

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

MONDAY, THE 22ND DAY OF JUNE 2015/1ST ASHADHA, 1937

WP(C).NO. 16323 OF 2015 (M)

PETITIONER(S) :

VARGHESE P.T. AGED 64 YEARS
S/O.THOMMAN, PULIMOOTTIPARAMBIL, XII/112
PANAYAPPILLY , KOCHI-682002.

BY ADVS.SRI.JIMMY GEORGE (VATTATHARA)
SRI.T.JEEJAN

RESPONDENT(S) :

1. CORPORATION OF KOCHI,
REPRESENTED BY ITS SECRETARY, KOCHI CORPORATION
ERNAKULAM.

2. DIRECTOR OF MUNICIPALITIES,
O/O DIRECTORATE OF MUNICIPALITIES
THIRUVANANTHAPURAM.

3. REGIONAL PROVIDENT FUND COMMISSIONER
BHAVISHYANIDHI BHAVAN, PB NO.1016, PATTOM
THIRUVANANTHAPURAM-695 004.

4. STATE OF KERALA
REPRESENTED BY SECRETARY LOCAL SELF GOVERNMENT DEPARTMENT
SECRETARIAT, THIRUVANANTHAPURAM

R1 BY SRI.K.P.JUSTINE (KARIPAT) SC, COCHIN CORPORATION
BY GOVERNMENT PLEADER SMT.LOWSY.A
R BY SMT.T.N.GIRIJA, SC, EPF ORGANISATION
R BY SRI.P.K.SOYUZ, SC, COCHIN CORPORATION

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
22-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) .NO. 16323 OF 2015 (M)

APPENDIX

PETITIONER(S) ' EXHIBITS

P1 : TRUE COPY OF THE PENSION PAYMENT ORDER ISSUED BY THE ACCOUNTS
OFFICER, CORPORATION OF COCHIN DATED 15-5-2012.

P2 : TRUE COPY OF THE REPRESENTATION ISSUED BY THE PETITIONER TO THE
1ST RESPONDENT DATED 9-4-2015.

RESPONDENT(S) ' EXHIBITS:NIL

//TRUE COPY//

P.A TO JUDGE

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C).No.16323 of 2015

.....
Dated this the 22nd day of June, 2015

J U D G M E N T

The petitioner who was working as a contingent sanitation worker under the 1st respondent Corporation, retired from service on superannuation on 31.12.2011. In the writ petition, the claim of the petitioner is for arrears of pensionary benefits, consequent to the pay revision that was introduced with effect from July, 2009. A counter affidavit has been filed on behalf of the 1st respondent wherein it is stated that the petitioner is entitled for the benefit of pay revision with effect from July, 2009 onwards, and accordingly, the amounts due to the petitioner ought to have been paid to him but for the fact that the respondent Corporation is going through a financial crunch. It is stated that if the respondent Corporation is granted sufficient time then it would be able to discharge the liability due to the petitioner.

2. Heard the learned counsel for the petitioner and learned the Standing counsel for the respondent Corporation.

On a consideration of the facts and circumstances of the case

and the submissions made across the bar, I dispose the writ petition with a direction to the 1st respondent Corporation to disburse the revised pensionary benefits due to the petitioner within a period of four months from the date of receipt of a copy of this judgment. I make it clear that, if the amounts due to the petitioner are not paid within the four months as directed above, then, the amounts due to the petitioner shall carry interest at the rate of 6% per annum from the date immediately after expiry of four months, till the date of actual disbursement to the petitioner.

A.K.JAYASANKARAN NAMBIAR
JUDGE

mns