IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

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

WP(C).No. 3812 of 2015 (B)

PETITIONER(S):

K.NARAYANANKUTTY, AGED 62 YEARS
S/O.P.K.KUNJUNNI NAIR, GOURI NIVAS, THELATHURUTHU
N.PARUR, PIN - 683 594.

BY ADVS.SRI.C.S.ABDUL SAMMAD
SRI.V.D.BALAKRISHNA KARTHA

RESPONDENT(S):

1. TRAVANCORE DEVASWOM BOARD,
NANTHANCODE, TRIVANDRUM
REPRESENTED BY DEVASWOM COMMISSIONER - 695 001.

2. DEVASWOM ACCOUNTS OFFICER,
TRAVANCORE DEVASWOM BOARD, NANTHANCODE
TRIVANDRUM - 695 001.

R BY SRI.A.N.RAJAN BABU, SC, TRAVANCORE DEVASWOM BOARD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 23-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS:

EXT.P1: TRUE COPY OF THE LETTER NO.1038/13/E4 DTD. 7/3/2013/21.11.2013 FROM THE 2ND RESPONDENT TO DHANALAKSHMI BANK.

EXT.P2: TRUE COPY OF THE LETTER NO.627 DTD. 13/8/2009 THE ASSISTANT DEVASWOM COMMISSIONER, NORTH PARUR, REPORTED TO FINANCE AUDIT DEPARTMENT.

EXT.P3: TRUE COPY OF THE CHELAN NO.7, DTD. 1/6/2007 FOR RS.19,388.20.

EXT.P4: TRUE COPY OF THE CHELAN NO.22 DTD. 20.4.2007 FOR RS.25,553/-.

EXT.P5: TRUE COPY OF THE CHELAN NO.23 DTD. 16/5/2007 FOR RS.24,013.70

EXT.P6: TRUE COPY OF THE CHELAN NO.24 DATED 24.04.2007 FOR RS.55,177/-

EXT.P7: TRUE COPY OF THE CHELAN NO.14 DATED 16.04.2007 FOR RS.22,122/-

EXT.P8: TRUE COPY OF THE LETTER NO.305 DATED 05.08.2010 FROM THE ASSISTANT DEVASWOM COMMISSIONER, NORTH PARUR, REPORTED TO the ACCOUNTS BRANCH

EXT.P9: TRUE COPY OF THE LETTER NO.52/16.4.2008 FROM the ASSISTANT DEVASWOM COMMISSIONER, NORTH PARUR

EXT.P10: TRUE COPY OF THE NOTICE NO.7004 DATED 13.03.2013 FROM THE ASSISTANT DEVASWOM COMMISSIONER, NORTH PARUR TO the PETITIONER

EXT.P11: TRUE COPY OF THE REPLY DTD 17.04.2013 SUBMITTED BY the PETITIONER TO THE ASSISTANT DEVASWOM COMMISSIONER, NORTH PARUR

RESPONDENT(S)' EXHIBITS:NIL

True Copy/

P A to Judge

A.MUHAMED MUSTAQUE, J.

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W.P(C).No.3812 of 2015

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Dated this the 23rd day of February, 2015

JUDGMENT

Petitioner retired from the Travancore Devaswom Board on 30.05.2008. Though pension has been given to him, no Death-Cum-Retirement-Gratuity was disbursed. However, liability of ₹5,56,387/- was fixed upon the petitioner as per proceeding dated 07.03.2013. Accordingly, Death-Cum-Retirement-Gratuity of ₹1,84,964/- has been adjusted towards departmental liability. It is challenging this order, Writ Petition is filed.

2. Learned counsel for the petitioner submits that no fixation can be made in terms of part I of KSR after three years of retirement. It is submitted that no opportunity was given to the petitioner before fixing any liability on him. Though petitioner raised an objection by Ext.P11 to some other authority who are not competent to take a decision in this matter, petitioner seeks an opportunity to approach the first respondent with detailed representation. That being so, petitioner shall submit a detailed representation before the first respondent within a period of two weeks from the date of receipt of a copy of this judgment. Thereafter, a fresh decision shall be taken by the first respondent

after adverting to the legal position and other materials relied by the petitioner within a further period of six weeks. Till a decision is taken in the matter, all proceedings pursuant to Ext.P10 shall be kept in abeyance.

The Writ Petition is disposed of.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE.

Sbna/23/02/15