

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN**

**FRIDAY, THE 9TH DAY OF OCTOBER 2015/17TH ASWINA, 1937**

**WP(C).No. 1760 of 2015 (T)**  
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**PETITIONER(S):**  
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- 1. SANTHAMMA MOHAN,  
W/O.LATE MOHANAN, PULINILKKUNTHADATHIL, VAYALA POST  
KOTTAYAM-686 587.**
- 2. PREETHA MOHAN  
D/O.LATE MOHANAN, PULINILKKUNTHADATHIL, VAYALA POST  
KOTTAYAM-686 587.**
- 3. PRASANTH P.MOHAN  
S/O.LATE MOHANAN, PULINILKKUNTHADATHIL, VAYALA POST  
KOTTAYAM-686 587.**

**BY ADVS.SRI.MATHEW JOHN (K)  
SRI.DOMSON J.VATTAKUZH**

**RESPONDENT(S):**  
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- 1. THE SECRETARY TO GOVT.  
FINANCE DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM.**
- 2. THE DISTRICT MANAGER  
KERALA STATE BACKWARD CLASSES  
DEVELOPMENT CORPORATION, EARAYILKADAVU, KOTTAYAM-1.**

**R2 BY ADV. SRI.JAYAPRADEEP. V, SC, KSBCDC  
R1 BY ADV. GOVERNMENT PLEADER SRI. P.V. LONACHAN**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD  
ON 09-10-2015, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:**

**APPENDIX**

**PETITIONER(S)' EXHIBITS**

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- EXT.P1-           A TRUE COPY OF THE LETTER TO THE 1ST PETITIONER BY THE FINANCE SECRETARY DATED 9.1.2009.
- EXT.P2-           A TRUE COPY OF THE UNOFFICIAL NOTE DATED 23.1.2009 BY THE 1ST RESPONDENT TO THE 1ST PETITIONER.
- EXT.P3-           A TRUE COPY OF THE COMMUNICATION BY THE PETITIONER TO THE CHIEF MINISTER.
- EXT.P4-           A TRUE COPY OF THE COMMUNICATION BY THE PETITIONER TO THE UNDER SECRETARY DATED 28.5.2009.
- EXT.P5-           A TRUE COPY OF THE COMMUNICATION DATED 18.9.2009 BY THE 1ST RESPONDENT TO THE PUBLIC GRIEVANCE CELL UNDER THE CHIEF MINISTER'S OFFICE.
- EXT.P6-           A TRUE COPY OF THE LETTER DATED 24.5.2010 BY THE MANAGING DIRECTOR K.S.B.C. D.C.LTD. TO THE 1ST PETITIONER.
- EXT.P7-           A TRUE COPY OF THE FINAL REPORT DATED 8.6.2010 BY THE DEPUTY SUPERINTENDENT OF POLICE, VIGILANCE AND ANTI CORRUPTION BUREAU, IDUKKI.
- EXT.P8-           A TRUE COPY OF THE ORDER DATED 21.7.2010 IN V.C.NO.9/2003/IDK. BY THE ENQUIRY COMMISSIONER AND SPECIAL JUDGE, KOTTAYAM.
- EXT.P9-           A TRUE COPY OF THE U.O.NOTE DATED 31.1.2011.
- EXT.P10-           A TRUE COPY OF THE COMMUNICATION DATED 26.4.2011 TO THE 1ST PETITIONER.
- EXT.P11-           A TRUE COPY OF THE COMMUNICATION DATED 2.9.2011 TO THE 1ST PETITIONER BY THE PRL. SECRETARY.
- EXT.P12-           A TRUE COPY OF THE LIABILITY CERTIFICATE DATED 5.12.2012 ISSUED TO THE 1ST PETITIONER.
- EXT.P13-           A TRUE COPY OF THE ORDER ISSUED BY THE 1ST RESPONDENT G.O. [RT]NO.8221/2014/FIN. DATED 31.10.2014.
- EXT.P14-           A TRUE COPY OF THE ORDER DATED 13.11.2014 BY THE DISTRICT MANAGER TO THE 1ST PETITIONER.

**RESPONDENT(S)' EXHIBITS**

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- EXT.R1(A)       COPY OF THE ORDER DTD. 7.3.2000
- EXT.R1(B)       COPY OF THE ORDER DTD. 14.8.2000

CONTD.. 2..

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|-----------|--------------------------------------------------------------------------------------------------|
| EXT.R1(C) | COPY OF THE ORDER DTD. 11.6.04                                                                   |
| EXT.R1(D) | COPY OF THE VERIFICATION REPORT DATED 14.11.07                                                   |
| EXT.R1(E) | COPY OF THE ORDER DTD. 29.2.08                                                                   |
| EXT.R1(F) | COPY OF THE COMMUNICATION DTD. 22.02.09                                                          |
| EXT.R1(G) | COPY OF THE U.O NOTE DTD.16.5.09                                                                 |
| EXT.R1(H) | COPY OF THE U.O NOTE DTD.26.6.09                                                                 |
| EXT.R1(I) | COPY OF THE LETTER DTD. 15.7.09                                                                  |
| EXT.R1(J) | COPY OF THE COMMUNICATION DTD. 18.6.09                                                           |
| EXT.R1(K) | COPY OF THE FACTUAL REPORT SUBMITTED BY THE VIGILANCE AND ANTI<br>CORRUPTION BUREAU DTD.14.10.09 |
| EXT.R1(L) | COPY OF THE COMMUNICATION DTD.16.11.09                                                           |

// TRUE COPY //

P.A TO JUDGE.

SB

**K. VINOD CHANDRAN, J.**

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**Dated this the 9<sup>th</sup> day of October, 2015**

**J U D G M E N T**

The petitioners, the legal heirs of a deceased employee of the Government is before this Court challenging Ext.P12 liability certificate, Ext.P13 Government Order and Ext.P14 recovery proceedings.

2. The learned Special Government Pleader (Finance) produces before me a Government Order numbered as G.O(RT) No.7529/2015/Fin. dated 20.08.2015, wherein the Government has accorded sanction for payment of D.C.R.G of Rs.1,88,819/-, after deducting an amount of Rs.1,320/- as liability; to the legal heirs equally. In view of the Government Order, Exts.P11, P12 and P13 are set aside.

3. In such circumstance, on an application being filed

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by either one of them with authorisation of the others produced or by means of cheque to each of the legal heirs, the amount shall be disbursed within a period of three months from the date of receipt of the certified copy of this judgment.

The writ petition would stand allowed.

**Sd/-  
K. VINOD CHANDRAN,  
JUDGE**

SB/09 /10 /2015

// true copy //

P.A to Judge.