

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

WEDNESDAY, THE 19TH DAY OF AUGUST 2015/28TH SRAVANA, 1937

WP(C).No. 20547 of 2015 (P)

PETITIONER(S):

**ASOKAN P B, AGED 61 YEARS
S/O. BHASKARAN, PADTHUPARAMBIL HOUSE
MUNDAMVELIMKOCHI-7**

**BY ADVS.SRI.K.S.MADHUSOODANAN
SRI.M.M.VINOD KUMAR
SMT.K.M.RAMYA
SRI.P.K.RAKESH KUMAR
SRI.K.S.MIZVER**

RESPONDENT(S):

**1. SECRETARY, CORPORATION OF COCHIN
ERNAKULAM 682 011**

**2. DIRECTOR,
URBAN AFFAIRS, THRIUVANANTHAPRUAM 695 033**

**R1 BY ADV.SRI.K.P.JUSTINE(KARIPAT)SC,COCHIN CORPN.
R BY GOVERNMENT PLEADER SMT.LOWSY.A.
R BY SRI.P.K.SOYUZ,SC,COCHIN CORPORATION**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
19-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

WP(C).No. 20547 of 2015 (P)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1 PHOTOCOPY OF THE REPRESENTATION TO THE 1ST RESPONDENT

DATED 15-10-2014

EXHIBIT P1(A) PHTOOCOPY OF THE REPRESENTAITON DO

RESPONDENT(S)' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C).NO.20547 OF 2015 (P)

Dated this the 19th day of August, 2015

J U D G M E N T

The petitioner, who was a contingent employee of the respondent Corporation, and who has since retired from service, has approached this Court seeking a direction to respondent Corporation to disburse the retirement benefits that are due to him. It is the case of the petitioner that the amounts by way of pension, commuted value of pension, DCRG as also Provident Fund and DA arrears have not been paid to him till date.

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

A counter affidavit has been filed by the 1st respondent, wherein, the Provident Fund amount of Rs.1,64,692/- is admitted, as due to the petitioner as also amounts by way of pension, commuted value of pension and DCRG. DA arrears to the tune of Rs.55,621/- is also stated to be payable to the petitioner. It is submitted by counsel for the respondent Corporation that while the amounts due to the petitioner are not in dispute, save for such amounts as are indicated

in the counter affidavit, as due from the petitioner to the Corporation, the respondent Corporation could not disburse the payments due to the petitioner only on account of a financial crunch faced by the respondent Corporation. Taking note of the said submission of counsel for the respondent Corporation with regard to the financial hardship faced by the Corporation, I dispose the writ petition with the following directions:

(i) The amounts of Provident Fund and DA arrears due to the petitioner, namely, Rs.2,20,313/- [Rs.1,64,692 + 55,621], shall be disbursed to the petitioner within a period of six weeks from the date of receipt of a copy of this judgment.

(ii) The remaining amounts towards pension, commuted value of pension and DCRG shall be disbursed to the petitioner within a period of three months from the date of receipt of a copy of this judgment.

(iii) I make it clear that, if the amounts that are directed to be paid to the petitioner, are not paid to him within the time indicated herein, the said amounts shall carry interest @ 9% per annum from the date immediately on expiry of the period indicated above, till the date of actual disbursal to the petitioner.

A.K.JAYASANKARAN NAMBIAR
JUDGE

prp