

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

FRIDAY, THE 10TH DAY OF JULY 2015/19TH ASHADHA, 1937

WP(C).No. 13098 of 2010 (J)

PETITIONER :

**THOMAS JOSEPH,TRA 178,
THOZHUVANCODE, VATTIYOORKAVU.P.O.,
THIRUVANANTHAPURAM -695 013.**

**BY ADVS.SRI.B.RAGUNATHAN
SRI.G.GOPALAKRISHNA PILLAI
SRI.R.SRINATH**

RESPONDENTS :

- 1. STATE OF KERALA,
REP. BY PRINCIPAL SECRETARY TO GOVERNMENT,
INFORMATION AND PUBLIC RELATIONS DEPARTMENT
GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM - 695 001.**
- 2. DIRECTOR,
INFORMATION AND PUBLIC RELATIONS DEPARTMENT,
GOVERNMENT OF KERALA, THIRUVANANTHAPURAM - 695 001.**

R1 BY GOVERNMENT PLEADER SRI.S. JAMAL

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 10-07-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

bp

APPENDIX

PETITIONER'S EXHIBITS :

- P1: COPY OF THE APPLICATION FORM IN THE PROFORMA.
- P2: COPY OF THE REPRESENTATION DT 8/8/2006.
- P3: COPY OF THE LETTER DT 1/11/2006 OF THE R2.
- P4: COPY OF THE REPRESENTATION DT 20/11/2006.
- P5: COPY OF LETTER NO. 24082/C2/06/PR (UNDATED) OF THE R2.
- P6: COPY OF THE LETTER DT 12/4/2007 OF THE R2.
- P7: COPY OF THE REPRESENTATION DT 15/11/2007.
- P8: COPY OF THE LETTER DT 11/12/2007 OF THE R2.
- P9: COPY OF G.O.(RT)NO. 95/08/I & PR DT 29/4/2008.
- P10: COPY OF THE LETTER DT 22/8/2008.
- P11: COPY OF G.O.(RT) NO. 161/06/I&PRD DT 21/11/2006.
- P12: COPY OF G.O.(RT) NO. 16/09/I& PR DT 16/1/2010.
- P13: COPY OF THE MINUTES OF THE JOURNALISTS PENSION MANAGING COMMITTEE IN ITS MEETING CONVENED ON 26/3/2008.
- P14: COPY OF THE MINUTES OF THE JOURNALISTS PENSION MANAGING COMMITTEE IN ITS MEETING DT 01/04/2013
- P15: COPY OF THE REPRESENTATION DT 25/5/2015 SUBMITTED TO THE HONOURABLE CHIEF MINISTER OF KERALA

RESPONDENT'S EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

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K. VINOD CHANDRAN, J.

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W.P.(C) No.13098 of 2010 - J

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Dated this the 10th day of July, 2015

J U D G M E N T

The petitioner is aggrieved with the order passed at Ext.P3 dated 01.11.2006, which he chose to challenge by the above writ petition in 2010. The petitioner's claim for pension arises from the fact that he commenced his career as a journalist from 05.02.1993, when he was about 48 years of age. The petitioner's date of birth is 29.05.1945. The Journalists Welfare Pension Scheme 1993 was introduced in the State by notification dated 16.08.1993.

2. The registration as provided in the scheme was by para 6, which is extracted herein:-

6. പത്രപ്രവർത്തകരെ അംഗമായി രജിസ്റ്റർ ചെയ്യൽ: പതിനെട്ട് വയസ്സ് പൂർത്തിയായിരിക്കുകയും എന്നാൽ അറുപത് വയസ്സ് പൂർത്തിയാകാതിരിക്കുകയും ഒരു പത്രപ്രവർത്തകനായി ജോലി ചെയ്യുകയും ചെയ്യുന്ന ഏതൊരാൾക്കും ഈ പദ്ധതിയിൽ ഒരംഗമായി രജിസ്റ്റർ ചെയ്യുന്നതിന് അർഹതയുണ്ടായിരിക്കുന്നതാണ്.

എന്നാൽ ഈ ചട്ടങ്ങൾ പ്രാബല്യത്തിൽ വരുന്ന സമയത്തു പത്രപ്രവർത്തകനായിരിക്കുന്ന ഒരാൾ ഇത് പ്രാബല്യത്തിൽ വന്ന് ആറുമാസത്തിനകം ഒരംഗമായി രജിസ്ട്രാർ ചെയ്യേണ്ടതാണ്.

