

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

TUESDAY, THE 30TH DAY OF JUNE 2015/9TH ASHADHA, 1937

WP(C).No. 22655 of 2014 (F)

PETITIONER(S):

**K.O.KUNJACHAN AGED 63 YEARS
S/O.OUSEPH, KOTTAKKAD HOUSE, THINAPPARABIL
KOTTAMURI P.O, THRIKKODITHANAM, CHANGANACHERRY 686 105**

BY ADV. SRI.ESM.KABEER

RESPONDENT(S):

**THE CHANGANACHERRY MUNICIPALITY
REPRESENTED BY ITS SECRETARY, MUNICIPAL OFFICE
CHAGANACHERRY 686 501**

**R1 BY ADV. SRI.M.P.ASHOK KUMAR
R1 BY ADV. SMT.BINDU SREEDHAR
R1 BY ADV. SMT.R.S.MANJULA**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
30-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1 TRUE COPY OF THE GOVERNMENT ORDER NO GO(MS)
153/2007/LSGD/TVM DATED 7-6-2007**
- EXHIBIT P2 TRUE COPY OF THE GOVERNMENT ORDER NO GO(MS)
200/2011/LSGD/TVM DATED 25-08-2011**
- EXHIBIT P3 TRUE COPY OF THE GOVERNMENT ORDER NO GO(MS)
160/2013/LSGD/TVM DATD 24-04-2013**
- EXHIBIT P4 TRUE COPY OF THE RPERESENTATION DATED 14-07-2014 SUBMITTED
BEFORE THE RESPONDENT**
- EXHIBIT P5 TRUE COPY OF THE PATIENT DISCHARGE MEMO OF THE
PETITIONER'S WIFE DATED 26-03-2014**
- EXHIBIT P6 TRUE COPY OF THE OUT PATIENT SUMMARY OF THE PETITIONER'S
SON DATED 8-3-2013**
- EXHIBIT P7 TRUE COPY OF THE PHOTOGRAPH OF THE PETITIONER**

RESPONDENT(S)' EXHIBITS

nil

// True copy //

das

PA to Judge

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C). No. 22655 of 2014

Dated this the 30th day of June, 2015

JUDGMENT

The petitioner, who retired from the respondent Municipality on 30.09.2011, is aggrieved by the non-disbursal of some of the retirement benefits, by the respondent Municipality. In the writ petition it is the case of the petitioner that he is entitled to get revised pension based on Exts.P1 to P3 Government Orders, and consequent revised DCRG and balance of commutation of pension for the period from 01.10.2011 to 01.11.2013 and arrears of revised pension from 01.10.2011 to 30.06.2014 and also arrears of Dearness Allowance.

2. I have heard the learned counsel for th petitioner and also the learned Standing Counsel appearing for the respondent Municipality.

The learned Standing Counsel for the respondent Municipality would submit that 50% of the revised DCRG amounts have already been paid to the petitioner and the remaining amounts that are due to the petitioner can be paid within a period of three months. Taking note of the said submission and the stand of the respondent Municipality, that it was only on account of a

paucity of funds that the amounts due to the petitioner could not be disbursed to the petitioner, I dispose the writ petition with a direction to the respondent Municipality to disburse the pensionary benefits, that are due to the petitioner as revealed in the writ petition, within a period of three months from the date of receipt of a copy of this judgment. I make it clear that, if the amounts due to the petitioner are not disbursed within the period of three months as aforesaid, then the said amount shall carry interest at the rate of 6% per annum for the period immediately on the expiry of three months, till the date of actual disbursement to the petitioner.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE