

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE BABU MATHEW P.JOSEPH

FRIDAY, THE 13TH DAY OF MARCH 2015/22ND PHALGUNA, 1936

WP(C).No. 21605 of 2003 (V)

PETITIONER:

K. CHANDRASEKHARAN,
DY. CHIEF ENGINEER (RETIRED)
'AISWARYA', NEAR BLOCK OFFICE,
ALATHUR, PALAKKAD.

BY ADVS. SRI.P.SANTHOSH KUMAR (PANAMPALLI NAGAR)
SRI.T.A.RAJAN

RESPONDENTS:

1. KERALA WATER AUTHORITY REP. BY ITS
MANAGING DIRECTOR, 'JALA BHAVAN',
THIRUVANANTHAPURAM.
2. THE MANAGING DIRECTOR,
KERALA WATER AUTHORITY,
'JALA BHAVAN', THIRUVANANTHAPURAM.

SRI.GEORGE MATHEW, SC, KWA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
13-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 21605 of 2003 (V)

APPENDIX

PETITIONER'S EXTS

EXT.P1:- TRUE COPY OF THE ORDER OF THE PUBLIC HEALTH ENGG. DEPT. BEARING NO.PHE3 (A)/5149/7B DATED 23/9/1978.

EXT.P2:- TRUE COPY OF THE ORDER OF THE 2ND RESPONDENT BEARING NO.KWA/HO/23-17160/92 DT. 16/10/93.

EXT.P3:- TRUE COPY OF THE LETTER OF THE FIN. MANAGER & CHIEF ACCOUNTS OFFICER OF THE 1ST RESPONDENT NO.KWA/AO (ESTT)/PEN. 3291/COM.2807/1666 DT. 11/4/01.

EXT.P4:- TRUE COPY OF THE REPRESENTATION OF THE PETITIONER TO THE 2ND RESPONDENT DT. 15/5/01.

EXT.P5:- TRUE COPY OF THE JUDGMENT IN O.P. NO.10477/2002(V) OF THE HON'BLE HIGH COURT OF KERALA DATED 12/4/02.

EXT.P6:- TRUE COPY OF THE ORDER OF THE 1ST RESPONDENT BEARING NO.KWA/JB/E2-5982/2001 DT. 23/10/02.

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BABU MATHEW P. JOSEPH, J.

W.P.(C) No.21605 of 2003

Dated this the 13th day of March, 2015

JUDGMENT

This writ petition has been filed for a direction to the respondents to count the service rendered by the petitioner from 08-05-1972 to 25-08-1973 at the Cochin Shipyard for the purpose of computing his pensionary benefits and for quashing Ext.P6 by which the second respondent had rejected that claim of the petitioner.

2. Heard the learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondents 1 and 2.

3. The petitioner had retired from the Kerala Water Authority as Deputy Chief Engineer. There is no dispute with regard to the fact that he had rendered service as a Section Officer (civil) from 08-05-1972 to 25-08-1973 at the Cochin Shipyard, a central autonomous body. Even though he had raised the claim before the establishment for counting the

service thus rendered by him at the Cochin Shipyard, the second respondent had rejected that claim by issuing Ext.P6 order dated 23-10-2002.

4. The question involved in this case is covered, in favour of the petitioner, by the judgment dated 02-03-2012 in W.P.(C) No.22983 of 2003 rendered by this Court. The writ appeal, W.A. No.324 of 2013, filed by the respondents against that judgment had been dismissed by this Court as per judgment dated 13-08-2013 confirming the judgment in W.P.(C) No.22983 of 2003. In the writ appeal judgment, the Division Bench also took note of the fact that the respondents have implemented the directions issued in the judgment in W.P.(C) No.22983 of 2003. Therefore, the petitioner is entitled to succeed in this writ petition. His service from 08-05-1972 to 25-08-1973 rendered at the Cochin Shipyard is liable to be reckoned for the purpose of calculating his pensionary benefits.

5. In the result, Ext.P6 is quashed. It is declared that the petitioner is entitled to count his service from

08-05-1972 to 25-08-1973 rendered at the Cochin Shipyard as qualifying service for the purpose of fixing his pensionary benefits. Therefore, the respondents are directed to count that service as qualifying service for fixing the pensionary benefits of the petitioner and to revise his pensionary benefits accordingly. This shall be done by the respondents within a period of two months from the date of receipt of a copy of this judgment.

This writ petition is allowed as above. A copy each of the judgments in W.P.(C) No.22983 of 2003 and in W.A. No.324 of 2013 shall be appended to this judgment.

Sd/-
BABU MATHEW P. JOSEPH
JUDGE

kns/-

//TRUE COPY//

P.A. TO JUDGE

