

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

WEDNESDAY, THE 11TH DAY OF FEBRUARY 2015/22ND MAGHA, 1936

WP(C).No. 4274 of 2015 (H)

PETITIONER:

**ST.MARYS HOTELS PRIVATE LIMITED,
KODHIMATHA, KOTTAYAM,
REPRESENTED BY ITS MANAGING DIRECTOR,
T.O. ABRAHAM, OWNING AND MANAGING
"HOTEL WINDSOR CASTLE" KODIMATHA,
KOTTAYAM.**

**BY ADVS.SRI.K.L.NARASIMHAN
SRI.A.MOHAMMED FAIZAL
SRI.P.G.PRAMOD
SRI.N.KRISHNA PRASAD**

RESPONDENT(S):

- 1. STATE OF KERALA, REPRESENTED BY
THE SECRETARY TO GOVERNMENT,
DEPARTMENT OF LABOUR,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.**
- 2. THE AUTHORITY UNDER THE PAYMENT
OF SUBSISTENCE ALLOWANCE ACT OF
1972 AND DEPUTY LABOUR COMMISSIONER,
KOTTAYAM - 686 001.**
- 3. AUTHORIZED OFFICER UNDER
THE REVENUE RECOVERY ACT AND
DEPUTY TAHSILDAR (2), KOTTAYAM - 686 001.**
- 4. THE DISTRICT LABOUR OFFICER,
KOTTAYAM - 686 001.**
- 5. P.K.CHERIYAN, PANACHUVATTIL,
NALIAKUZHY, VAKATHANAM POST,
KOTTAYAM - 686 001.**

R1 TO R4 BY GOVT. PLEADER SRI.SHYSON P.MANGUZHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 11-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

APPENDIX

PETITIONER(S)' EXHIBITS:

- EXHIBIT P1: TRUE COPY OF THE FINAL REPORT IN C.C.NO.375/2012.
- EXHIBIT P2: TRUE COPY OF THE ENQUIRY REPORT DATED 20.3.2013.
- EXHIBIT P3: TRUE COPY OF THE APPLICATION DATED 13.5.2013 FILED BY THE FIFTH RESPONDENT BEFORE THE DEPUTY LABOUR COMMISSIONER, KOTTAYAM.
- EXHIBIT P4: TRUE COPY OF THE OBJECTIONS FILED BY THE PETITIONER.
- EXHIBIT P5: TRUE COPY OF THE ORDER DATED 19.9.2014 OF THE SECOND RESPONDENT.
- EXHIBIT P6: TRUE COPY OF THE SHOW CAUSE NOTICE DATED 5.11.2014 ISSUED TO THE PETITIONER.
- EXHIBIT P7: TRUE COPY OF G.O.(RT)1560/14/LBR DATED 10.11.2014.
- EXHIBIT P8: TRUE COPY OF THE DEMAND NOTICE ISSUED UNDER SECTION 34 OF THE REVENUE RECOVERY ACT.
- EXT.P8(A): TRUE COPY OF THE DEMAND NOTICE ISSUED UNDER SECTION 7 OF THE REVENUE RECOVERY ACT.

RESPONDENT(S)' EXHIBITS: - NIL

/TRUE COPY/

P.A. TO JUDGE

mbr/

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C) No.4274 of 2015 (H)

.....
Dated this the 11th day of February, 2015

JUDGMENT

The petitioner challenges Exts.P8 and P8(a) demand notices that have been issued to him under the Kerala Revenue Recovery Act, in connection with recovery of amounts that was due to the 5th respondent by way of subsistence allowance.

2. The claim of the 5th respondent for subsistence allowance has been upheld by the 2nd respondent competent authority under the Kerala Payment of Subsistence Allowance Act, 1972, by Ext.P4 order. Admittedly, no further proceedings have been taken against Ext.P4 and the matter has become final. In that view of the matter there seems to be no justification in the petitioner not paying the amounts that are now demanded by Exts.P8 and P8(a) demand notices.

3. I take note, however, of the submission of the petitioner that, if he is given two weeks time, he will be in a position to pay the entire amount demanded under Exts.P8 and P8(a) notices. Taking note of the said submission, I dispose the writ petition, by permitting the petitioner to pay the entire amount demanded in Exts.P8 and P8(a) demand notices on or before 25.02.2015. If the petitioner defaults in the said payment, the revenue recovery

proceedings pursuant to Exts.P8 and P8(a) shall continue unabated.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE

AMV/11/02/