

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRA

FRIDAY, THE 24TH DAY OF APRIL 2015/4TH VAISAKHA, 1937

WP(C).No. 12887 of 2015 (I)

PETITIONER :

**MOHAN CHANDRA BABU N.,
S/O.LATE M.U.NARAYANAN, AGED 58 YEARS,DEPUTY MANAGER,
THE KERALA STATE FINANCIAL ENTERPRISES LTD,
REGIONAL OFFICE, BAKER JUNCTION,
KOTTAYAM,RESIDING AT MUNDAPUZHAKAL HOUSE,
VILLOONNI P.O.,APPOOKKARA, KOTTAYAM - 686 008.**

**BY ADVS.SRI.R.SANJITH
SMT.K.JASMIN BABY
SMT.C.S.SINDHU KRISHNAH**

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY ITS CHIEF SECRETARY TO GOVERNMENT,
SECRETARIAT, THIRUVANANTHAPURAM - 695 001.**
- 2. THE PRINCIPAL SECRETARY TO GOVERNMENT,
FINANCE DEPARTMENT, GOVT. SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.**
- 3. THE PRINCIPAL SECRETARY TO GOVERNMENT,
DEPARTMENT OF TAXES, GOVT. SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.**
- 4. THE KERALA STATE FINANCIAL ENTERPRISES LTD,
BHADRATHA MUSEUM ROAD, THRISSUR - 680 020
REPRESENTED BY ITS MANAGING DIRECTOR.**
- 5. THE MANAGING DIRECTOR,
THE KERALA STATE FINANCIAL ENTERPRISES LTD,
HEAD OFFICE, BHADRATHA,
MUSEUM ROAD, THRISSUR - 680 020.**

**R1 TO R3 BY SR GOVERNMENT PLEADER SRI.K.C.VINCENT
R4 & R5 BY ADV.SRI.M.GOPIKRISHNAN NAMBIAR**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 24-04-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P-1: TRUE COPY OF THE REPRESENTATION DATED 1.8.13 WITH THE ENGLISH TRANSLATION OF THE SAME.
- EXT.P-2: TRUE COPY OF THE REPLY DATED 2.5.13 ISSUED UNDER RIGHT TO INFORMATION ACT WITH THE ENGLISH TRANSLATION OF THE SAME.
- EXT.P-3: TRUE COPY OF THE JUDGEMENT DATED 20.12.14 IN WPC NO.27353/13
- EXT.P-4: TRUE COPY OF THE MINUTES OF THE 460TH MEETING OF THE BOARD OF DIRECTORS OF THE 4TH RESPONDENT HELD ON 25.6.14
- EXT.P-5: TRUE COPY OF THE INTERIM ORDER IN I.A.NO.9515/14 IN WPC NO.13748/14
- EXT.P-6: TRUE COPY OF THE ORDER DATED 22.7.14 BEARING NO.32318/PUC 2/14/FIN
- EXT.P-7: TRUE COPY OF THE ORDER DATED 25.7.14 BEARING NO.20688/H2/2014/TD
- EXT.P-8: TRUE COPY OF THE RELEVANT PAGES OF "A REVIEW OF PUBLIC ENTERPRISES IN KERALA" 2012-13
- EXT.P-9: TRUE COPY OF THE ANNEXURE XIV
- EXT.P-10: TRUE COPY OF THE LIST OF ENTERPRISES WITH ACCUMULATED LOSS.
- EXT.P-11: TRUE COPY OF THE ORDER DATED 31.7.14 BEARING NO.G.O(MS) NO.108/2014/ID
- EXT.P-12: TRUE COPY OF THE INTERIM ORDER DATED 12.9.14 IN WPC NO.23826/14
- EXT.P-13: TRUE COPY OF THE INTERIM ORDER DATED 17.10.2014 IN WPC NO.27114/2014
- EXT.P-14: TRUE COPY OF THE JUDGEMENT DATED 11.2.2015 IN WPC NO.27935/2014 AND CONNECTED MATTERS
- EXT.P-15: TRUE COPY OF THE JUDGEMENT DATED 13.3.2015 IN WPC NO.7996/15

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

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P.A.TO JUDGE

ANIL K.NARENDRA, J.

W.P.(C).No.12887 of 2015

Dated this the 24th day of April, 2015

JUDGMENT

The petitioner is presently working as Deputy Manager with the 4th respondent. He has filed this Writ Petition seeking a writ of certiorari to quash Exts.P6 and P7 orders and seeking a writ of mandamus commanding respondents 1 to 3 to approve Ext.P4 recommendation of the 4th respondent and to enhance the age of retirement of the petitioner and other employees of the 4th respondent from 58 to 60. By Ext.P14 judgment this Court has disposed of a batch of Writ Petitions filed by the employees of the 4th KSFE and the operative portion of the judgment reads thus:-

8. *As afore-noted, the decision of the Government for enhancement of the age of the employees of KSFE is not depend upon any policy of the Government. This decision has to be taken independent, based on the resolution passed by the Board of Directors of the Company. Accordingly, the impugned orders (Exts.P7 and P8 produced in W.P.(C) No.13748/2014) are set aside. The writ petitions are disposed of with the following directions:-*

i. The Government shall take appropriate decision based on Ext.P6 resolution (produced in W.P.(C) No.13748/2014), dated 25/6/2014, of the Board of Directors of the Company in its 460th meeting, within two months from the date of receipt of a copy of this judgment.

ii. The petitioners shall be permitted to continue till a decision is taken by the Government in this matter.

iii. If an adverse decision is taken not to enhance the age of retirement, the petitioners shall be permitted to continue for a further period of two weeks from the date of decision of the Government to enable them to work out alternative remedy.

iv. The payment of salary to the employees who are continuing based on the interim order would depend upon the outcome of the decision of the Government. All other issues in the writ petitions are left open. No costs."

In such circumstances, this Writ Petition is also disposed of in the light of the direction issued in the judgment of this Court in W.P.(C) No.13748 of 2014 and connected cases. Those directions shall govern in the case of the petitioner also.

ANIL K.NARENDHAN, JUDGE