

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 9TH DAY OF APRIL 2015/19TH CHAITHRA, 1937

WP(C).No.10214 of 2015 (B)

PETITIONER'S:

1. **CHANDRAMOHAN.K,S/O.KUTTAPPAN,SECRETARY,
KERALA STATE SERVICE PENSIONERS UNION,
THRISSUR EAST BLOCK,THRISSUR.**
2. **E.KUNJUNNI MENON,SECRETARY,
KERALA STATE SERVICE PENSIONERS UNION,
OLLUKKARA BRANCH,THRISSUR.**
3. **K.L.JOSE,AGED 68 YEARS,S/O.LONAPPAN,
RETIRED FARM SUPERVISOR,
KERALA AGRI UNIVERSITY,KALLELI HOUSE,
PANCHAKAM,MANNUTHY,THRISSUR DISTRICT.**
4. **K.M.SUNDARAN,RETIRED PUMP OPERATOR,
KERALA AGRI.UNIVERISITY,KADAMUZHA HOUSE (NILAV),
PANACHERY,PATTIKKAD P.O,THRISSUR.**
5. **P.S.JANAKI,W/O.LATE P.K.MADHAVAN,
RETIRED FARM SUPERVISOR,KERALA AGRI. UNIVERSITY,
PAYATHUPARAMBIL HOUSE,
P.O.MADAKKATHARA,THRISSUR.**

**BY SRI.RENJITH THAMPAN (SENIOR ADVOCATE)
ADV.SMT.P.R.REENA**

RESPONDENT'S:

1. **KERALA AGRICULTURAL UNIVERSITY,
REPRESENTED BY ITS REGISTRAR,
VELLANIKKARA,THRISSUR DISTRICT,PIN-680654.**
2. **THE COMPTROLLER,KERALA AGRICULTURAL UNIVERSITY,
VELLANIKKARA,THRISSUR DISTRICT,PIN-680654.**

**BY SRI.BABU JOSEPH KURUVATHAZHA,SC,KERALA AGRICULTURAL
UNIVERSITY**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 09-04-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

WP(C).No.10214 of 2015 (B)

APPENDIX

PETITIONER'S EXHIBITS:

**EXHIBIT P1:TRUE COPY OF THE JUDGMENT IN WPC.NO.27285/2013
DATED 20.02.2014.**

**EXHIBIT P2:TRUE COPY OF THE REPRESENTATION FILED BY THE PETITIONERS
BEFORE THE KERALA AGRICULTURAL UNIVERSITY DATED 09.3.2015**

RESPONDENT'S EXHIBITS:

NIL

//TRUE COPY//

P.S. TO JUDGE

pk

A.MUHAMED MUSTAQUE, J.

W.P.(C).No. 10214 of 2015

Dated this the 9th day of April, 2015

J U D G M E N T

The first and second petitioners are the office bearers of the Kerala State Service Pensioners Union. The 3rd to 5th petitioners are the retired employees of the Kerala Agricultural University on different dates. They approached this Court with the following reliefs:

- “i) Issue a writ in the nature of mandamus commanding the 1st and 2nd respondent to disburse of the retirement benefits including DCRG, commuted value of pension, arrears of revision of pension etc. strictly in accordance with the seniority of the pensioners and in accordance with the scheme to be prepared by the 1st respondent, categorizing the method of disbursing the retirement benefits and category of persons for getting the retirement benefits within such time as may be fixed by this Hon’ble Court.
- ii) Issue a writ in the nature of mandamus commanding the 1st respondent to consider and

pass orders on Ext.P2 representation within such time as may be fixed by this Hon'ble Court.

iii) Issue such other orders, writs or directions as are deemed fit by this Hon'ble Court.

iv) Award cost of this proceedings to the petitioners.

2. It is to be noted that there are large number of writ petitions are being filed by the retired employees of the Kerala Agricultural University seeking disbursal of DCRG, Commuted value of pension, arrears of revision of pension etc. This Court disposed of many of the writ petitions granting time to the University to pay the terminal benefits due to the petitioners therein. It is also a fact that the University is under severe financial constraints. The petitioner's main grievance is that based on the directions of this Court many of them, who have retired much after the writ petitioner are denied pensionary benefits. Therefore, the disposal of terminal benefits shall be streamlined by the directions of this Court. It is further submitted that seniority of retirement is the only factor that has to be reckoned for the purpose of disbursal.

3. The learned Standing Counsel for the University submits that seniority shall be reckoned for the purpose of disbursing pensionary benefits and they are prepared to abide by the directions of this Court for disbursing the amount.

4. I am of the view that disbursal has to be disciplined in a sense that it may be improper that, only those who have approached the High court are benefited by obtaining the benefits due from the University. In such circumstances, this Court is also of the view that the University has to reckon the seniority of the retirement for the purpose of disbursing pensionary benefits. However in many cases this Court have issued directions to the University to disburse the amount. Keeping apart those directions and complying these directions, hereafter all the retired employees from the University shall be paid the terminal benefits in accordance with the seniority reckoned based on the date of retirement and the University shall prepare the list of retirees and disburse the amount based

on the availability of funds in accordance with the seniority list so prepared by the University. The University shall maintain a separate register for the retired employees recording the date of retirement. The retiral benefits shall be disbursed only in accordance with that seniority. If the University is unable to release the Pensionary benefits within four months of the retirement, the amount due will carry interest at the rate of 6% per annum from the date of default till actual disbursement.

The writ petition is disposed of as above.

Sd/

**A.MUHAMED MUSTAQUE,
JUDGE**

jm/