

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE A.M.SHAFIQUE

MONDAY, THE 12TH DAY OF OCTOBER 2015/20TH ASWINA, 1937

WP(C).No. 22541 of 2006 (H)

PETITIONER(S):

**JACOB MATHEW, PURACKAL,
(ASST. MANAGER, RETD., UNITED INDIA INSURANCE
CO. LTD., ERNAKULAM), 15/194 A-1
KALARIKKAL GARDENS, EROOR WEST, ERNAKULAM-682 306.**

**BY ADVS.SRI.SANTHOSH MATHEW
SRI.SATHISH NINAN**

RESPONDENT(S):

- 1. UNITED INDIA INSURANCE COMPANY LIMITED,
REGISTERED OFFICE & HEAD OFFICE, 24, WHITES ROAD,
CHENNAI-600 014, REPRESENTED BY
ITS CHAIRMAN & MANAGING DIRECTOR.**
- 2. THE DEPUTY GENERAL MANAGER,
UNITED INDIA INSURANCE COMPANY LTD., REGIONAL OFFICE,
"SARANYA", HOSPITAL ROAD, ERNAKULAM,
KOCHI-682 011.**

**BY ADVS. SRI.N.NANDAKUMARA MENON (SR.)
SRI.P.K.MANOJKUMAR**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
12-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 22541 of 2006 (H)

APPENDIX

PETITIONER(S)' EXHIBITS:

**EXT.P1: PHOTOCOPY OF THE CIRCULAR NO.CNRO:PER:CIR:T-11:TB:014:04
DTD.20.5.2004 ISSUED BY THE REGIOAL MANAGER.**

**EXT.P2: PHOTOCOPY OF THE LETTER NO.CNRO:SVRS:O27:2006 DTD.5.1.2006
ISSUED BY THE 2ND RESPONDENT.**

**EXT.P3: PHOTOCOPY OF THE LETTER DTD.18.1.2006 SENT BY THE PETITIONER TO
THE 2ND RESPONDENT.**

**EXT.P4: PHOTOCOPY OF THE LETTER DTD.21.1.2006 SENT BY THE PETITIONER TO
THE 2ND RESPONDENT.**

**EXT.P5: PHOTOCOPY OF THE LETTER NO.CNRO:PER:SVRS:052:06 DTD.19.1.2006
ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER.**

**EXT.P6: PHOTOCOPY OF THE LETTER NO.CNRO:PER:SVRS:061:06 DTD.25.1.2006
ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER.**

**EXT.P7: PHOTOCOPY OF THE LETTER DTD.3.2.2006 SENT BY THE PETITIONER TO
THE 2ND RESPONDENT.**

**EXT.P8: PHOTOCOPY OF THE LETTER DTD.28.2.2006 SENT BY THE PETITIONER TO
THE 2ND RESPONDENT.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

A.M.SHAFIQUE, J

W.P.C.No.22541 of 2006

Dated this the 12th day of October 2015

J U D G M E N T

Petitioner has approached this Court seeking for a direction to the respondents to refund an amount of Rs.15,480/- which was withheld by the respondents while disbursing the arrears due to the petitioner. Petitioner, while working in the respondent company, had shifted his residence from Kottayam to Thiruvalla. As per the norms prescribed in the rules relating to the officers, the petitioner was entitled to one month's basic salary for effecting the shifting. However, he will have to shift within a period of six months. Petitioner was paid the said amount of Rs.15,480/-. Later, it was understood that he was residing in the very same building at Kottayam and he has not shifted his residence. Notice was issued and ultimately it was confirmed that the petitioner has not shifted and accordingly the aforesaid amount of Rs.15,480/- was recovered from the arrears of amount due to him. It is, challenging the said act on the part of the respondents that this writ petition has been filed.

2. Perusal of Exts.P2, P5 and P6 would indicate that the petitioner could not produce any material to show that he has actually shifted. Enquiry by the respondent clearly indicated that he was residing at Kottayam itself and even his wife and daughter were also residing in the very same address and they never shifted to Thiruvalla. When these are the facts of the case, I do not think that by invoking the power of judicial review, this Court will be justified in interfering with the administrative orders passed, based on materials on record. Disputed facts cannot be decided by this Court in a writ under Article 226 of the Constitution of India.

In the result, this writ petition is dismissed.

(sd/-)

(A.M.SHAFIQUE, JUDGE)

jsr

//True Copy//

PA to Judge

