

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE SHAJI P. CHALY

FRIDAY, THE 4TH DAY OF DECEMBER 2015/13TH AGRAHAYANA, 1937

W.P.(C).No. 26455 of 2006 (Y)

PETITIONER(S):

1. P.M.MORRIS STANLEY, (RETD. DRIVER,
VYPEEN FERRY SERVICE, COCHIN CORPORATION.)
PALLIPARAMBIL HOUSE, OCHANATHURUTH, PIN-682 508.
2. T.K.HARIHARAN, (RETD. LASCAR,
VYPEEN FERRY SERVICE, COCHIN CORPORATION.),
RESHMALAYAM, AROOKUTTY P.O., CHERTHALA.
3. T.A.BAKARIKUTTY, (RETD. LASCAR,
VYPEEN FERRY SERVICE, COCHIN CORPORATION.)
THAMARASSERY HOUSE, THOTTAMPADY, EDAPPALLY NORTH.

BY ADVS.SRI.M.C.CHERIAN
SRI.M.A.THOMAS KUTTY
SMT ASHA CHERIAN
SRI.P.M.SANEER

RESPONDENT(S):

1. GOVERNMENT OF KERALA, REP. BY
SECRETARY, DEPARTMENT OF LOCAL SELF GOVERNMENT,
SECRETARIAT, TRIVANDRUM.
2. CORPORATION OF COCHIN, REP. BY
ITS SECRETARY, O/O. THE CORPORATION OF COCHIN,
ERNAKULAM.

R1 BY SENIOR GOVERNMENT PLEADER, SRI. THOMAS JOHN AMBOOKEN
R2 BY SRI.S.RAMESH BABU, SC.COCHIN CORPORATION.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 04-12-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.T.O.

W.P.(C).No. 26455 of 2006 (Y)

APPENDIX

PETITIONERS' EXHIBITS:

- EXHIBIT P1: TRUE COPY OF THE REPRESENTATION DATED 18.10.2004 OF PETITIONERS.
- EXHIBIT P2: TRUE COPY OF JUDGMENT DATED 23.03.2005 IN W.P.(C) NO.9748/2005 (I) OF HONOURABLE HIGH COURT OF KERALA.
- EXHIBIT P3: TRUE COPY OF ORDER NO.M.O./A-5 9433/2002 DATED 21.07.2005 OF 3RD TO 1ST RESPONDENT.
- EXHIBIT P4: TRUE COPY OF THE REPRESENTATION DATED 15.08.2005 OF PETITIONERS.
- EXHIBIT P5: TRUE COPY OF LETTER/REPRESENTATION DATED 08.10.2005 OF PETITIONER'S COUNSEL TO 1ST AND 2ND RESPONDENT.
- EXHIBIT P6: TRUE COPY OF JUDGMENT DATED 04.01.2006 IN W.P.(C) NO.168/2006.
- EXHIBIT P7: TRUE COPY OF G.O.NO.1631/06 DATED 10.07.2006 OF 1ST RESPONDENT.
- EXHIBIT P8: TRUE COPY OF G.O.MS. NO.410/68/DD DATED 24.08.1968 OF 1ST RESPONDENT.
- EXHIBIT P9: TRUE COPY OF THE RELEVANT PORTION OF PAY REVISION AGREEMENT OF 1990 BETWEEN KSRTC MANAGEMENT AND ITS EMPLOYEES.
- EXHIBIT P10: TRUE COPY OF LETTER/CERTIFICATE DATED 04.11.2003 OF 2ND RESPONDENT.

RESPONDENTS' EXHIBITS: NIL

//TRUE COPY//

P.S. TO JUDGE

St/-

SHAJI P. CHALY, J.

W.P.(C)No.26455 of 2006

Dated this the 4th day of December, 2015

JUDGMENT

This writ petition is filed by the petitioners seeking to quash Ext.P7 to the extent it adversely affected the petitioners and to declare that the petitioners are entitled to D.A. on pension and D.C.R.G. and for other consequential reliefs.

2. When the matter was taken up for hearing today, learned counsel for the petitioners Smt. Asha Cherian submitted that all the three petitioners already died and requested to dispose of the writ petition leaving open the right to the legal heirs of the petitioners to pursue their action before the appropriate statutory authority.

3. Accordingly, this writ petition is disposed of leaving open the liberty of the legal heirs of the petitioners to pursue their remedies for pension and other benefits before the appropriate statutory authorities, in accordance with law. The disposal of this writ petition will not in any way hamper or affect the rights of the legal heirs of the petitioners to pursue such remedies.

The writ petition is accordingly disposed of.

Sd/-
SHAJI P. CHALY
JUDGE

//true copy//

P.S. to Judge

St/-
07.12.2015