

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 27TH DAY OF JANUARY 2015/7TH MAGHA, 1936

WP(C).No. 6550 of 2013 (P)

PETITIONER :

**K.PADMAKUMAR,
JUNIOR SUPERINTENDENT (RETIRED),
TRAVANCORE DEVASWOM BOARD, RESIDING AT 'SABARI',
PERUMPAZHATHOOR P.O., NEYYATTINKARA,
THIRUVANANTHAPURAM DISTRICT.**

**BY ADVS.SRI.K.BALACHANDRAN (MANGALATH)
SRI.RAJESH NAIR
SRI.BIJOY CHANDRAN**

RESPONDENT(S):

- 1. TRAVANCORE DEVASWOM BOARD,
REPRESENTED BY ITS SECRETARY, DEVASWOM BOARD OFFICE,
NANDANCODE, KAVADIYAR P.O., TRIVANDRUM-3.**
- 2. THE DEVASWOM COMMISSIONER,
TRAVANCORE DEVASWOM BOARD, DEVASWOM BOARD OFFICE,
NANDANCODE, KAVADIYAR P.O., TRIVANDRUM-3.**
- 3. DEVASWOM ACCOUNTS OFFICER,
TRAVANCORE DEVASWOM BOARD, NANDANCODE, KAVADIYAR P.O.,
TRIVANDRUM-3.**
- 4. THE ASSISTANT DEVASWOM COMMISSIONER,
TRAVANCORE DEVASWOM BOARD, NEYYATTINKARA GROUP,
NEYYATTINKARA P.O., PIN-695 121.**
- 5. COMMISSIONER FOR THIRUVABHARANAM,
TRAVANCORE DEVASWOM BOARD, ARANMULA, ARANMULA P.O.,
PIN -689 533.**
- 6. EXECUTIVE OFFICER,
SABARIMALA DEVASWOM, TRAVANCORE DEAVASWOM BOARD,
PAMBA P.O., PATHANAMTHITTA DISTRICT, PIN -685 533.**

**BY ADV. SRI.M.V.S.NAMBOOTHIRI, SC, TRAVANCORE DEVASWOM BOARD
SRI.P.GOPAL**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 27-01-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

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APPENDIX

PETITIONER(S) EXHIBITS

- EXT.P1: COPY OF THE CERTIFICATE DATED 30/11/2009 ISSUED BY THE 4TH RESPONDENT.**
- EXT.P2: COPY OF THE LETTER DATED 27/02/2013 OF THE 3RD RESPONDENT, ADDRESSED TO THE MANAGER, DHANALAKSHMI BANK AND THE ENCLOSURE.**
- EXT.P3: COPY OF THE REPRESENTATION DATED 05/03/2013 SENT BY THE PETITIONER TO THE 1ST RESPONDENT.**
- EXT.P4: COPY OF THE LETTER DATED 30/03/2013 ISSUED BY THE 4TH RESPONDENT.**
- EXT.P5: COPY OF THE TDB CHALAN DATED 10/08/2010 EVIDENCING REMITTANCE OF RS.610/-**
- EXT.P6: COPY OF THE TDB CHALAN DATED 20/10/2009 EVIDENCING REMITTANCE OF THE RS.285/-**
- EXT.P7: COPY OF THE TDB CHALAN DATED 27/04/2009 EVIDENCING REMITTANCE OF THE RS.5725/- PS.**
- EXT.P8: COPY OF THE TDB CHALAN DATED 25/06/2010 EVIDENCING REMITTANCE OF RS.280/-**
- EXT.P9: COPY OF THE TDB CHALAN DATED 06/03/2012 EVIDENCING REMITTANCE OF RS.2358/-**
- EXT.P10: COPY OF THE TDB CHALAN DATED 25/06/2010 EVIDENCING REMITTANCE OF RS.2068.50/-**

RESPONDENTS' EXHIBITS : NIL

/TRUE COPY/

P.A.TO.JUDGE

A.MUHAMED MUSTAQUE, J.
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W.P(C).No.6550 of 2013
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Dated this the 27th day of January, 2015

JUDGMENT

This Writ Petition is filed challenging Ext.P2 order deducting ₹51,913/- as departmental liability from the Death Cum Retirement Gratuity payable to the petitioner. Petitioner retired from the Travancore Devaswom Board as Junior Superintendent on 30.11.2009. Petitioner has challenge against Ext.P2 order on merit as well as on the ground of limitation. According to the petitioner fixation of liability, after the period of three years from the date of retirement, is illegal and unsustainable. He also challenges fixation of liability in Ext.P2. According to him, there is no liability on his part and if an opportunity is given to him, he can explain, why fixation of liability is untenable. He refers to Exts.P4 to P10. It is obvious that Ext.P2 order is passed without giving an opportunity of hearing to the petitioner.

2. Considering the nature of order passed in Ext.P2, same shall be treated as a provisional order. Therefore, after advertng to Exts.P4 to P10 and also to the objection of the petitioner that fixation is after the outer limit of three years, a fresh order shall be passed. Needful shall be done within a period of six weeks by the first

respondent. Petitioner's claim for interest on Death Cum Retirement Gratuity is left open.

The Writ Petition is disposed of.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE.

Sbna/28/01/15