

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

MONDAY, THE 23RD DAY OF MARCH 2015/2ND CHAITHRA, 1937

WP(C).No. 2786 of 2012 (W)

PETITIONER(S):

**N. SREEDHARAN, AGED 66 YEARS,
S/O.NANU, RESIDING AT PUTHUMANGALATHU VEEDU,
KANNIMEL CHERRY, KAYANAD P.O., KOLLAM-691 003.**

BY ADV. SRI.C.UNNIKRISHNAN (KOLLAM).

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT,
DEPARTMENT OF TRANSPORT, SECRETARIAT,
THIRUVANANTHAPURAM.**
- 2. KERALA STATE ROAD TRANSPORT CORPORATION,
REPRESENTED BY ITS MANAGING DIRECTOR,
TRANSPORT BHAVAN, THIRUVANANTHAPURAM.**
- 3. THE DISTRICT TRANSPORT OFFICER,
KOLLAM.**

**R1 BY GOVT. PLEADER SRI.NOUSHAD THOTTATHIL.
R2 & R3 BY ADV. SRI.M.GOPIKRISHNAN NAMBIAR, SC.**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 23-03-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1 COPY OF THE MEMORANDUM NO.PL A8-18700/91 DATED 24/11/1995 OF THE 2ND RESPONDENT.
- EXT.P2 COPY OF THE APPOINTMENT ORDER DATED 06/12/1995 ISSUED BY THE 2ND RESPONDENT.
- EXT.P3 COPY OF THE MEMORANDUM NO.EA1-10212/96/KLM DATED 10/02/1996 OF THE 3RD RESPONDENT.
- EXT.P4 COPY OF THE ORDER NO.P.A.14/037193 DATED 29/06/2009 OF THE 1ST RESPONDENT.
- EXT.P5 COPY OF THE G.O.(P) 1851/99/FIN. DATED 18/09/1999 ISSUED BY THE GOVERNMENT OF KERALA.
- EXT.P6 COPY OF THE ORDER NO.PA 23-4783/2005 DATED 24/11/2006 ISSUED BY THE 2ND RESPONDENT.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

A.V.RAMAKRISHNA PILLAI, J.

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W.P(C) No.2786 of 2012

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Dated this the 23rd day of March, 2015

JUDGMENT

The petitioner alleging that he, who had retired from service on 31.5.2000, is entitled to get arrears of pension from 1.6.2000 to 30.10.2006, has come up before this Court.

2. The petitioner who was an employee of the respondent corporation demitted his office on 31.5.2000. The petitioner alleges that his claim for *ex gratia* pension was allowed by Ext.P4 order. However, it is stated that he is entitled for the same only with effect from 1.11.2006.

3. The petitioner points out that his claim for *ex gratia* pension is based on G.O(P) No.1851/99/Fin. dated 18.9.1999 which states that *ex gratia* pension scheme shall come into effect with effect from 1.10.1999. However, the employees, who retired, are not entitled for arrears prior to 1.10.1999. According to the petitioner, as there is no ambiguity in the Government order, there is no rhyme or reason for limiting the petitioner's claim for *ex*

gratia payment with effect from 1.11.2006. It is with this background, the petitioner has approached this Court.

4. Arguments have been heard.

5. It is true that as per Ext.P5 Government order dated 18th September, 1999, the Government was pleased to introduce *ex gratia* payment scheme to the State Government employees who retired from service on superannuation. As per Ext.P5, the scheme came into force with effect from 1.10.1999. It was specified that those employees who had already retired from service shall also be considered for *ex gratia* pension. However, they would not be entitled for payment of any arrears prior to 1.10.1999. This Government order was made applicable to the employees under the respondent corporation as per Ext.P6 dated 24.11.2006.

6. As per Ext.P6, the benefit of Ext.P5 Government order was extended to the employees of the respondent corporation with effect from 1.11.2006 only. No retrospective effect was given to the said Government order. That is how, the petitioner's claim for *ex gratia* pension was limited with effect from 1.11.2006. It is crucial to note that the petitioner has not challenged Ext.P6. Therefore, the petitioner is not entitled to succeed.

In the result, the writ petition fails and accordingly, it is dismissed.

Sd/-

A.V.RAMAKRISHNA PILLAI
JUDGE

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