

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 3RD DAY OF FEBRUARY 2015/14TH MAGHA, 1936

WP(C).No.3394 of 2015 (Y)

PETITIONER:

**SUSEELA DEVI,W/O.RADHAKRISHNAN NAIR,
VARIKEKKAL HOUSE,PULLARI P.O.
KADAVARAN ROAD,THRISSUR - 12.**

BY ADV. SRI.O.D.SIVADAS

RESPONDENTS:

- 1. THE SECRETARY TO GOVERNMENT,
DEPARTMENT OF CULTURAL AFFAIRS,
GOVERNMENT OF KERALA,
SECRETARIAT,THIRUVANANTHAPURAM - 695 001.**
- 2. THE SECRETARY,KERALA SAHITHYA ACADEMY,
THRISSUR - 680 001.**

R1 & R2 BY SENIOR GOVT. PLEADER SRI.V.VIJULAL

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 03-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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WP(C).No.3394 of 2015 (Y)

APPENDIX

PETITIONERS EXHIBITS:

**EXHIBIT P1: COPY OF THE APPOINTMENT ORDER ISSUED TO THE PETITIONER
DATED 02.03.1982.**

EXHIBIT P2: COPY OF THE ORDER DATED 13.05.1995.

**EXHIBIT P3: COPY OF THE REQUEST DATED 03.07.2002 SUBMITTED BY THE
PETITIONER.**

**EXHIBIT P4: COPY OF THE REQUEST SUBMITTED BY THE PETITIONER TO THE
1ST RESPONDENT.**

RESPONDENTS EXHIBITS:

NIL

//TRUE COPY//

P.S. TO JUDGE

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A.MUHAMMED MUSTAQUE, J.

W.P.(C) No.3394 of 2015

Dated this the 3rd day of February, 2015

JUDGMENT

The petitioner retired from the service of the Kerala Sahithya Academy on 31.1.2006. It is submitted that at the time of joining of service, there was no pension scheme in the Sahithya Academy and the employees were continued upto 58 years, the age of superannuation. The petitioner points out that the Government has introduced "Kerala Government Cultural Institutions Employees Pension and Gratuity Rules, 2000" and this is also made applicable to the Sahithya Academy. It is the case of the petitioner that the Scheme provides that those were retired from the service with effect from April 2000 onwards are eligible to commute their pension as per Part III KSR and they are also eligible to get DCRG at the rates applicable to the State Government Employees. The Scheme further provides that those who opt to continue in

service till the age of 58 years shall not be eligible to get pension and other benefits admissible under the rules. The petitioner submits that he may be also admitted to the Pension Scheme. It is the case of the petitioner that those who have obtained Provident Fund and after refunding the same, are eligible to pension and gratuity. The petitioner submits that he is ready to refund the entire excess retirement benefits received. The petitioner has approached the first respondent by Ext.P4.

In view of the above, there shall be a direction to the first respondent to consider and pass appropriate orders on Ext.P4 after hearing the petitioner and the second respondent within a period of four months from the date of receipt of a copy of this judgment.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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