

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

FRIDAY, THE 13TH DAY OF FEBRUARY 2015/24TH MAGHA, 1936

WP(C).No. 4608 of 2015 (A)

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.N.KRISHNA PRASAD.**

RESPONDENTS:

- 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. AUTHORISED OFFICER UNDER THE
REVENUE RECOVERY ACT AND DEPUTY TAHSILDAR (2),
KOTTAYAM-686 001.**
- 4. THE DISTRICT LABOUR OFFICER,
KOTTAYAM-686 001.**
- 5. RATHISH T., OUTHAPPARAMBIL HOUSE,
THIRUVANCHOOR P.O., KOTTAYAM-686 015.**

R1 TO R4 BY GOVT. PLEADER SMT.SHOBA ANNAMMA EAPEN.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 13-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

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 20-03-2013.
- EXHIBIT P3- TRUE COPY OF THE APPLICATION DATED 13-05-2013 FILED BY THE FIFTH RESPONDENT BEFORE THE DEPUTY LABOUR COMMISSIONER, KOTTAYAM.
- EXHIBIT P4- TRUE COPY OF ORDER NO. SAC-1/2013 DATED 19-09-2014 PASSED BY THE SECOND RESPONDENT.
- EXHIBIT P5- TRUE COPY OF THE SHOW CAUSE NOTICE NO. SAC1/2013 DATED 05-11-2013 ISSUED BY THE 2ND RESPONDENT.
- EXHIBIT P6- TRUE COPY OF THE DEMAND NOTICE DATED 23-12-2014, UNDER SECTION 34 OF THE KERALA REVENUE RECOVERY ACT, ISSUED BY THE THIRD RESPONDENT.
- EXHIBIT P6A- TRUE COPY OF THE DEMAND NOTICE DATED 23-12-2014, UNDER SECTION 7 OF THE KERALA REVENUE RECOVERY ACT ISSUED BY THE THIRD RESPONDENT.

RESPONDENT'S EXHIBITS:-

NIL.

//TRUE COPY//

P.A TO JUDGE

rs.

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C) No. 4608 of 2015 (A)

.....
Dated this the 13th day of February, 2015

JUDGMENT

The petitioner challenges Exts.P6 and P6(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.P6 and P6(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.P6 and P6(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.P6 and P6(a) demand notices on or before 27.02.2015. If

the petitioner defaults in the said payment, the revenue recovery proceedings pursuant to Exts.P6 and P6(a) shall continue unabated.

A.K.JAYASANKARAN NAMBIAR
JUDGE

AMV/16/02/