

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 8TH DAY OF APRIL 2015/18TH CHAITHRA, 1937

WP(C).No. 11118 of 2007 (W)

PETITIONER(S) :

1. P.N.SREEDHARAN,
RETIRED SENIOR SUPERINTENDENT (NON CADRE)
ELECTRICITY DEPARTMENT, THRISSUR CORPORATION
RESIDING AT PONNORE HOUSE, PONNORE P.O., THRISSUR.

2. N.GOPALAKRISHNA PILLAI,
RETIRED ELECTRICAL ENGINEER, THRISSUR CORPORATION
RESIDING AT 'PRANAVAM', THRIVENI GARDEN, CALVARI ROAD
POOTHOLE, THRISSUR.

BY ADVS.DR.K.P.SATHEESAN
SRI.K.K.GOPINATHAN NAIR

RESPONDENT(S) :

1. THE DISTRICT COLLECTOR,
THRISSUR.

2. THE SECRETARY,
ELECTRICITY DEPARTMENT, THRISSUR CORPORATION
THRISSUR.

R,R2 BY ADV. SRI.K.P.VIJAYAN
R,R2 BY ADV. SRI.V.M.SYAM KUMAR
R,R2 BY ADV. SMT.KRIPA ELIZABETH MATHEWS
R BY SRI.K.B.MOHANDAS
R BY SRI.K.B.MOHANDAS

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
08-04-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 11118 of 2007

APPENDIX

PETITIONER(S) ' EXHIBITS

EXT.P1: A TRUE COPY OF THE ORDER NO.E5/556/99 & 5641/99 DT.20/1/2007
ISSUED BY THE 2ND RESPONDENT

EXT.P2 TRUE COPY OF THE NOTICE NO.ORDER NO.E5/556/99 & 5641/99
DT.20/1/2007 ISSUED BY THE 2ND RESPONDENT

EXT.P3 TRUE COPY OF THE EXPLANATIONS SUBMITTED BY THE FIRST PETITIONER
BEFORE THE 2ND RESPONDENT DT.30/1/2007

EXT.P4 -DO- SUBMITTED BY THE 2ND PETITIONER

EXT.P5 TRUE COPY OF THE LETTER NO.34-9025/2006 DT.22/2/2007 ISSUED
BY THE 2ND RESPONDENT TO THE 1ST RESPONDENT

RESPONDENT(S) ' EXHIBITS : NIL

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\\TRUE COPY//

P.S to Judge

A.MUHAMED MUSTAQUE, J.

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**W.P.(C).No.11118/2007**

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Dated this the 8th Day of April, 2015

J U D G M E N T

The first petitioner retired from the service of the Electricity Department on 30/06/2011. The second petitioner retired on 31/05/2000. Each of them has been imposed with a liability of Rs.16,771/- with 12% interest. This order was passed on 20/01/2007. It is challenging this order, the petitioners have approached this Court. The petitioners, relying on note 3 to Rule 3 of Part-III Kerala Service Rules submit that fixation of liability after seven years of retirement is unsustainable.

2. This Court in several cases has held that fixation of liability on an employee based on a proceedings initiated after three years' of retirement is unsustainable. Further, Ext.P2 order does not indicate that the petitioners have been afforded an

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opportunity of being heard. In that view of the matter, Ext.P2 is quashed.

The writ petition is disposed of as above. No costs.

SD/-

A.MUHAMED MUSTAQUE, JUDGE

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