

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

TUESDAY, THE 24TH DAY OF FEBRUARY 2015/5TH PHALGUNA, 1936

WP(C).No. 9785 of 2013 (W)

PETITIONER(S):

1. **ASHRAF ALI S.,
SENIOR ASSISTANT MANAGER, REGIONAL OFFICE,
KERALA STATE WAREHOUSING CORPORATION,
THIRUVANANTHAPURAM.**
2. **PETER.P.P.,
SENIOR ASSISTANT MANAGER, HEAD OFFICE,
KERALA STATE WAREHOUSING CORPORATION,
ERNAKULAM.**
3. **VINOD T. VARGHESE,
SENIOR ASSISTANT MANAGER, HEAD OFFICE,
KERALA STATE WAREHOUSING CORPORATION,
ERNAKULAM.**
4. **PRAVEEN KUMAR.S.,
SENIOR ASSISTANT MANAGER, STATE WAREHOUSE,
KERALA STATE WAREHOUSING CORPORATION,
PUNALUR.**
5. **SAJI GEORGE,
SENIOR ASSISTANT MANAGER, STATE WAREHOUSE,
KERALA STATE WAREHOUSING CORPORATION,
KOTTARAKKARA.**
6. **BOBY GEORGE,
SENIOR ASSISTANT MANAGER, STATE WAREHOUSE,
KERALA STATE WAREHOUSING CORPORATION,
ETTUMANOOR.**
7. **OMPRAASAD.C.K.,
SENIOR ASSISTANT MANAGER, STATE WAREHOUSE,
KERALA STATE WAREHOUSING CORPORATION,
ALATHUR.**

**BY ADVS.SRI.K.JAJU BABU
SMT.M.U.VIJAYALAKSHMI**

WP(C).NO.9785/2013

RESPONDENT(S):

- 1. THE KERALA STATE WAREHOUSING CORPORATION,
REPRESENTED BY ITS MANAGING DIRECTOR, HEAD OFFICE,
WAREHOUSING ROAD, ERNAKULAM, KOCHI-682 016.**
- 2. STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT OF KERALA,
AGRICULTURE DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM. 695 001.**

**R1 BY ADVS. SRI.M.GOPIKRISHNAN NAMBIAR
SRI.P.GOPINATH
SRI.P.BENNY THOMAS
SRI.K.JOHN MATHAI
SRI.JOSON MANAVALAN
SRI.KURRYAN THOMAS**

R2 BY GOVERNMENT PLEADER

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 24-02-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

sts

WP(C).No. 9785 of 2013 (W)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1- TRUE COPY OF THE G.O(MS)NO.221/11/AD DATED 20.9.2011 ISSUED BY THE
2ND RESPONDENT.**
- P2- TRUE COPY OF THE G.O.(MS)NO.75/13/AD DATED 25.3.2013 ISSUED BY THE
2ND RESPONDENT.**

RESPONDENT(S)' EXHIBITS

- R2(A)- TRUE COPY OF THE LETTER NO.KSWC/EST/GOVT/2011-12, DATED 14/07/2011**
- R2(B)- TRUE COPY OF THE REPLY AFFIDAVIT FILED BY THE RESPONDENT IN
IA.NO.11131/2011 IN WP(C).NO.12514/2010 DATED 14/7/2011.**
- R2(C)- TRUE COPY OF THE LETTER NO.KSWC/EST/SUPERANNUATION/2013-14
DATED 1/04/2013.**
- R2(D)- TRUE COPY OF THE MINUTES OF THE MEETING CONVENED BY THE
HONOURABLE MINISTER FOR AGRICULTURE ON 25/04/13.**

/TRUE COPY/

P.A.TO.JUDGE

sts

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 9785 of 2013

Dated this the 24th day of February, 2015

J U D G M E N T

The proposal to expend the loan amount as per Ext.P2 otherwise than for clearing the statutory liabilities is the issue raised in this writ petition. According to the petitioners, the mis-utilization of the loan amount would result in the financial crisis turning from bad to worse; and they would be further denied their service benefits, which are already curtailed.

2. In the statement filed by the 1st respondent, it is stated as follows;

“Accordingly, the corporation paid Rs.1,97,78,994/- as entire arrears of Provident Fund subscription to provident fund trust. Similarly, balance arrears of Rs.1,84,07,293/- to pension fund and Dearness Allowance arrears amounting of Rs.39,60,293/- are also paid from the loan received from the Government. An amount of Rs.56,30,071/- was paid in contempt of court cases with regard to retirement benefits and also an amount of Rs.2,80,28,69/- was paid in writ petition cases related to retirement benefits. There by an excess amount of Rs.5,79,520/- (payment made from own fund) other than the loan amount of Rs.5 crore was utilized for the payment of statutory liabilities.”

Recording the said statement, the writ petition is closed without prejudice.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

bka/-