

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

WEDNESDAY, THE 10TH DAY OF JUNE 2015/20TH JYAISHTA, 1937

WP(C).No. 11624 of 2015 (C)

PETITIONER(S)/PETITIONER:

**A. A. KUNJUMARACKAR, AGED 61 YEARS,
S/O.ABOOBACKER, R/A.AIMNAKUDY HOUSE, KAIPPURIKKARA
MARAMPILLY P O, ALUVA
(RETIRED SANITATION WORKER, ALUVA MUNICIPALITY)**

**BY ADVS.SRI.S.KANNAN
SMT.K.S.SANGEETHA
SMT.S.SIMY**

RESPONDENT(S)/RESPONDENTS:

- 1. ALUVA MUNICIPALITY
REP BY ITS SECRETARY, ALUVA 682 101**
- 2. THE DIRECTOR OF URBAN AFFAIRS, THIRUVANANTHAPURAM 695001**
- 3. THE STATE OF KERALA
REP BY ITS SECRETARY TO GOVERNMENT
LOCAL SELF GOVERNMENT DEPARTMENT, SECRETARIAT
THIRUVANANTHAPURAM**

**R BY GOVERNMENT PLEADER SMT.M.J.RAJASHREE
R BY SRI.V.M.KURIAN, SC, ALUVA MUNICIPALITY**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
10-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

WP(C).No. 11624 of 2015 (C)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXT.P1:-A TRUE COPY OF THE ORDER DTD 30/7/2014 ISSUED BY THE 1ST
RESPONDENT TO THE PETITIONER**

RESPONDENT(S)' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C).NO.11624 OF 2015 (C)

Dated this the 10th day of June, 2015

J U D G M E N T

The petitioner, who had retired from the service of the 1st respondent on 31.4.2014, after completing 31 years in service, is aggrieved by the non-disbursal, by the 1st respondent, of the pensionary benefits that were found due and payable to the petitioner as per Ext.P1 order. In Ext.P1 order, there is a quantification of the amounts payable to the petitioner by way of pension, DGRG and commuted value of pension. Over and above the said amount, it is the case of the petitioner that there are other amounts due to the petitioner by way of pay revision arrears and DA arrears. It is the case of the petitioner that while some amounts have been paid towards pension, the other amounts have not been disbursed to him till date. It is under these circumstances that the present writ petition is filed.

2. I have heard the learned counsel for the petitioner as also the learned Standing counsel for the respondent Municipality.

On a consideration of the facts and circumstances of the case as also the submissions made across the bar, I note that while the respondent Municipality has admitted the liability in respect of the pension, DGRG and commuted value of pension in Ext.P1 order that is issued in favour of the petitioner, there is some dispute with regard to the balance outstanding amounts under the other heads. The respondent Municipality would submit that it is currently facing a financial crunch and on account of this fact admitted payments of pensionary benefits due to its employees are not being made in time. On a consideration of the said submission, I am of the view that while the Municipality cannot deny admitted payments of pensionary benefits to the petitioner, it can be given some time to effect the payments that is admitted in Ext.P1 order. Accordingly, I dispose the writ petition with a direction to the respondent Municipality to pay the DGRG, commuted value of pension and other amounts admitted in Ext.P1 to the petitioner, within a period of six months from the date of receipt of a copy of this judgment. I make it clear that if the said payments are not made to the petitioner within the time stipulated, then the payments shall carry interest at the rate of 6% from the date

immediately on expiry of the period of six months, till the date of actual payment to the petitioner. It shall be open to the petitioner to approach the respondent Municipality with a claim for the balance amounts that is due to the petitioner. If the petitioner prefers a representation before the Municipality to that effect, then the same shall also be considered by the Municipality and orders passed thereon, within a period of one month from the date of receipt of the representation.

The writ petition is disposed as above.

A.K.JAYASANKARAN NAMBIAR
JUDGE

prp