

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

WEDNESDAY, THE 11TH DAY OF MARCH 2015/20TH PHALGUNA, 1936

WP(C).No. 16665 of 2012 (G)

PETITIONER:

**K.S.GOPAKUMAR AGED 50 YEARS
S/O.G. KRISHNAN NAIR
P & T QUARTERS NO. BO-01, THEVARA
COCHIN - 682 013, (SUPERINTENDENT, AUDIT WING KSRTC
ERNAKULAM)**

BY ADV. SRL.K.P.JUSTINE (KARIPAT)

RESPONDENTS:

- 1. THE KERALA STATE ROAD TRANSPORT CORPORATION
REPRESENTED BY ITS MANAGING DIRECTOR
TRANSPORT BHAVAN, FORT.P.O
THIRUVANANTHAPURAM - 695 023.**
- 2. THE FINANCIAL ADVISOR & CHIEF ACCOUNTS OFFICER,
KERALA STATE ROAD TRANSPORT CORPORATION
TRANSPORT BHAVAN, FORT.P.O
THIRUVANANTHAPURAM - 695 023.**
- 3. THE DISTRICT TRANSPORT OFFICER,
KERALA STATE ROAD TRANSPORT CORPORATION
NEYYATINKARA - 695 121**
- 4. THE DISTRICT TRANSPORT OFFICER,
KERALA STATE ROAD TRANSPORT CORPORATION,
ERNAKULAM - 682 011**
- 5. THE MECHANICAL ENGINEER
CENTRAL WORKS
KERALA STATE ROAD TRANSPORT CORPORATION
PAPPANAMCODE - 695 014**
- 6. THE SECRETARY,
KERALA STATE TRANSPORT WORKERS CO-OPERATIVE SOCIETY
LIMITED NO. T133
THAMPANOR, THIRUVANANTHAPURAM - 695 206**

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7. SMT. L. SULOCHANA

**14-21-1/58, RAMAL PARAMBU THAKKALA, KANYAKUMARI DISTRICT
TAMILNADU, 600 086 (W/O. LATE SRI. S. MURKESAN PILLAI
SPECIAL ASSISTANT, CENTRAL WORKS, PAPPANAMCODE
EXPIRED ON 11/04/2005)**

8. V. SASIDHARAN

**(SUPERINTENDENT
KERALA STATE ROAD TRANSPORT CORPORATION RETIRED ON
31/03/2010 NEYYATINKARA - 695 121)**

9. THE SPECIAL SALE OFFICER

**KERALA STATE TRANSPORT WORKERS CO-OPERATIVE SOCIETY
LTD. NO. T 133
THAMPANOOR, THIRUVANANTHAPURAM - 695 030**

R1 TO R5 BY SRI.JOY GEORGE, SC, K.S.R.T.C.

SRI. GOPIKRISHNAN NAMBIAR, SC, KSRTC.

R6 BY ADV.SRI.N.UNNIKRIISHNAN, SC, KSTW CO.OP.SOCIETY

R8 BY ADV.SRI.N.SASIDHARAN UNNITHAN

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
11-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

DCS

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT-P1- TRUE COPY OF THE DUTY PASS OF THE PETITIONER ISSUED
BY THE RESPONDENT CORPORATION.**

**EXHIBIT-P2- TRUE COPY OF THE ATTACHMENT NOTICE ISSUED BY THE
9TH RESPONDENT TO THE PETITIONER DATED 05/06/2012**

**EXHIBIT-P3- TRUE COPY OF THE CERTIFICATE DATED 19/01/2006
ISSUED BY THE 5TH RESPONDENT.**

**EXHIBIT-P4- TRUE COPY OF THE JUDGMENT DATED 23/05/2011 IN
W.P(C). NO. 26462 OF 2010 OF THIS HONOURABLE COURT.**

RESPONDENT(S)' EXHIBITS:-

**EXHIBIT-R6(A)- TRUE COPY OF AWARD DATED 16.03.2010 IN RAC NO. 117/2010
WITH ENGLISH TRANSLATION**

**EXHIBIT-R6(B)- TRUE COPY OF SURETY BOND NO. 3269 DATED 26.04.2001 WITH
ENGLISH TRANSLATION**

**EXHIBIT-R6(C)- TRUE COPY OF CONSENT LETTERS DATED 26.04.2001
EXECUTED BY LOANEE, MURKESHAN PILLAI WITH ENGLISH
TRANSLATION.**

**EXHIBIT-R6(D)- TRUE COPY OF CONSENT LETTER DATED 26.04.2001
EXECUTED BY PETITIONER, SHRI.K.S. GOPAKUMAR WITH
ENGLISH TRANSLATION**

**EXHIBIT-R6(E)- TRUE COPY OF CONSENT LETTER DATED 26.04.2001 EXECUTED
BY SHRI. SASIDHARAN SECOND SURETY WITH ENGLISH
TRANSLATION**

**EXHIBIT-R6(F)- TRUE COPY OF STATEMENT OF ACCOUNT IN RESPECT OF
LOAN NO. BAL 40884**

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). NO. 16665 OF 2012

Dated this the 11th day of March, 2015

JUDGMENT

The deceased husband of the seventh respondent was an employee of the first respondent. He had availed a loan from the sixth respondent society while in service. The petitioner as well as the eighth respondent are the sureties to the loan.

2. It transpires that the retiral benefits have not hitherto been disbursed to the seventh respondent. The same if available with the first respondent can be applied to discharge the loan to the sixth respondent society. The first respondent shall take steps to clear the dues of the sixth respondent society and disburse the balance retiral benefits to the seventh respondent. The same shall be done within a period of one month from today.

3. The petitioner as well as the eighth respondent shall not be proceeded against in the meanwhile. They need be proceeded against only if the retiral benefits are insufficient to discharge the dues of the sixth respondent

society. I also note that the seventh respondent has not entered appearance to oppose the reliefs sought in the writ petition.

The writ petition is disposed of.

**V. CHITAMBARESH
JUDGE**

DCS