

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

MONDAY, THE 23RD DAY OF FEBRUARY 2015/4TH PHALGUNA, 1936

WP(C).No. 175 of 2015 (V)

PETITIONER(S):

**N.RAJAN, AGED 60 YEARS
S/O. GOVINDAN, RETIRED SANITATION WORKER
THALASSERY MUNICIPALITY, KUNYIL VEEDU
CHILLAKKARA ROAD, KUTTIMAKOOL, THIRUVANGAD POST
THALASSERY-670 103, KANNUR DISTRICT.**

BY ADV. SRI.R.SURENDRAN

RESPONDENT(S):

- 1. THE SECRETARY
THALASSERY MUNICIPALITY, THALASSERY-670 101
KANNUR DISTRICT.**
- 2. THALASSERY MUNICIPALITY
REPRESENTED BY THE SECRETARY
THALASSERY MUNICIPALITY, THALASSERY-670 101
KANNUR DISTRICT.**
- 3. STATE OF KERALA
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT
DEPARTMENT OF URBAN AFFAIRS, SECRETARIAT
THIRUVANANTHAPURAM-695 001.**

**R1-R2 BY ADV. SRI.I.V.PRAMOD
R3 BY SR.GOVERNMENT PLEADER SRI.P.M.JOSEPH**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 23-02-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

WP(C).No. 175 of 2015 (V)

APPENDIX

PETITIONER(S)' EXHIBITS

P1 : COPY OF ORDER DTD.13.11.2013 ISSUED BY THE 1ST RESPONDENT.

**P2 : COPY OF ORDER DTD.2.8.2013 ISSUED BY THE DIRECTOR OF URBAN AFFAIRS,
THIRUVANANTHAPURAM.**

RESPONDENT(S)' EXHIBITS

NIL.

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///True copy///

P.S. to Judge

ALEXANDER THOMAS, J.

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W.P.(C).No. 175 of 2015

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Dated this the 23rd day of February, 2015

J U D G M E N T

The petitioner was a part time contingent worker designated as Sanitation Worker in the 2nd respondent Thalassery Municipality. He retired from service on 30.11.2013 and his application for retirement benefits and pension was filed before the 2nd respondent on 27.6.2013. It is stated that in Ext.P-1 proceedings dated 13.11.2013 of the respondent Thalassery Municipality that the petitioner, who is to retire from service on 30.11.2013, had submitted application on 27.6.2013 for grant of retirement benefits and that the Deputy Director, Local Funds Audit, by proceedings dated 26.10.2013, had forwarded the verification report and that with effect from 1.12.2013, the petitioner is entitled to get pension of Rs.8,353/-, dearness relief, medical allowances as applicable from time to time and an amount of Rs. 3,83,395/- as DCRG, Rs. 3,93,303/- as pension commutation, etc. It is further stated that the Director of Urban Affairs, Thiruvananthapuram, has issued

order dated 2.8.2013, as per Ext.P-2, ordering disbursement of an amount of Rs. 1,52,525/- towards provident fund amounts. It is stated that though deductions in respect of the provident fund account of the petitioner have been made from the petitioner's salary by the Municipality, the said amount was not actually credited to the P.F. Account of the petitioner. It is also seen directed in Ext.P-2 that in case any dearness allowance arrears have not been actually credited to the provident fund account, the same amount also should be disbursed to the petitioner along with interest thereon, from the municipal fund. The grievance of the petitioner is that the petitioner has not yet been paid commutation pension, provident fund amount collected from the petitioner's salary for the period from September 2011 till November, 2013 and the dearness allowance arrears ordered to be deposited in his provident fund and that totally a sum of Rs. 3,93,303/- is due from the 2nd respondent Municipality to the petitioner towards commutation pension and the unascertained portion of the P.F. contribution and dearness arrears. It is averred that in spite of repeated requests made by the petitioner, the respondents have not disbursed the above said amount to the petitioner. It is in the light of these facts and

circumstances that the petitioner has filed the instant Writ Petition with the prayer for direction to the respondents to pay the retirement benefits such as commutation pension, provident fund amount collected from the petitioner's salary for the period from September, 2011 till November, 2013 and the dearness allowance arrears ordered to be deposited in the provident fund as per pay revision order issued as G.O (MS).153/2007 dated 7.6.2007 and such other sum due to the petitioner with 18% interest from 1.12.2013 till the date of the actual payment, etc.

2. Heard Sri.R.Surendran, learned counsel appearing for the petitioner, Sri.I.V.Pramod, learned Standing Counsel appearing for respondents 1 and 2 and the learned Government Pleader appearing for the 3rd respondent.

3. The learned Standing Counsel for the respondent Municipality would submit that the amounts covered by the prayer in the above said Writ Petition shall be disbursed to the petitioner within three months from the date of production of a certified copy of this judgment. Accordingly, it is ordered that the above said amounts shall be disbursed to the petitioner by the respondent Thalassery Municipality within an outer time limit of three months

from the date of production of a copy of this judgment. In case the above said amounts are not disbursed to the petitioner within the above said time limit, then the above said amount shall carry interest @ 12% p.a. from today upto the date of actual payment and the said interest amount could be recovered by the respondent Thalassery Municipality from the officials of the respondent Municipality, who are responsible for such delay in disbursement of the amounts to the petitioner.

With these observations and directions, the Writ Petition (Civil) stands finally disposed of.

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Sd/-
ALEXANDER THOMAS, JUDGE

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P.S. to Judge