.2007, the petitioner was permitted to be continued in service until further orders.

3. Though the retirement age was raised to 58 only subsequently in the year 2011, the petitioner would have retired in the year 2010. In such circumstance, the writ petition is infructuous and the same is dismissed. However, any claim for backwages or fixation of retirement age in accordance with the subsequent amendments made, the same can be agitated before the Corporation.

Sd/-

K.Vinod Chandran
Judge.

vku/-

[true copy]