

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 1ST DAY OF OCTOBER 2015/9TH ASWINA, 1937

WP(C).No. 20153 of 2009 (L)

PETITIONER:

**P.P.VASUDEVAN, AGED 63 YEARS
S/O.PADMANABHAN, SREE PADMANABHA HOUSE,
ASRAMAM ROAD, KALADY.**

BY ADV. SRI.K.SUNILKUMAR

RESPONDENTS:

- 1. THE CHAIRMAN & MANAGING DIRECTOR,
THE FERTILIZERS AND CHEMICALS TRAVANCORE LTD. (FACT)
CORPORATE OFFICE, ELOOR
UDYOGAMANDAL P.O.**
- 2. THE GENERAL MANAGER (PERSONNEL),
THE FERTILIZERS AND CHEMICALS TRAVANCORE LTD. (FACT)
CORPORATE OFFICE, ELOOR
UDYOGAMANDAL P.O.**
- 3. DEPUTY CHIEF MANAGER (HR),
THE FERTILIZERS AND CHEMICALS TRAVANCORE LTD. (FACT)
CORPORATE OFFICE, ELOOR
UDYOGAMANDAL P.O.**

**BY ADVS. SRI.E.K.NANDAKUMAR
SRI.A.K.JAYASANKAR NAMBIAR
SRI.K.JOHN MATHAI
SRI.P.BENNY THOMAS
SRI.ANIL D. NAIR
SRI.V.J.ANAND**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 01-10-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1 - COPY OF THE REPRESENTATION DATED 07.01.2002 FILED BY THE PETITIONER TO THE 1ST RESPONDENT.
- EXT.P2 - COPY OF THE REPRESENTATION DATED 20.11.2007 FILED BY THE PETITIONER BEFORE THE 1ST RESPONDENT.
- EXT.P3 - COPY OF THE LETTER DATED 05.12.2007 ISSUED BY THE 3RD RESPONDENT.
- EXT.P4 - COPY OF THE LAWYER NOTICE DATED 16.02.2009 ISSUED TO THE 1ST & 2ND RESPONDENTS.
- EXT.P5 - COPY OF THE

RESPONDENTS' EXHIBITS:-

- EXT.R1(A) - COPY OF THE PAY REVISION ORDER DATED 28.08.2001.
- EXT.R1(B) - COPY OF THE VRS NOTIFICATION DATED 19.11.2001.

//TRUE COPY//

P.A. TO JUDGE

sp

K. VINOD CHANDRAN, J.

W.P(C). No.20153 of 2009

Dated this the 1st day of October, 2015.

JUDGMENT

The petitioner before this Court retired under the voluntary retirement scheme on 30.11.2001. Just prior to the retirement of the petitioner, there was a pay revision effected on 31.08.2001 with retrospective effect from 01.01.1997. But however, on the specific condition that the arrears would be payable only if the Company continuously earns profit for three consecutive years. The petitioner, quite aware of the said scheme, which came into operation when he was in service, retired voluntarily on 30.11.2001. Later on, the petitioner claimed, by Ext.P1, the salary towards balance leave available to his credit and the salary arrears based on pay revision from January, 1997 to August, 2001. The same having been declined, the petitioner is before this Court.

2. The voluntary retirement scheme is produced as Annexure A. A reading of the scheme would indicate that no leave salary will be available on voluntary retirement. The retirement benefits could be computed only under the terms of the scheme and the petitioner cannot claim any other benefits, which he would have been entitled to under the normal incidence of service, as if he retires on superannuation. The petitioner, with open eyes, had applied under the said Scheme and cannot now seek for any benefits, which he is not entitled to under the scheme, but which would have normally been entitled, as an incidence of service.

3. With respect to the claim for salary revision, the issue was already considered by a Division Bench of this Court in a judgment dated 11.06.2009 in W.A. No.460 of 2006. There also the petitioners were persons, who had retired between 1997 and 2001 and who claimed benefit under the revision. Admittedly, the Company had not earned profit for three consecutive years, which was noticed by the Division Bench and the Writ Appeals were disposed of, making it clear that, if the Company made such

profit and satisfies the conditions in the scheme of revision, then necessarily the individual employees could approach the Company. The said reservation would available herein also.

With the above observation, the writ petition is disposed of.

Sd/-
K. VINOD CHANDRAN,
JUDGE.

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//True Copy//

P.A. to Judge