

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

FRIDAY, THE 20TH DAY OF FEBRUARY 2015/1ST PHALGUNA, 1936

WP(C).No. 13579 of 2013 (V)

PETITIONER :

**K.ANANDAVALLY
HEADMISTRESS (RETIRED),
RAMAKRISHNA UPPER PRIMARY SCHOOL,
ANAYADI P.O., KOLLAM-**

**BY ADVS.SRI.M.R.ANISON
SMT.K.P.GEETHA MANI
SMT.P.A.RINUSA
SMT.V.BHARGAVI (PANANGAD)**

RESPONDENTS :

- 1. STATE OF KERALA
REP. BY ITS SECRETARY TO GOVT.
GENERAL EDUCATION DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM-695001.**
- 2. THE DIRECTOR OF PUBLIC INSTRUCTIONS,
THIRUVANANTHAPURAM-695001.**
- 3. THE DEPUTY DIRECTOR OF EDUCATION,
KOLLAM-691001.**
- 4. THE ASSISTANT EDUCATIONAL OFFICER,
SASTHAMCOTTA, KOLLAM-690521.**
- 5. ASSISTANT PROVIDENT FUND OFFICER,
DEPUTY DIRECTOR OF EDUCATION, KOLLAM-691001.**
- 6. THE ACCOUNTS OFFICER (PF)
DIRECTOR OF PUBLIC INSTRUCTION'S OFFICE,
TRIVANDRUM-695001.**
- 7. THE HEADMASTER
RAMA KRISHNA UPPER PRIMARY SCHOOL, ANAYADI P.O.
KOLLAM-690561.**
- 8. KUNJU PILLAI
DISTRICT EDUCATIONAL OFFICER (RETIRED), KOTTARAKKARA
KOLLAM-691506.**

R1 TO R6 BY GOVERNMENT PLEADER SRI. NOUSHAD THOTTATHIL.

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 20-02-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1: TRUE COPY OF THE JUDGMENT DATED 13-12-2001 IN OP.NO. 31423/2000 OF THIS HON'BLE COURT.
- EXHIBIT P2: TRUE COPY OF THE JUDGMENT DATED 12-12-2006 IN OP.NO. 19036/2002 OF THIS HON'BLE COURT.
- EXHIBIT P3: TRUE COPY OF THE ORDER DATED 30-10-2008 IN OP.NO. 508/2004 OF THE CDRF.
- EXHIBIT P4: TRUE COPY OF THE COMMON JUDGMENT DATED 23-07-2009 IN APPEAL 370/08 & 415/08 RENDERED BY THE KERALA STATE CONSUMER DISPUTE REDRESSAL COMMITTEE.
- EXHIBIT P5: TRUE COPY OF THE NOTICE DATED 30-03-2007 ISSUED BY THE 2ND RESPONDENT.
- EXHIBIT P6: TRUE COPY OF THE NOTICE DATED 06-06-2008 ISSUED BY THE 3RD RESPONDENT.
- EXHIBIT P7: TRUE COPY OF THE NOTICE DATED 18-06-2008 ISSUED BY THE 4TH RESPONDENT.
- EXHIBIT P8: TRUE COPY OF THE NOTICE DATED 23-07-2008 ISSUED BY THE 7TH RESPONDENT.
- EXHIBIT P9: TRUE COPY OF APPLICATION DATED 03-12-2008 SUBMITTED BY THE PETITIONER.
- EXHIBIT P10: TRUE COPY OF THE REPLY DATED 09-12-2012 ISSUED BY THE 7TH RESPONDENT.
- EXHIBIT P11: TRUE COPY OF THE JUDGMENT DATED 19-03-2012 IN WPC NO. 2848/2010 OF THIS HON'BLE COURT.
- EXHIBIT P12: TRUE COPY OF THE ORDER DATED 25-08-2012 ISSUED BY THE 2ND RESPONDENT.
- EXHIBIT P13: A TRUE COPY OF THE CIRCULAR DATED 17-08-1996 ISSUED BY THE 2ND RESPONDENT.

RESPONDENT(S)' EXHIBITS

:

NIL.

//TRUE COPY//

P.A. TO JUDGE

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 13579 of 2013

Dated this the 20th day of February, 2015

J U D G M E N T

Aggrieved by the rejection of the petitioner's claim by the 2nd respondent as per Ext.P12, the petitioner has come up before this Court.

2. The petitioner is a retired Headmistress, who entered service as Primary Teacher on 09.06.1968. She demitted her office on 21.03.2000. According to the petitioner, as on the date of retirement, an amount of ₹2,77,565/- was due to her in the Provident Fund Account; and because of the inordinate delay on the part of the respondents in disbursing the amount, she approached this Court with OP No.31423/2000. Pending litigation, a sum of ₹14,247/- was paid to her. As the entire amount was not paid, she received the amount under protest. As per the direction in Ext.P1 judgment in the above OP, the matter was considered by the 5th respondent; and a

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further sum of ₹10,342/- was paid. Aggrieved by the same, the petitioner filed OP No.19036/2000; and as per Ext.P2 judgment, the 2nd respondent heard the matter and issued Ext.P5 order directing the petitioner to refund a sum of ₹1,812/- stating that the said amount was paid to her in excess. Challenging Ext.P5 order and consequential notices, the petitioner again approached this Court with WP(C) No.2848/2010, which was disposed of vide Ext.P11 judgment, directing the 2nd respondent to reconsider the issue in the light of Ext.P10. The petitioner alleges that the 2nd respondent, even though convinced about the irregularities happened, rejected her claim by Ext.P12 order to save the defaulters. It is in this context, the petitioner has come up before this Court.

3. In the counter affidavit filed by the 3rd respondent, it was contended that as per the judgment of this Court in OP No.19036/2000, the Director of Public Instruction, Thiruvananthapuram examined the whole records and issued final orders stating that an amount of

₹1,812/0 was paid to the petitioner in excess. According to the 3rd respondent, Ext.P5 was issued by the Director of Public Instruction, Thiruvananthapuram after considering the entire aspects in the matter.

4. I have heard the learned counsel for the petitioner and the learned senior Government Pleader.

5. On going through the averments in the writ petition, it can be seen that the core issue in the case is regarding the quantum of amount to be paid to the petitioner. While the petitioner alleges that the respondents have deliberately excluded the entire deposit made by the petitioner from 1968 to 1984, the stand taken by the respondents is that all the remittances made by the petitioner were taken into account. Therefore, this Court is of the view that the matter could be settled only if the petitioner convinces the respondents by a proper calculation statement regarding the withdrawals and remittances made by her.

Therefore, the writ petition is disposed of directing

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the petitioner to file a detailed representation before the 1st respondent along with a calculation statement prepared by a Chartered Accountant of her choice along with all documents in support of her claim for convincing the respondents regarding the genuineness of her claim. The representation along with calculation statement shall be filed before the 1st respondent within a period of one month from today. In the event of filing such a statement, the petitioner or her authorized representative shall be given an opportunity of being heard within a period of one month from the date of receipt of a copy of the representation by the 1st respondent. A final decision in the matter shall be taken by the 1st respondent within a period of three months from the date of receipt of the representation and the calculation statement by the 1st respondent.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

bka/-