

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRA

WEDNESDAY, THE 15TH DAY OF JULY 2015/24TH ASHADHA, 1937

OP.No. 28738 of 2002 (U)

PETITIONER(S):

- 1. V.M.MATHEW, VALUMANNIL, KALLADIKODE,
PALAKKAD.(RETIRED SLR WORKER, HEAD WORK'S SUB DIVISION
MALAMPUZHA)**
- 2. C.VELAYUDHAN, KALAPPARAMBU, KALLADIKODE,
PALAKKAD.(RETIRED SLR WORKER, HEAD WORK'S SUB DIVISION
MALAMPUZHA)**

BY ADV. SRI.P.RAMAKRISHNAN

RESPONDENT(S):

- 1. STATE OF KERALA, REPRESENTED BY THE
SECRETARY TO GOVERNMENT, PUBLIC WORKS (B) DEPARTMENT
TRIVANDRUM.**
- 2. THE CHIEF ENGINEER, IRRIGATION AND
ADMINISTRATION, TRIVANDRUM**
- 3. THE ASSISTANT EXECUTIVE ENGINEER, HEAD
WORKS SUB DIVISION, MALAMPUZHA DAM.**

BY ADV.P.V.ELIAS, GOVERNMENT PLEADER

**THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 15-07-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

O.P.NO.28738/2002

APPENDIX

PETITIONER'S EXHIBITS:

- P1 : COPY OF ORDER NO.EEI-49461/88 DATED 09.01.1991 ISSUED TO THE 1ST PETITIONER BY THE EXECUTIVE ENGINEER, KANHIRAPUZHA PROJECT, DIVISION NO.III, OTTAPPALAM ON 02.09.1994
- P2 : COPY OF THE ORDER NO.A1128/91 DATED 26.03.1993 ISSUED BY THE ASSISTANT EXECUTIVE ENGINEER, KPIP SUB DIVISION NO.III, KANHIRAPUZHA
- P3 : COPY OF G.O.(MS) NO.10200/PWD DATED 02.02.2001 ISSUED BY THE 1ST RESPONDENT

RESPONDENTS' EXHIBITS:

- R1(A) : RECEIPTS OF THE AMOUNT BY THE PETITIONER

//TRUE COPY//

P.A. TO JUDGE

JV

ANIL K. NARENDRA, J.

O.P. No.28738 of 2002

Dated this the 15th day of July, 2015

JUDGMENT

The petitioners, who retired from service as SLR workers in Head Works Sub Division, Malampuzha Dam have filed this original petition seeking a writ of mandamus commanding the respondents to extend the benefit of Ext.P3 to them expeditiously and for other consequential reliefs.

2. A counter affidavit has been filed on behalf of the 1st respondent. Paragraphs 4 and 5 of the same read thus:

"4. With regard to the 1st petitioner, he was eligible for the revision of pay as per G.O.(MS) No.10/2001/PWD dated 02.02.2001 w.e.f 22.09.1993 and as per G.O.(MS) No.73/2004/PWD dated 28.06.2004 w.e.f. 01.03.1997 as he was in service on 22.09.1993 and 01.03.1997 from the office records of LBC Sub-Division, Palakkad. As per CBV No.37(a) WS of 10/2003, an amount of Rs.59,752/- was seen paid to the 1st petitioner as SLR pay revision arrears from 22.09.1993 to 31.10.2000. As per G.O.(MS) 10/2001/PWD dated 02.02.2001 and as per Order CBV No.112 WS/03/2006 dated 31.03.2006 of the Chief Engineer (Irrigation & Administration) an amount of Rs.16,111/- was seen paid to the 1st petitioner as SLR pay

revision arrear from 01.03.1997 to 31.10.2000 as per G.O. (MS) No.73/2004 dated 28.06.2004. Hence, it is seen that the 1st petitioner enjoyed two SLR pay revisions after the retirement and the details are as follows:

<i>CBV No.</i>	<i>Period</i>		<i>Reference G.O.</i>	<i>Amount</i>
	From	To		
37(a)WS/10/03	22/09/93	31/10/2000	G.O.(MS) 10/01/PWD dtd. 02.02.2001	Rs.59,752/-
112WS/03/06	01/03/97	31/10/2000	G.O.(MS)73/04 dtd. 28.06.2004	Rs.16,111/-
			Total	Rs.75,863/- =====

Thus it is crystal clear that the 1st petitioner has been paid all the pay revision arrears and no payments are pending or denied to him from this Department. The 1st petitioner has also acknowledged the receipts of the amount. The receipts of the amount by the 1st petitioner is produced herewith and marked as Exhibit R1(a).

5. It is submitted that as far as the 2nd petitioner, i.e. Sri. Velayudhan C. is concerned, the pay revision as per G.O. (MS)10/01/PWD dated 02.02.2001 was effected as per Order No.MG-SLR/2003-04 dated 01.10.2003 and an arrear from 22.09.1993 to 30.04.1999 amounting to Rs.42,683/- has been sanctioned to the 2nd petitioner as per CBV No.2/10-03 dated 28.10.2003 of the Curator Garden Section, Malampuzha."

3. Going by the stand taken by the 1st respondent in the counter affidavit, the 1st petitioner has already been paid all the pay revision arrears, which he had already acknowledged vide

Ext.R1(a) receipt. As far as the 2nd petitioner is concerned, the pay revision as per Government Order dated 02.02.2001 was effected as per order dated 01.10.2003 and a sum of Rs.42,683/- towards arrears for the period from 22.09.1993 to 30.04.1999 has been sanctioned as per CBV No.2/10-03 dated 28.10.2003 of the Curator Garden Section, Malampuzha.

4. In view of the stand taken in the counter affidavit filed by the 1st respondent, this original petition is disposed of with the following direction:

If the 2nd petitioner is yet to receive the amount of Rs.42,683/- sanctioned vide above order dated 28.10.2003, the competent among respondents 2 and 3 shall take necessary steps to disburse the said amount to the 2nd petitioner, as expeditiously as possible, at any rate, within a period of three months from the date of receipt of a certified copy of this judgement.

SD/-
ANIL K. NARENDRA,
JUDGE

JV