

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

FRIDAY, THE 24TH DAY OF JULY 2015/2ND SRAVANA, 1937

WP(C).No. 20139 of 2015 (N)

PETITIONER(S):

**P.D.JOSE, AGED 58 YEARS
S/O.DEVASSY, PAYYAPPILLY HOUSE, RESMI CLUB ROAD
PUTHUR, THRISSUR DISTRICT.**

**BY ADVS.SRI.SANTHOSH P.PODUVAL
SMT.R.RAJITHA
SMT.VINAYA V.NAIR**

RESPONDENT(S):

**THRISSUR CORPORATION, REPRESENTED BY ITS SECRETARY
THRISSUR-680 001.**

**R1 BY ADV. SRI.K.P.VIJAYAN
R1 BY ADV. SRI.V.N.HARIDAS
R BY SRI.K.P.VIJAYAN,SC,THRISSUR CORPORATION**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
24-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

WP(C).No. 20139 of 2015 (N)

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1:TRUE COPY OF THE JUDGMENT DATED 18.03.2013 IN W.P.(C020591/12 OF THIS HON'BLE COURT.

EXT.P2:TRUE COPY OF THE NOTICE DATED 10.06.15 ISSUED BY THE RESPONDENT TO THE PETITIONER.

RESPONDENT(S)' EXHIBITS: NIL

//TRUE COPY//

P.S. TO JUDGE

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C).NO.20139 OF 2015 (N)

Dated this the 24th day of July, 2015

J U D G M E N T

The petitioner, who was working as a Sweeper in the Thrissur Corporation, retired from service on 31.5.2012. While he was in service, the respondent had allotted quarters at Kuriachira that was meant for contingent workers in the Public Health Department of Thrissur Corporation. Subsequent to the retirement of the petitioner, the respondent withheld the retirement benefits due to the petitioner on the ground that the petitioner did not officially vacate the quarters that was allotted to him. The petitioner, therefore, approached this Court by filing W.P.(C).No.20591/2012, which was disposed by Ext.P1 judgment, directing the respondent Corporation to immediately pay all the benefits due to the petitioner. It is the case of the petitioner in the writ petition that, thereafter, while the pensionary benefits were released to the petitioner, 10% of the DCRG amount was retained by the respondent Corporation on account of an audit objection that had been received by the respondent Corporation. It is stated that the audit objection refers to the fact that the petitioner's sister was

continuing to occupy the said quarters. It is aggrieved by the retention of the 10% amount of the DCRG by the respondent Corporation that the petitioner has approached this Court, yet again, through the present writ petition.

2. I have heard the learned counsel for the petitioner as also the learned Standing counsel for the respondent Corporation.

On a consideration of the facts and circumstances of the case as also the submissions made across the bar, I find that, by Ext.P1 judgment, the entitlement of the petitioner to retirement benefits was already decided by this Court, and a direction was issued to the Corporation to disburse the amounts due to the petitioner. In the light of the said judgment, which has not been taken in appeal by the respondent Corporation, the present stand of the respondent Corporation, based on an audit objection, cannot be legally sustained. Accordingly, I allow the writ petition, by quashing Ext.P2 notice, and directing the respondent Corporation to pay the balance amount of DCRG payable to the petitioner, within a period of one month from the date of receipt of a copy of this judgment. I also make it clear that, if

the said amount is not disbursed to the petitioner, within the aforementioned period of one month, the amount will carry interest @ 12% from the date immediately on expiry of the aforesaid period of one month, till the date of actual disbursement to the petitioner.

A.K.JAYASANKARAN NAMBIAR
JUDGE

prp