

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRA

TUESDAY, THE 23RD DAY OF JUNE 2015/2ND ASHADHA, 1937

WP(C).No. 17350 of 2015 (P)

PETITIONER(S):

**V.P.SOMARAJAN
S/O. ACHUTHAN, SANIKA, KEEZHATTOOR NORTH
THALIPARAMBA, KANNUR DISTRICT - 670141**

**BY ADVS.SRI.N.N.SUGUNAPALAN (SR.)
SMT.T.A.ASHA
SRI.S.SUJIN**

RESPONDENT(S):

- 1. THE KERALA STATE WAREHOUSING CORPORATION
P.B.NO. 1727, WAREHOUSING CORPORATION ROAD
ERNAKULAM, KOCHI 682016
REPRESENTED BY ITS MANAING DIRECTOR**
- 2. THE MANAGING DIRECTOR
KERALA STATE WAREHOUSING COPORATION, P.B.NO. 1727
WAREHOUSING CORPORATION ROAD, ERNAKULAM, KOCHI-682016**
- 3. STATE OF KERALA, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM
REPRESENTED BY THE CHIEF SECRETARY**

**R1 & R2 BY SRI.M.GOPIKRISHNAN NAMBIAR
R3 BY SRI P.V.ELIAS, GOVERNMENT PLEADER**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 23-06-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

WP(C).No. 17350 of 2015 (P)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1: COPY OF CIRCULAR DATED 1.4.2013 ISSUED BY THE RESPONDENT CORPORATION SHOWING THE RETIREMENT OF THE PETITIONER FROM SERVICE

EXHIBIT P2: COPY OF THE REPRESENTATION DATED 13.5.2015 SUBMITTED BY PETITIONER

RESPONDENT(S)' EXHIBITS: N I L

//TRUE COPY//

P.A. TO JUDGE

JV

ANIL K. NARENDRA, J.

W.P.(C) No.17350 of 2015

Dated this the 23rd day of June, 2015

JUDGMENT

The petitioner retired from service on 31.05.2013 while working as General Manager in the Kerala State Warehousing Corporation. He has approached this Court in this writ petition seeking a writ of mandamus commanding the respondents to disburse his terminal benefits without any further delay and for other consequential benefits.

2. Ext.P1 circular dated 01.04.2013 produced along with the writ petition would show that the Zonal Manager concerned was requested to forward Liability/Non-Liability Certificate of the petitioner to the Establishment Section of the Corporation on or before 10.06.2013. Though the petitioner retired from service as early as on 31.05.2013, his terminal benefits are yet to be disbursed and that one of the reasons stated is financial constraints, which according to the petitioner is not a valid reason to delay disbursement of his terminal benefits. The petitioner would submit that, the marriage of one of his

daughters is scheduled to be conducted within one month. Further the petitioner is a cardiac patient and is undergoing treatment. The petitioner has submitted Ext.P2 representation before the 2nd respondent pointing out the aforesaid aspects and requested for settlement of terminal benefits at the earliest.

3. On 11.06.2015, when this writ petition came up for admission, the learned Standing Counsel for the Kerala State Warehousing Corporation was directed to file counter affidavit/statement before 19.06.2015.

4. Today, when the case was taken up for further consideration, the learned Standing Counsel would submit that the payment of terminal benefits due to the petitioner is delayed due to financial constraints. He would also point out that by judgment dated 19.08.2014 in W.P.(C). No.14968/2014, a learned Single Judge of this Court has directed disbursement of terminal benefits due to the employees of the Corporation strictly based on seniority with reference to the actual date of retirement, on attaining the age of 58 years. The learned Standing Counsel would also point out that, this Court in two writ petitions have directed the Corporation to disburse terminal benefits of the employees out of turn priority, taking into account

the special circumstances pointed out in those writ petitions.

5. I heard the arguments of the learned counsel for the petitioner, the learned Standing Counsel for respondents 1 and 2 and as also the learned Government Pleader appearing for the 3rd respondent.

6. The fact that the petitioner retired from the service of the respondent Corporation on 31.05.2013 is not in dispute. The learned Standing Counsel has stated that there is no liability outstanding against the petitioner and as such, he is entitled for disbursement of the terminal benefits due to him. But only on account of financial constraints, the Corporation could not disburse the terminal benefits payable to the petitioner.

7. In Ext.P2 representation the petitioner has stated that he is facing acute financial crisis due to non-disbursement of terminal benefits as he is getting only a meagre sum of Rs.5,263/- as pension which is not even sufficient to meet his medical expenses. Further, the marriage of one of his daughters is scheduled to be conducted during next month. In such circumstances, I find that the petitioner has made out a case for disbursement of his terminal benefits in out of turn priority.

In the result, this writ petition is disposed of directing respondents 1 and 2 to disburse the terminal benefits payable to the petitioner within a period of two months from the date of receipt of a certified copy of this judgment.

JV

SD/-
ANIL K. NARENDRA,
JUDGE