

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 20TH DAY OF FEBRUARY 2015/1ST PHALGUNA, 1936

WP(C).No. 20838 of 2014 (D)

PETITIONER:

**K. SASIKUMARAN AGED 57 YEARS
S/O. LATE BALAN, H.NO. 29/76 B
VELAMKUDY PARAMBIL HOUSE, KOTTOOLI P.O.
KOZHIKODE-673016.**

**BY ADVS.SRI.K.S.MADHUSOODANAN
SRI.THOMAS CHAZHUKKARAN
SRI.M.M.VINOD KUMAR
SRI.P.K.RAKESH KUMAR
SRI.K.S.MIZVER**

RESPONDENTS:

**1. STATE OF KERALA
TO BE REPRESENTED BY PRINCIPAL SECRETARY TO GOVERNMENT
INDUSTRIES (F) DEPARTMENT, GOVERNMENT OF KERALA
THIRUVANANTHAPURAM.**

**2. MANAGING DIRECTOR
KERALA STATE INDUSTRIAL ENTERPRISES LTD.
COTTON HILL, THYCAUD P.O., THIRUVANANTHAPURAM-695014.**

**R2 BY ADV. SRI.M.GOPIKRISHNAN NAMBIAR, STANDING COUNSEL, KSIE
R2 BY ADV. SRI.P.GOPINATH
R2 BY ADV. SRI.P.BENNY THOMAS
R2 BY ADV. SRI.K.JOHN MATHAI
R2 BY ADV. SRI.JOSON MANAVALAN
R2 BY ADV. SRI.KURRYAN THOMAS
R1 BY ADV.SUNITHA VINOD, GOVERNMENT PLEADER**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 20-02-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

WP(C).No. 20838 of 2014 (D)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1: COPY OF THE G.O.(P) 73/2003/ID DATED 24-6-03.

EXHIBIT P2: COPY OF THE NOTICE DATED 18-8-03 ISSUED BY MANAGING
DIRECTOR OF KERALA SOAPS AND OILS LTD. KOZHIKODE.

EXHIBIT P3: COPY OF THE G.O.(MS) 58/08/ID DATED 15-5-08.

EXHIBIT P4: COPY OF THE JUDGMENT IN WPC NO. 17348/06 DATED 7-2-14.

EXHIBIT P5: COPY OF THE REPRESENTATION DATED 25-2-14.

EXHIBIT P6: COPY OF THE REPLY DATED 4-6-14 BEARING NO. KSIE/A&HR/72/270.

EXHIBIT P7: COPY OF THE APPEAL ORDER DATED 8-7-14 BEARING NO.
KSIE/A&HR/72/478 ISSUED BY 2ND RESPONDENT.

RESPONDENT(S)' EXHIBITS: N I I

//TRUE COPY//

P.A. TO JUDGE

JV

A. MUHAMED MUSTAQUE, J.

W.P.(C) No.20838 of 2014

Dated this the 20th day of February, 2015

JUDGMENT

Petitioner was an employee of Kerala Soaps and Oils Ltd., Kozhikode. Petitioner made an offer to retire under the VRS Scheme floated by the Company. By accepting the scheme, petitioner was relieved from service based on the package of the scheme. Thereafter, by Ext.P3 order, Government was pleased to approve another package of VRS for the remaining employees of the Company and was ordered to release the payment from the balance of funds sanctioned as per the Government order. Petitioner submits that he is also entitled for the benefit of that scheme.

2. The learned Standing Counsel points out that the petitioner having retired from the service based on the VRS scheme at that time cannot claim any benefit out of the subsequent scheme floated to the remaining employees.

3. There is no dispute in this matter that the petitioner retired from service based on the VRS scheme prevailing at that

time. Petitioner's case is that those retired employees were also re-taken into the service and benefited by Ext.P3 order. I am of the view that the petitioner cannot make such claim since he was not in service at that time and there was no employer-employee relationship to extend the benefit of Ext.P3 to the petitioner.

In view of the above, I do not find any merit in the writ petition and hence, the same stands dismissed accordingly.

**A. MUHAMED MUSTAQUE,
JUDGE**

JV