

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

THURSDAY, THE 18TH DAY OF JUNE 2015/28TH JYAISHTA, 1937

WP(C).No. 3488 of 2015 (I)

PETITIONER(S)/PETITIONER:

**K.MANIYAN, AGED 61 YEARS,
S/O. KOCHUKUNJU, KARTHIKA BHAVANAM, CHETTIKULANGARA
EREZHA NORTH, MAVELIKKARA (RETIRED SANITATION WORKER
MAVELIKKARA MUNICIPALITY).**

**BY ADVS.SMT.ASHA ELIZABETH MATHEW
SRI.NIRMAL V NAIR**

RESPONDENT(S)/RESPONDENTS:

- 1. MAVELIKKARA MUNICIPALITY
REP. BY ITS SECRETARY, MUNICIPAL COMPLEX, MAVELIKKARA.**
- 2. THE DIRECTOR OF URBAN AFFAIRS
URBAN AFFAIRS DIRECTORATE, SWARAJ BHAVAN, KOWDIAR P.O.
THIRUVANANTHAPURAM-695003.**

**R-R2 BY ADV. SRI.K.A.JALEEL, ADDL. ADVOCATE GENERAL
R BY GOVERNMENT PLEADER
R BY SRI.RASHEED.C, SC, MAVELIKKARA MUNICIPALITY**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
18-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

WP(C).No. 3488 of 2015 (I)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1- TRUE COPY OF THE CALCULATION SHEET SHOWING THE
RETIRING PENSION BENEFIT ISSUED IN RESPECT OF THE PETITIONER.**

**EXHIBIT P2- TRUE COPY OF THE CALCULATION SHEET FOR COMPUTATION
PENSION DATED 25-06-2014 ISSUED BY THE DEPUTY DIRECTOR.**

RESPONDENT(S)' EXHIBITS: NIL

//TRUE COPY//

P.S. TO JUDGE

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C).NO.3488 OF 2015 (I)

Dated this the 18th day of June, 2015

J U D G M E N T

The petitioner, who had retired from the services of the 1st respondent Municipality, is aggrieved by the non-disbursal of retirement benefits that was due to the petitioner despite of lapse of more than one year from the date of retirement of the petitioner. In the writ petition, the petitioner seeks disbursal of the retirement benefits that has been computed in Ext.P2 and are not disputed by the 1st respondent Municipality.

2. I have heard the learned counsel for the petitioner as also the learned Standing counsel for the respondent Municipality.

On a consideration of the facts and circumstances of the case as also the submissions made across the bar, and also taking note of the fact that the reason given by the 1st respondent Municipality for the delay in effecting payment of the amounts that were admittedly due to the petitioner is that the 1st respondent Municipality is currently

facing a financial crunch, I am inclined to permit the 1st respondent Municipality to pay the amounts that are due to the petitioner, as disclosed in Ext.P2, within a period of four months from the date of receipt of a copy of this judgment. Amounts, if any, already paid by the 1st respondent Municipality to the petitioner, can be adjusted from the payments that are directed to be made as per this judgment. I make it clear that if the amounts that are directed to be paid, are not paid to the petitioner within the stipulated time, then the 1st respondent Municipality shall be liable to pay interest @ 6% per annum on the said amounts, for the delay occasioned in disbursement of the benefits immediately after the expiry of the period of four months, till the date of actual disbursement to the petitioner.

The writ petition is disposed as above.

A.K.JAYASANKARAN NAMBIAR
JUDGE

prp