

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE SHAJI P. CHALY

WEDNESDAY, THE 24TH DAY OF JUNE, 2015/3RD ASHADHA, 1937

WP(C).No. 25832 of 2005 (A)

PETITIONER(S):

1. T.S. KRISHNAMOORTHY, SREESAILAM, (DIED)
M I G - 151, GANDHI NAGAR, COCHIN-20.
- 2.* SEETHALAKSHMI AMMAL, W/O. KRISHNAMOORTHY,
A204, 'SRINIDHI RESIDENCY', NO.364/2,
NEAR BASAVA NAGAR BUS STOP,
MARUTHAHALLI POST, BANGALORE.
3. K. SREESAILA, D/O. KRISHNAMOORTHY,
A204, 'SRINIDHI RESIDENCY', NO.364/2,
NEAR BASAVA NAGAR BUS STOP,
MARUTHAHALLI POST, BANGALORE.
4. K. SREERAJ, S/O. KRISHNAMOORTHY,
A204, 'SRINIDHI RESIDENCY', NO.364/2,
NEAR BASAVA NAGAR BUS STOP,
MARUTHAHALLI POST, BANGALORE.

* PETITIONERS 2 TO 4 ARE IMPEADED AS LEGAL HEIRS OF THE DECEASED
PETITIONER AS PER ORDER IN I.A.NO.5907/2009, DATED 01.06.2009.

BY ADVS.SRI.K.ANAND (A.201)
SMT.LATHA KRISHNAN

RESPONDENT(S):

1. KERALA STATE CONSTRUCTION
CORPORATION LTD., ADMINISTRATIVE OFFICE, BANERJI ROAD,
ERNAKULAM, REPRESENTED, BY ITS MANAGING DIRECTOR.
2. THE SECRETARY TO GOVERNMENT
PUBLIC WORKS DEPARTMENT, GOVERNMENT SECRETARIAT
TRIVANDRUM.

R1 BY ADV. SRI.A.MOHAMMED
R2 BY GOVERNMENT PLEADER, SRI. ABHIJITH LESLIE

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 24.06.2015 , THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONERS' EXHIBITS:

- EXHIBIT P1 TRUE COPY OF CERTIFICATE DT. 16.2.1977 ISSUED BY THE SECRETARY, COIR BOARD.
- EXHIBIT P2 TRUE COPY OF THE BOARD RESOLUTION DATED 13.2.2001.
- EXHIBIT P3 TRUE COPY OF LETTER DT. 01.11.2004 OF THE PETITIONER.
- EXHIBIT P4 TRUE COPY OF LETTER DATED 04.04.2005 SENT BY THE PETITIONER TO THE 1ST RESPONDENT.
- EXHIBIT P5(A) TRUE COPY OF LETTER DT. 09.04.2005 ISSUED BY THE 1ST RESPONDENT TO THE PETITIONER.
- EXHIBIT P5(B) TRUE COPY OF STATEMENT SHOWING EXCESS PAYMENT.
- EXHIBIT P6 TRUE COPY OF STATEMENT.
- EXHIBIT P7 TRUE COPY OF ORDER IN W.A.NO.652/2005 OF HIGH COURT OF KERALA.

RESPONDENTS' EXHIBITS:

- EXT.R1(A) TRUE COPY OF THE DETAILS OF PAYMENT.
- EXT.R1(B) TRUE COPY OF THE RECEIPT DT. 17.2.2003 ISSUED BY THE RESPONDENT.
- EXT.R1(C) TRUE COPY OF THE RECEIPT ISSUED BY THE RESPONDENT DT.7.2.2005.
- EXT.R1(D) TRUE COPY OF THE RECEIPT ISSUED BY THE RESPONDENT DT.26.2.2004.
- EXT.R1(E) TRUE COPY OF THE RECEIPT ISSUED BY THE RESPONDENT DT.02.04.2004.
- EXT.R1(F) TRUE COPY OF THE RECEIPT ISSUED BY THE RESPONDENT DT.27.12.2004.
- EXT.R1(G) TRUE COPY OF THE RECEIPT ISSUED BY THE RESPONDENT DT.11.4.2005.
- EXT.R1(H) TRUE COPY OF THE RECEIPT ISSUED BY THE RESPONDENT DT.2.9.2005.
- EXT.R1(I) TRUE COPY OF THE RECEIPT ISSUED BY THE RESPONDENT DT.2.9.2005.
- EXT.R1(J) TRUE COPY OF THE RECEIPT ISSUED BY THE RESPONDENT DT.29.8.2007.
- EXT.R1(K) TRUE COPY OF THE RECEIPT ISSUED BY THE RESPONDENT DT.19.8.2002.
- EXT.R1(L) TRUE COPY OF THE RECEIPT ISSUED BY THE RESPONDENT DT.5.6.2003.
- EXT.R1(M) TRUE COPY OF THE RECEIPT ISSUED BY THE RESPONDENT DT. 6.7.2004.

EXT.R1(N) TRUE COPY OF THE RECEIPT ISSUED BY THE RESPONDENT DT. NIL.
EXT.R1(O) TRUE COPY OF THE RECEIPT ISSUED BY THE RESPONDENT DT.9.9.2005.
EXT.R1(P) TRUE COPY OF THE RECEIPT DT.12.12.2005 ISSUED BY THE
RESPONDENT.
EXT.R1(Q) TRUE COPY OF THE RECEIPT ISSUED BY THE RESPONDENT DT.
12.1.2006.

//TRUE COPY//

P.S. TO JUDGE

St/-

SHAJI P. CHALY, J.

W.P.(C) No.25832 OF 2005

Dated this the 24th day of June, 2015

JUDGMENT

This writ petition is filed by the petitioner contending that on his retirement, the Respondent Corporation has failed to pay certain dues to him and in spite of his representations, that was not paid to him. A counter affidavit has been filed by the Corporation, stating in paragraph 3 as follows:

"3. It is submitted that almost all retirement benefits are paid to the petitioner. Only an amount of Rs.21,321/- is payable as D.A. arrears. A true copy of the details of payment is produced herewith and marked as Exhibit-R1(a). True copy of receipts evidencing granting to the petitioner are produced herewith and marked as Exhibit-R1(b) & (c) respectively. True copy of receipts evidencing terminal surrender are produced herewith and marked as Exhibit-R1(d) to (i) respectively. True copies of receipts evidencing pay revision arrears are produced herewith and marked as Exhibit-R1(j) to (q) respectively. As evidenced from Ext.R1(b) to R1(q) almost all amounts are paid. Balance if any found will be disbursed to the petitioner as per the seniority of the scheme or as directed by this Hon'ble Court."

2. Heard the learned counsel for the petitioner and the learned Government Pleader appearing for the 2nd Respondent.

3. Therefore, from the statement made in the counter affidavit, it is categoric and clear that at that point of time when the petitioner approached this Court, there were amounts due to him and it is also stated that if any amounts are further found due, the Corporation is prepared to pay the same to the petitioner.

4. The matter is pending before this Court from the year 2005 and I hope that whatever statements made in the counter affidavit would have been complied with by the Corporation. If it is not paid by the Corporation at this distance of time, they are liable to pay interest for the amounts due at the rate of 9% from the date it has actually fallen due. If the amount is not paid, same shall be paid to the petitioner or his legal representatives within a period of thirty days from the date of receipt of a copy of this judgment, with interest as stipulated above.

The writ petition is disposed of as above. In the facts and circumstances of the case, no order as to costs.

Sd/-
SHAJI P. CHALY
JUDGE

//true copy//

P.S. to Judge

St/-