

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRA

TUESDAY, THE 28TH DAY OF JULY 2015/6TH SRAVANA, 1937

WP(C).No. 22188 of 2015 (W)

PETITIONER(S):

1. **T.A. SEKHARAN**
DESPACH ASSISTANT
THE KERALA STATE FINANCIAL ENTERPRISES LTD
KODUNGALLOOR BRANCH, KODUNGALLOOR
THRISSUR DISTRICT (THARAYIL HOUSE, P.O PATHAZHAKAD
VIA -KOTHAPARAMBU, THRISSUR DISTRICT)
 2. **SUBAIDA T.K**
CONFIDENCIAL ASSISTANT
THE KERALA STATE FINANCIAL ENTERPRISES LTD
VALANCHERY BRANCH
MALAPPURAM DISTRICT (THOOPPELIL HOUSE, KOLAMANGALAM
VALANCHERY POST, MALAPPURAM DISTRICT)
- BY ADVS.SRI.T.A.SHAJI (SR.)**
SRI.V.VINCENT DIDACOSE
SRI.DARSAN SOMANATH

RESPONDENT(S):

1. **STATE OF KERALA**
REPRESENTED BY THE CHIEF SECRETARY
GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM PIN 695 001
2. **THE PRINCIPAL SECRETARY TO GOVERNMENT,**
FINANCE DEPARTMENT, THIRUVANANTHAPURAM PIN 695 001
3. **THE PRINCIPAL SECRETARY TO GOVERNMENT,**
TAXES DEPARTMENT, THIRUVANANTHAPURAM PIN 695 001
4. **THE KERALA STATE FINANCIAL ENTERPRISES LTD**
"BHADRATHA", P.B NO 510, MUSEUM ROAD
THRISSUR 680 020
REPRESENTED BY ITS MANAGING DIRECTOR
5. **THE MANAGING DIRECTOR**
THE KERALA STATE FINANCIAL ENTERPRISES LTD
BHADRATHA" P.B NO 510, MUSEUM ROAD, THRISSUR 680 020

R1-R3 BY SRI P.V. ELIAS, GOVERNMENT PLEADER
R4 & R5 BY SRI.M.GOPIKRISHNAN NAMBIAR, SC, KSFE

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 28-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 22188 of 2015 (W)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1: COPY OF THE JUDGMENT DATED 20-02-2014 IN W.P.C NO 27353/2013
OF THIS HON'BLE COURT**

**EXHIBIT P2: COPY OF THE MINUTES OF THE 460TH MEETING OF BOARD OF
DIRECTORS OF THE 4TH RESPONDENT DATED 25-06-2014**

**EXHIBIT P3: COPY OF THE INTERIM ORDER DATED 31-07-2014 IN I.A NO 9515/2014
IN W.P(C) NO 13748/2014**

**EXHIBIT P4: COPY OF THE COMMON JUDGMENT DATED 11-02-2015 IN W.P(C) NO
16562 OF 2014 OF THIS HON'BLE COURT**

EXHIBIT P5: COPY OF THE G.O(RT) NO 340/2015/TD DATED 20-05-2015

RESPONDENT(S)' EXHIBITS: N I L

//TRUE COPY//

P.A. TO JUDGE

JV

ANIL K. NARENDRA, J.

W.P.(C) No.22188 of 2015

Dated this the 28th day of July, 2015

JUDGMENT

This writ petition has been filed seeking a writ of mandamus commanding the respondents to allow the petitioner to continue in service of the 4th respondent till he attains the age of 60 or till the Government consider and take a final decision on Ext.P2.

2. The issue raised in this writ petition is covered in favour of the petitioner by a judgment of this Court in W.P.(C). No.16254/2015 and connected cases. By judgment dated 14.07.2015, this Court set aside Ext.P5 Government Order dated 20.05.2015 and directed the Government to pass a reasoned order on the basis of the observations contained in Ext.P4 judgment of this Court in W.P.(C). No.16562/2014 and connected cases, after due consideration of the points in controversy and also the contentions raised by the petitioners, keeping in mind the observations contained in the judgment in W.P.(C). No.16254/2015 and connected cases. It was also ordered that,

till such a decision is taken by the Government, the petitioners in those writ petitions shall be permitted to continue in service of the KSFE and the petitioners therein will be entitled for payment of 50% of their respective salary, for their subsistence till a fresh decision is taken by the Government on the question of approval of Ext.P2 resolution passed by the Board of Directors of the 4th respondent. It was also made clear that Government will be free to take a decision on the question of adjustment of any such payment made to the petitioners in those Writ Petitions, in case the decision of the Government on the question of enhancement of retirement age of the employees of the KSFE is adverse to them.

In such circumstances, this writ petition is also disposed of in terms of the judgment dated 14.07.2015 in W.P.C. No.16254/2015 and connected cases, holding that the petitioner will be entitled for all the benefits arising out of the aforesaid judgment.

JV

sd/-
ANIL K. NARENDRA,
JUDGE