

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE V. CHITAMBARESH

TUESDAY, THE 26TH DAY OF MAY 2015/5TH JYAISHTA, 1937

WP(C).No. 12446 of 2015 (E)

PETITIONER:

N.V. MATHEW ROY WILFRED, AGED 47 YEARS,
WORKING AS CHARGEMAN, REGIONAL WORKSHOP,
K.S.R.T.C., ALUVA, RESIDING AT KEREKAD P.O.,
KANIYAVALLY, THIRUVANKULAM, ERNAKULAM.

BY ADV. SRI. SABU S. KALLARAMOOLA

RESPONDENTS:

1. STATE OF KERALA, REP. BY
SECRETARY TO GOVERNMENT
DEPARTMENT OF TRANSPORT,
SECRETARIAT, THIRUVANANTHAPURAM 695 001.
2. THE SECRETARY, DEPARTMENT OF
TRANSPORT, SECRETARIAT,
THIRUVANANTHAPURAM 695 001.
3. THE CHAIRMAN & MANAGING DIRECTOR,
KERALA STATE ROAD TRANSPORT CORPORATION,
CHIEF OFFICE, KSRTC, TRIVANDRUM 695 001

BY SENIOR GOVERNMENT PLEADER SRI. THOMAS JOHN AMBOOKEN
BY SRI. M. GOPIKRISHNAN NAMBIAR, SC, KSRTC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 26-05-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1 : TRUE COPY OF JUDGMENT IN W.P.C.NO.28381/2007.

EXT.P2 : TRUE COPY OF ORDER DATED 31.01.2013 OF THE 3RD
RESPONDENT.

EXT.P3 : TRUE COPY OF THE ORDER DATED 20.11.2014 OF THE 1ST
RESPONDENT.

RESPONDENT(S)' EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

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Dated this the 26th day of May, 2015

JUDGMENT

Ext.P3 order passed by the first respondent inter alia directs the third respondent to disburse the pay and allowances due to the petitioner 'as if he had performed physical duty during the period from 01.02.2001 to 09.05.2007'. Ext.P3 order was passed about six months ago and the same has not been challenged by the third respondent hitherto.

2. The third respondent has also not filed any counter affidavit or statement despite four adjournments granted. The petitioner who is working as a chargeman under the third respondent cannot be kept on tenterhooks for long. There is no reason to continue the pay and allowances due to the petitioner for the period from 01.02.2001 to 09.05.2007 in the wake of Ext.P3 order.

2. The third respondent is directed to disburse the pay and allowances due to the petitioner for the period in question on or before 31.07.2015. The said amount will carry interest at

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the rate of 9% per annum from 01.08.2015 in case of delay in disbursement. The petitioner is also empowered to initiate the appropriate proceedings in contempt if the monitory benefits are not paid by the third respondent within the time stipulated.

The Writ Petition is disposed of.

**V. CHITAMBARESH
JUDGE**

ncd