

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 15TH DAY OF SEPTEMBER 2015/24TH BHADRA, 1937

WP(C).No. 13371 of 2015 (V)

PETITIONER(S):

**RAMANUJAN T.R, AGED 58 YEARS
S/O. LATE RAMA VARRIER T., HELPER
KERALA STATE BEVERAGES (M&M) CORPORATION WARE HOUSE
FL1 NO. 7018 SHOP, TIRPUNITHURA, ERNAKULAM DISTRICT
PIN - 682 301 (RESIDING AT THIRUVANIYUR VARIYAM
THIRUVANIYUR P.O., PUTHANKURISSU VIA
ERNAKULAM - 682 308)**

**BY ADVS.SRI.BABU JOSEPH KURUVATHAZHA
SRI.C.P.SIVADASAN NAIR**

RESPONDENT(S):

- 1. GOVERNMENT OF KERALA
REPRESENTED BY ITS SECRETARY, TAXES DEPARTMENT
GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM - 695 001.**
- 2. MANAGING DIRECTOR,
KERALA STATE BEVERAGES (MANUFACTURING AND
MARKETING) CORPORATION LIMITED
P.B. NO. 2263, SASTHAKRIPA OFFICE COMPLEX
SASTHAMANGALAM, THIRUVANANTHAPURAM - 695 010.**
- 3. GENERAL MANAGER,
KERALA STATE BEVERAGES (MANUFACTURING AND
MARKETING) CORPORATION LIMITED
P.B. NO. 2263, SASTHAKRIPA OFFICE COMPLEX
SASTHAMANGALAM, THIRUVANANTHAPURAM - 695 010.**
- 4. MANAGER,
KERALA STATE BEVEAGES CORPORATION WARE HOUSE
TRIPUNITHURA, ERNAKULAM - 682 301.**

**R2-R4 BY ADV. SRI.C.S.AJITH PRAKASH,SC,BEVERAGES CORP
R BY GOVERNMENT PLEADER SMT. A. LOWSY**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 15-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT-P1- TRUE COPY OF THE RELEVANT PAGE OF THE SSLC BOOK OF THE PETITIONER, EVIDENCING HIS DATE OF BIRTH AS 01/05/1957.
- EXHIBIT-P2- TRUE COPY OF THE IDENTITY CARD BEARING EMPLOYEE CODE NO. 1256 ISSUED TO THE PETITIONER.
- EXHIBIT-P3- TRUE COPY OF THE LAST PAY SLIP OF THE PETITIONER FOR THE MONTH OF MARCH, 2015.
- EXHIBIT-P4- TRUE COPY OF THE G.O(MS) 205/09/TD DATED 18/11/2009
- EXHIBIT-P5- TRUE COPY OF THE CIRCULAR NO. KSBC/AA1/10747/04(08) DATED 28/11/2009 ISSUED BY THE 2ND RESPONDENT.
- EXHIBIT-P6- TRUE COPY OF THE G.O(MS) 33/2011/TD DATED 22/02/2011 ISSUED BY THE 1ST RESPONDENT.
- EXHIBIT-P7- TRUE COPY OF THE G.O(MS) 36/2011/TD DATED 22/02/2011 ISSUED BY THE 1ST RESPONDENT.
- EXHIBIT-P8- TRUE COPY OF THE CIRCULAR NO. KSBC/IA/042/2011-12 DATED 08/04/2011 ISSUED BY THE 2ND RESPONDENT.
- EXHIBIT-P8(A)-TRUE COPY OF THE G.O(RT) NO.907/2014/TD DATED 21/11/2013 ISSUED BY THE 1ST RESPONDENT
- EXHIBIT-P9- TRUE COPY OF THE JUDGMENT DATED 11/02/2015 IN W.P(C) 14524/2014
- EXHIBIT-P10- TRUE COPY OF THE PROCEEDINGS DATED 23/04/2015 OF THE 2ND RESPONDENT.
- EXHIBIT-P11- TRUE COPY OF THE PROCEEDINGS DATED 23/04/2015 OF THE 2ND RESPONDENT.

RESPONDENT(S)' EXHIBITS:

NIL

// TRUE COPY //

P.A TO JUDGE.

SB

K. VINOD CHANDRAN, J.

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W.P.(C) No.13371 of 2015 - V

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Dated this the 15th day of September, 2015

J U D G M E N T

The issue raised in the above writ petition on the question of parity in service is the age of superannuation of 60 years, to be applied to regular employee of the respondent Corporation as applicable to Abkari workers, who are absorbed in the respondent Corporation. While, the regular employees were to be continued till 58 years of age, the Abkari workers who were taken into the service of the respondent Corporation were to be superannuated at the age of 60 years.

2. The said issue is no longer res integra and is covered by the Division Bench decision of this Court reported in **Managing Director, KSBC, Trivandrum and Another v. P.B.Gopi and Another [2015(3) KHC 804]**. The Division Bench having held that the classification is proper, the petitioner, who is

a regular worker of the respondent Corporation has to retire in accordance with the terms of his appointment, ie., at the age of 58 years.

The writ petition hence would stand dismissed.

**Sd/-
K. VINOD CHANDRAN,
JUDGE**

SB

// true copy //

P.A to Judge.