

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

FRIDAY, THE 16TH DAY OF OCTOBER 2015/24TH ASWINA, 1937

WP(C).No. 10804 of 2015 (A)

PETITIONER(S):

- 1. PETER SEBASTIAN, S/O.PETER ,AGED 63 YEARS
SANITATION WORKER (RETIRED)
CHANGANACHERRY MUNICIPALITY
RESIDING AT ARATTU KULANGARA THRIKODITHANAM
NALUKODY PO, CHANGANACHERRY, PIN.686548**
- 2. P.K SURENDRAN
SANITATION WORKER (RETIRED) CHANGANACHERRY MUNICIPALITY
RESIDING AT MUNICIPAL PARAMBU FATHIMAPURAM PO
CHANGANACHERRY.**
- 3. V. MANIYAN
SANITATION WORKER (RETIRED) CHANGANACHERRY MUNICIPALITY
RESIDING AT ALLUMKADAVIL, POOVAKKATTU CHIRA
CHANGANACHERRY.**
- 4. M.K. RAJAN
SANITATION WORKER (RETIRED) CHANGANACHERRY MUNICIPALITY
RESIDING AT MUNICIPAL COLONY, FATHIMAPURAM PO
CHANGANACHERRY, KOTTAYAM DISTRICT.**
- 5. P.K MOHAN DAS
SANITATION WORKER (RETIRED) CHANGANACHERRY MUNICIPALITY
RESIDING AT AMBALAPARAMBIL HOUSE PERUNNA
CHANGANACHERRY.**

**BY ADVS.SRI.S.JAYAKRISHNAN
SRI.S.PARAMESWARA PRASAD**

CONTD .. 2..

WP(C).No. 10804 of 2015 (A)

RESPONDENT(S):

1. STATE OF KERALA
REPRESENTED BY THE SECRETARY
DEPARTMENT OF LOCAL SELF GOVERNMENT (MUNICIPAL CONTINGENT
SERVICE) SECRETARIAT
THIRUVANANTHAPURAM, PIN.695001.
2. CHANGANACHERRY MUNICIPALITY
REPRESENTED BY ITS SECRETARY, CHANGANACHERRY
PIN.686101.
3. DEPUTY DIRECTOR
LOCAL FUND AUDIT DEPARTMENT
CHANGANACHERRY MUNICIPALITY, CHANGANACHERRY
PIN.686 101.

R2 BY ADV. SRI.M.PASHOK KUMAR

R2 BY ADV. SMT.R.S.MANJULA

R1 & 3 BY ADV. GOVERNMENT PLEADER SMT. M.J. RAJASREE

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 16-10-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1 - TRUE COPY OF THE ORDER NO. H7/7061/12 DATED 20.6.2012
ISSUED BY THE 2ND RESPONDENT TO THE 1ST PETITIONER
- EXT.P2 - TRUE COPY OF THE ORDER NO.H 2-13344/12 DATED 22.12.2012
ISSUED BY THE 2ND RESPONDENT TO THE 2ND PETITIONER
- EXT.P3 - TRUE COPY OF THE CALCULATION SHEET FOR COMMUNICATION
OF PENSION DATED 03.04.2014 ISSUED BY THE 3RD RESPONDENT
TO THE 3RD PETITIONER
- EXT.P4 - TRUE COPY OF THE ORDER NO. H 2-10059/13 DATED 04.03.2014
ISSUED BY THE 2ND RESPONDENT TO THE 4TH PETITIONER
- EXT.P5 - TRUE COPY OF THE ORDER NO. H 2-10059/13 DATED 19.02.2014
ISSUED BY THE 2ND RESPONDENT TO THE 5TH PETITIONER
- EXT.P6 - TRUE COPY OF THE REPRESENTATION DATED 10.02.15 FILED BY
THE 1ST PETITIONER BEFORE THE 2ND RESPONDENT
- EXT.P7 - TRUE COPY OF THE REPRESENTATION DATED 05.01.2015 FILED BY
THE 2ND PETITIONER BEFORE THE 2ND RESPONDENT
- EXT.P8 - TRUE COPY OF THE REPRESENTATION DATED 28.01.2015 FILED BY
THE 3RD PETITIONER BEFORE THE 2ND RESPONDENT
- EXT.P9 - TRUE COPY OF THE REPRESENTATION DATED 18.02.2015 FILED BY
THE 4TH PETITIONER BEFORE THE 2ND RESPONDENT
- EXT.P10- TRUE COPY OF THE REPRESENTATION DATED 23.02.2015 FILED BY
THE 5TH PETITIONER BEFORE THE 2ND RESPONDENT.

RESPONDENT(S)' EXHIBITS

EXT.PR3(A) TRUE COPY OF THE RULES.

// TRUE COPY //

P/A TO JUDGE

SB

K. VINOD CHANDRAN, J.

=====

W.P.(C) No.10804 of 2015 - A

=====

Dated this the 16th day of October, 2015

J U D G M E N T

The petitioners were retired on 30.04.2012, 31.10.2012, 31.05.2013 and 30.11.2013 respectively. The petitioners have not been paid the retirement benefits and they seek for an early payment of the same. Considering the fact that all the petitioners were retired two to three years back, it is only proper that the petitioners be paid the retirement benefits expeditiously.

2. The 5th respondent contends that his daughter's marriage is on 06.11.2015. In such circumstance, 50% of the dues of the 5th petitioner shall be paid on or before 30.10.2015. The dues of other petitioners and the balance 50% of the 5th petitioner shall be paid at any rate, within a period of 4 months from the date of receipt of a certified copy of this judgment.

3. As for the pension benefits, the same shall be

considered as expeditiously as possible by the respondent Municipality. It is made clear that if the petitioners are not paid the retirement dues within the time specified, the respondent Municipality shall be liable to pay 6% interest from the date of due to the date of payment. However, if the payments are made as directed herein, no interest would accrue.

The writ petition is disposed of.

**Sd/-
K. VINOD CHANDRAN,
JUDGE**

SB/16 /10 /2015

// true copy //

P.A to Judge.