

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

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

WP(C).No. 7404 of 2015 (A)

PETITIONER(S):

P.NARAYANAN NAMBIAR, AGED 60 YEARS,
S/O.LATE GOVINDAN NAMBIAR,
EXECUTIVE OFFICER (RETD), SRI MANNAMPURATH
KAVU BHAGAVATHY TEMPLE ,
RESIDING AT DEEPAM, THRICAMBARAM, THALIPARAMBA P.O
KANNUR DISTRICT. 670 141.

BY ADVS.SRI.P.R.SREEJITH
SRI.K.V.MANOJ KUMAR
SRI.M.PROMODH KUMAR
SMT.MAYA CHANDRAN

RESPONDENT(S):

1. THE COMMISSIONER,
MALABAR DEVASWOM BOARD, CIVIL STATION, ERANJIPPALAM
KOZHIKODE DISTRICT. 673 020.

2. THE ASSISTANT COMMISSIONER,
MALABAR DEVASWOM BOARD, KASARAGOD DISTRICT. 671 001.

3. THE EXECUTIVE OFFICER,
SRI.MANNAMPURATH KAVU BHAGAVATHY TEMPLE,
NEELESWARAM P.O, HOSDURG TALUK,
KASARAGOD DISTRICT. 681 314.

4. DISTRICT POLICE CHIEF,
KASARAGOD DISTRICT. 671 001.

R1 & 2 BY ADV. SRI.K.R.SUNIL, SC, MALABAR DEVASWOM BOARD
R BY GOVERNMENT PLEADER SRI.VIJULAL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
13-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 7404 of 2015 (A)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXHIBIT P1. COPY OF THE SCHEME FRAMED FOR SRI.MANNAMPURATH KAVU
BHAGAVATHY TEMPLE, AS PER ORDER DATED 4.3.72.

EXHIBIT P2. COPY OF THE PETITIONERS LETTER DATED 20.11.14 TO THE IST
RESPONDENT FOR SANCTION OF HIS LEAVE SURRENDER BENEFITS.

EXHIBIT P3. COPY OF THE IST RESPONDENTS ORDER DATED 29.11.07 IN THE
MATTER OF DISBURSEMENT OF LEAVE SURRENDER BENEFITS TO ONE MR.SOMAN.

EXHIBIT P4. COPY OF THE IST RESPONDENTS ORDER DATED 23.1.15 AGAINST
THE PETITIONER.

EXHIBIT P5. COPY OF THE PETITIONERS REPRESENTATION DATD 3.2.15 TO THE
IST RESPONDENT.

EXHIBIT P6. COPY OF THE PETITIONER REPRESENTATION DATED 3.2.15 TO THE
3RD RESPONDENT.

RESPONDENT(S) ' EXHIBITS

: NIL

/TRUE COPY/

P.S. TO JUDGE.

A.MUHAMED MUSTAQUE, J.

W.P.(C) No. 7404 OF 2015

Dated this the 13th day of March, 2015

JUDGMENT

The petitioner was the Executive Officer of Sri. Mannampurath Kavu Bhagavathy Temple from 15/2/1984. He retired from the service on 30/11/2014. The petitioner submits that he has unblemished record in the service and he was entitled to terminal benefit of Rs.5,31,071/-.

2. The petitioner appears to have drawn the above amount. Thereafter, by Ext.P4 proceedings, the first respondent Commissioner directed the 2nd respondent-Board to recover the petitioner's terminal benefits on the ground that petitioner withdrew the above amount without the Board's sanction and criminal action had to be taken against the petitioner for misappropriation of the temple fund. The petitioner made Exts.P2 and P5 requests before the respondents to condone the drawal of the amount without the permission of the Board. The petitioner submits that he has

taken this course on account of penurious circumstances and without knowledge. However, he reiterates that he has not drawn any single paisa in excess of the amount to which he is entitled.

3. The question, whether the amount drawn by the petitioner could be termed as terminal benefits or not, could not be decided by this Court. It is for the Board to consider whether the petitioner's action can be condoned or not.

4. In the above facts and circumstances, I am of the view that appropriate decision shall be taken by the first respondent-Commissioner within a period of four weeks, after hearing the petitioner. Till the decision is taken, no coercive steps shall be taken against the petitioner.

The writ petition is disposed of as above.

Sd/-

**A.MUHAMED MUSTAQUE,
Judge.**

dpk

/True copy/ P.S to Judge.

