

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 25TH DAY OF JUNE 2015/4TH ASHADHA, 1937

WP(C).No. 11348 of 2015 (P)

PETITIONER(S):

**VISWAMBHARAN, S/O.VELU, AGED 71 YEARS,
MOOPPANKULAM, PATTANCHARRY P.O, PALAKKAD.**

BY ADV. SRI.LAL GEORGE

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY CHIEF SECRETARY TO GOVERNMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 004.**
- 2. THE SECRETARY TO GOVERNMENT,
LAND REVENUE DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 004.**
- 3. THE DISTRICT COLLECTOR,
PALAKKAD 678 001.**
- 4. THE DISTRICT LABOUR OFFICER,
PALAKKAD. 678 001.**
- 5. DEPUTY TAHASILDHAR (R.R),
PALAKKAD. 678 001.**
- 6. AYYA SWAMY, S/O.VELUMANNI,
CONTRACTOR, PANAMTHARE, THANTHAMANGALAM,
PALAKKAD 678001.**
- 7. NAVEEN, S/O.C.VISWANATHAN,
ANTHOORKAVU, KANNADI NO.2 VILLAGE, PALAKKAD. 678 001.**

**R1-5 BY GOVERNMENT PLEADER SMT.M.T.SHEEBA
R6-R7 BY ADV. SRI.JACOB SEBASTIAN**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 25-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

WP(C).No. 11348 of 2015 (P)

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1 - TRUE PHOTOSTAT COPY OF THE AWARD DATED 02.07.2014 IN I.D.NO.40/09

EXT.P2 - TRUE PHOTOSTAT COPY OF PETITION FILED ON 25.08.2014

EXT.P3 - TRUE PHOTOSTAT COPY OF THE PROCEEDING DATED 02.03.2015

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A. MUHAMED MUSTAQUE, J.

W.P.(C). No. 11348 of 2015

Dated this the 25th day of June, 2015

J U D G M E N T

The petitioner is a claimant in the Industrial Dispute No.40/2009 on the files of Industrial Tribunal, Palakkad. An award has been passed by the Industrial Tribunal based on the reference made before the Government, directing the party respondents to pay a sum of ₹50,000/- each as compensation for the loss of employment. Revenue recovery steps are initiated to recover the amount due under the Award. It appears that, the party respondents approached the Government to facilitate payment by instalments. Accordingly, as per Ext.P3, Government granted instalment facility of 36 months starting from 25.04.2015.

2. The petitioner impugnes the order of the Government extending instalment facility to the party respondents to discharge the liability under the Award. Learned counsel for the petitioner submits that the Government has no power under any law to accord such instalment facility to the party respondents.

3. The learned counsel for the party respondents submits that, since revenue recovery proceedings are invoked, necessarily

the Government has sufficient power under law to grant instalment facilities.

4. I am not adverting to the rival contention of the parties. The only reason on which the instalment facility is granted to the petitioner is tied over his financial position. However fact remains that whether the liability has now become final and party respondents are liable to pay the amount. Therefore this Court is of the view that, the instalment facility as granted by the Government is unreasonable and unsustainable. Therefore it is to be modified as 10 instalments. The petitioner already deposited ₹10,000/- and the entire balance shall be paid in 8 instalments starting from 20.07.2015. If the party respondents commit default in paying any one of the instalments, the revenue recovery proceedings shall be initiated against the party respondents.

The writ petition is disposed of.

Sd/-

A. MUHAMED MUSTAQUE, JUDGE.