

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

WEDNESDAY, THE 16TH DAY OF DECEMBER 2015/25TH AGRAHAYANA, 1937

WP(C).No. 18296 of 2014 (J)

PETITIONER:

**K.KALADHARAN PILLAI
KALA BHAVAN, PUTHOOR.P.O., KOTTARAKKARA
KOLLAM-691 507.**

**BY ADVS.SRI.S.VISHNU
SRI.M.J.AJITH MOHAN**

RESPONDENTS:

- 1. KERALA ELECTRICAL AND ALLIED ENGINEERING COMPANY LTD.
REPRESENTED BY ITS MANAGING DIRECTOR
REGIONAL OFFICE, 7TH FLOOR, KSHB OFFICE COMPLEX
PANAMPALLY NAGAR, KOCHI-682 036.**
- 2. THE MANAGER,
KERALA ELECTRICAL AND ALLIED ENGINEERING COMPANY LTD.
POST BOX NO.8, KUNDARA, KOLLAM-691 501.**
- 3. THE REGIONAL PROVIDENT FUND COMMISSIONER
EMPLOYEES PROVIDENT FUND ORGANIZATION
PARAMESWAR NAGAR, KOLLAM-691 001.**

**BY ADVS. SRI.M.GOPIKRISHNAN NAMBIAR
SRI.P.GOPINATH
SRI.P.BENNY THOMAS
SRI.K.JOHN MATHAI
SRI.JOSON MANAVALAN
SRI.KURYAN THOMAS
BY SRI.PIRAPPANCODE V.S.SUDHIR,SC,EPF ORGANIZATION**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 16-12-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS :-

- EXT.P1 - COPY OF THE CERTIFICATE NO.P & A/W/3474/2013 DATED 29.11.2013 ISSUED BY 2ND RESPONDENT.
- EXT.P2 - COPY OF THE JOURNAL VOUCHER NO.1358 DATED 20.11.2013 ISSUED BY KEL KUNDARA.
- EXT.P3 - COPY OF THE REPRESENTATION DATED 03.02.2014 ADDRESSED TO RESPONDENTS 1 AND 2.
- EXT.P4 - COPY OF THE COMMUNICATION NO.KR/KLM/RTI-24/2014 DATED 25/02/2014 ISSUED BY THE 3RD RESPONDENT.
- EXT.P5 - COPY OF THE ACKNOWLEDGMENT CARD.
- EXT.P6 - COPY OF THE RELEVANT PORTION OF THE BALANCE SHEET OF THE COMPANY. [PRODUCED ALONG WITH THE REPLY AFFIDAVIT DATED 21.09.2014].
- EXT.P6 - ENGLISH TRANSLATION OF EXT.P3. [PRODUCED ALONG WITH MEMO DATED 23.09.2014].

RESPONDENTS' EXHIBITS:-

- EXT.R2(A) - COPY OF THE COMMON JUDGMENT DATED 28.01.2000 IN OP NO.19722/1998 AND R.P. NO.21/2000.
- EXT.R2(B) - COPY OF THE MINUTES OF THE MEETING DATED 23.08.2012 OF THE BOARD OF DIRECTORS OF THE COMPANY.
- EXT.R2(C) - COPY OF THE PROFIT AND LOSS ACCOUNT OF THE KUNDARA UNIT OF THE COMPANY FOR THE FINANCIAL YEAR 1ST APRIL, 2012 TO 31ST MARCH, 2013.
- EXT.R2(D) - COPY OF THE LIST OF STATUTORY PAYMENTS DUE AT KUNDARA UNIT AS ON 30.03.2014.

//TRUE COPY//

P.A. TO JUDGE

K. VINOD CHANDRAN, J.

W.P(C). No.18296 of 2014-J

Dated this the 16th day of December, 2015.

JUDGMENT

The petitioner had sought for payment of gratuity on retirement. The learned Standing Counsel appearing for the respondents would submit that due to financial constraints, gratuity is being paid as per the seniority, determined on the basis of the date of retirement. The petitioner, it is undertaken, would be paid the gratuity within a period of one month from today.

Recording the aforesaid undertaking, the writ petition is disposed of.

Sd/-

**K. VINOD CHANDRAN,
JUDGE.**

//True Copy//

P.A. to Judge.

sp/16/12/15