

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

WEDNESDAY, THE 9TH DAY OF SEPTEMBER 2015/18TH BHADRA, 1937

WP(C).No. 21570 of 2006 (P)

PETITIONER(S):

**P.G.KANNANKUTTY, S/O.LATE M.GOVINDA MENON,
MANOVIJAYAM
PETTA, ELAPPULLY, PALAKKAD.
(RETIRED WATCHMAN, CHITTUR CO-OPERATIVE
SERVICE (PVT) LTD. CHICOPS)**

BY ADV. SRI.JACOB SEBASTIAN

RESPONDENT(S):

**1. THE KERALA STATE BEVERAGES CORPORATION
REP. BY ITS MANAGING DIRECTOR, SASTHAMANGALAM
THIRUVANANTHAPURAM.**

**2. THE WARE HOUSE MANAGER,
KERALA STATE BEVERAGES CORPORATION
OPPOSITE STATE BANK OF INDIA, PALAKKAD.**

**3. THE CO-OPERATIVE SUGARS LTD.,
CHITTUR NO.4322, (CHICOPS) MENONPARA
PALAKKAD DISTRICT 678 556.**

**Addl.4. STATE OF KERALA
REPRESENTED BY THE SECRETARY TO GOVERNMENT
EXCISE DEPARTMENT, SECRETARIAT
THIRUVANANTHAPURAM - 695 001.**

**Addl.5. REGIONAL PROVIDENT FUND COMMISSIONER
EMPLOYEES PROVIDENT FUND ORGANISATION
BHAVISHYANIDHI BHAVAN, PATTOM PALACE
THIRUVANANTHAPURAM - 695 004.**

**(ADDL.R4 AND R5 ARE IMPEADED AS PER ORDER DATED 03.08.2015 IN IA
8234/15).**

**R,R1 BY ADV. SRI.C.S.AJITH PRAKASH,SC,BEVERAGES CORP
R5 BY ADV. SRI.N.N.SUGUNAPALAN (SR.)
R5 BY ADV. SMT.T.N.GIRIJA, SC,EPF ORGANISATION**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 09-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONERS EXHIBITS:

- EXT.P1 COPY OF THE ORDER DATED 23.09.04 OF THE 1ST
RESPONDENT.**
- EXT.P2 COPY OF THE LETTER DATED 27.08.2005 ISSUED BY THE 3RD
RESPONDENT.**
- EXT.P3 COPY OF THE DISABILITY CERTIFICATE DATED 15.2.06 ISSUED
BY THE MEDICAL BOARD CONSTITUTED BY THE DISTRICT
HOSPITAL PALAKKAD.**
- EXT.P4 COPY OF THE REPRESENTATION DATED 20.05.06 SUBMITTED
BY THE PETITIONER.**
- EXT.P5 COPY OF THE LETTER DATED 30.05.06 ISSUED BY THE 1ST
RESPONDENT.**
- EXT.P6 COPY OF THE REPRESENTATION DATED 20.6.06 SUBMITTED
BY THE PETITIONER TO THE 1ST RESPONDENT.**

RESPONDENTS EXHIBITS: NIL

// TRUE COPY //

P.A TO JUDGE.

SB

K. VINOD CHANDRAN, J.

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W.P.(C) No.21570 of 2006 - P

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Dated this the 9th day of September, 2015

J U D G M E N T

The petitioner has filed the above writ petition contending that the pension due to the petitioner has to be paid as per Second Proviso to Clause-II of paragraph 11 of the Employees Pension Scheme 1995. The petitioner has however sought for a direction to the respondents 1 to 3, when the pension has to be paid by the additional 5th respondent. Though the additional 5th respondent has been impleaded, no prayer has been sought against the additional 5th respondent.

2. It is also not clear as to what is the pension now being paid to the petitioner. With respect to the other prayers as to the leave availed being regularised, the matter is said to be pending before the Government. Further, if at all the gratuity has not been paid, the petitioner ought to have approached the

appropriate authority for payment of gratuity.

3. In such circumstance, the writ petition is disposed of directing the petitioner to approach the additional 5th respondent, if necessary, with respect to re-computation of pension, if pension has not been paid in accordance with paragraph 11 of the Employees Pension Scheme 1995.

The writ petition is disposed of. No costs.

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

SB

// true copy //

P.A to Judge.