(2) അംഗമായി രജിസ്ട്രാർ ചെയ്യുന്നതിനുള്ള അപേക്ഷ നിർദ്ദിഷ്ട ഫാറത്തിൽ (അനുബന്ധം - 1) ഭരണസമിതിയുടെ കൺവീനർക്ക് നൽകേണ്ടതാണ്.

(3) ഓരോ അപേക്ഷയോടുമൊപ്പം അപേക്ഷകൻ ജോലിചെയ്യുന്ന സ്ഥാപനത്തിന്റെ പേര്, അപേക്ഷകന്റെ ജോലി, അയാൾ ജോലിയിൽ പ്രവേശിച്ച തീയതി സ്ഥാപനത്തിലെ റെക്കോർഡ് പ്രകാരമുള്ള അയാളുടെ ജനന തീയതി എന്നിവ സംബന്ധിച്ച് അയാൾ ജോലി ചെയ്യുന്ന സ്ഥാപനത്തിന്റെ ഉടമ നൽകിയിട്ടുള്ള ഒരു സർട്ടിഫിക്കറ്റ് കൂടി വയ്ക്കേണ്ടതാണ്.

(4) ഈ ചട്ടങ്ങൾ പ്രകാരമുള്ള ഒരപേക്ഷ കൺവീനറോ അദ്ദേഹം അധികാരപ്പെടുത്തിയ ഒരാഫീസറോ സ്വീകരിക്കേണ്ടതും അപേക്ഷകന്റെ പേരും മറ്റു വിവരങ്ങളും ഇതിലേയ്ക്കായി സൂക്ഷിച്ചിട്ടുള്ള അംഗത്വ രജിസ്ട്രറിൽ ചേർക്കുന്നതിന് ആവശ്യമായ നടപടി സ്വീകരിക്കേണ്ടതുമാണ്.

3. The petitioner as per the scheme did not seek for registration within the period provided therein. Just prior to his attaining 60 years of age, the petitioner applied for registration as per Ext.P1 ie., on 20.03.2004. The petitioner's application was considered two years later and rejected by Ext.P3. In Ext.P3 it was stated that the persons who have completed 50 years cannot be included in the Pension Scheme. That may not a correct understanding of the scheme, but however as was noticed earlier, any person, who had been continuing as a Journalist on

the date of introduction of the scheme, had to apply for registration under the scheme, within six months from the introduction of the scheme.

4. The petitioner claims to have continued as a journalist from 05.02.1993 and the scheme having come up on 16.08.1993, the petitioner ought to have registered within six months from that date. Neither did he apply for registration within that time nor within a reasonable time after that. Further it is also to be noticed that Ext.P3 dated 01.11.2006 was never challenged. The petitioner contended himself with making representation after representation. The representations were of no avail since by that time the petitioner had crossed the age for grant of pension as per the Rules.

5. The petitioner who is said to have commenced his career as journalist at the age of 48, in the year 1993 did not enroll himself in the Pension Scheme, which was also introduced in 1993. Only on the verge of reaching the pensionable age of

60, the petitioner applied for enrollment in 2004. The Scheme is one in which monthly contributions are to be paid, which obviously the petitioner has not made. The Scheme by sub-clause (2) of Clause(7) also provides that any member who does not pay the monthly contribution for a continuous period of 6 months would be disentitled from continuing the membership, automatically.

6. The petitioner relies on Exts.P11 to P14 to contend that regularisation was granted to many others and also relies on Ext.P14 to show that many persons had been granted such delayed registration. However from a reading of Exts.P11 to P14, it is not discernible as to how the petitioner claims himself to be identical to the persons shown in the said orders. The said orders pertain to sanction of pension to journalists registered under the scheme. In such circumstance, this Court is not inclined to permit the petitioner to be registered at this distance of time. The petitioner seeks that Ext.P15 be considered.

However, the same is not a statutory application.

7. It is also to be noticed that the scheme defines a journalist as one who is working in any one or more newspapers wherein the Working Journalists and Other Newspapers Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955 (Act 45 of 1955) is implemented and come within the Wage Board constituted under the Act. The contention of the Government that the newspaper in which the petitioner claims to be working is not covered under the Act has also not been answered by the petitioner. In such circumstance, on the ground of delay and the petitioner having not registered himself under the Rules, as also the reasoning adopted herein above, this Court does not find any reason to entertain the claim of the petitioner.

The writ petition would stand dismissed.

Sd/-
K. VINOD CHANDRAN,
JUDGE

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P.A to Judge.