

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 4TH DAY OF MARCH 2015/13TH PHALGUNA, 1936

WP(C).No. 25802 of 2013 (A)

PETITIONER(S):

C. THULASIDHARAN THAMPI, AGED 58 YEARS,
S/O.P.CHANDRASEKHARAN PILLAI, T.C.18/2148, ARAVINDHAM
MANKATTUKADAVU, THIRUMALA PO, THIRUVANANTHAPURAM.

BY ADVS.SRI.D.AJITHKUMAR
SRI.D.JEEVAN

RESPONDENT(S):

1. TRAVANCORE DEVASWOM BOARD,
REPRESENTED BY ITS SECRETARY,
NANTHANCODE THIRUVANANTHAPURAM -695 003

2. SECRETARY,
TRAVANCORE DEVASWOM BOARD,
NANTHANCODE THIRUVANANTHAPURAM -695 003.

3. DEVASWOM COMMISSIONER,
TRAVANCORE DEVASWOM BOARD,
NANTHANCODE THIRUVANANTHAPURAM -695 003.

4. DEPUTY DEVASWOM COMMISSIONER,
PENSION AND SERVICE GRIEVANCE REDRESSAL CELL
TRAVANCORE DEVASWOM BOARD
NANTHANCODE THIRUVANANTHAPURAM -695 003.

5. DEVASWOM ACCOUNTS OFFICER,
DEVASWOM ACCOUNT OFFICE, TRAVANCORE DEVASWOM BOARD
NANTHANCODE THIRUVANANTHAPURAM -695 003.

R BY ADV. SRI.M.V.S.NAMBOOTHIRI, SC, TRAVANCORE DEVASWOM
BOARD

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
04-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 25802 of 2013 (A)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXT.P1 - TRUE COPY OF THE ORDER D.A.NO.562/2009/E4 DATED 29-9-2009 OF THE FIFTH RESPONDENT.
EXT.P2 - TRUE COPY OF THE ORDER ROC NO.1953/09/PENSION DATED 3-1-2011
EXT.P3 - TRUE COPY OF THE REPRESENTATION MADE BY PETITIONER DATED 5-3-2012 TO THE SECOND RESPONDENT SECRETARY, TDB.
EXT.P4 - TRUE COPY OF THE REPRESENTATION MADE BY PETITIONER TO THE PRESIDENT, TDB ON JUNE 2012 REQUESTING TO RELEASE DCRG AND LAST PAY.
EXT.P5 - TRUE COPY OF THE CIRCULAR DATED 10-4-1985 ISSUED BY GOVERNMENT OF KERALA
EXT.P6 - TRUE COPY OF THE CIRCULAR DATED 2-11-2011 ISSUED BY GOVERNMENT OF KERALA.
WPC

RESPONDENT(S) ' EXHIBITS

EXT.R1(A): TRUE COPY OF ROC 20/14/PEN/NANTHANCODE DATED 24/4/2014 ISSUED BY THE TRAVANCORE DEVASWOM BOARD.

/TRUE COPY/

P.S. TO JUDGE.

A.MUHAMED MUSTAQUE, J.

W.P.(C) No. 25802 OF 2013

Dated this the 4th day of March, 2015

JUDGMENT

The petitioner retired from the service of the respondent-Board as Secretary on 28/2/2009. He approached this Court on account of non disbursal of pensionary benefits. Pursuant to the interim direction of this Court dated 4/2/2014, the petitioner was given pensionary benefits on executing a bond.

2. The learned Standing Counsel submits that there are certain proceedings initiated against the petitioner and the liability on the petitioner is yet to be determined.

3. The petitioner relies on the judgment of this Court in **Krishnan Namboothiri T.V. v. Travancore Devaswom Board, Tvm and Others (2015 (1) KHC 143)** and submits that he is entitled for interest at the rate of 10% from the date of due till the date of disbursal.

4. An employee, as a matter of right, cannot claim interest for the delayed payment. However, in this case it is admitted that proceedings against the petitioner is yet to be completed. In such situation, there shall be a direction to pay interest at the rate of 7.5% to the petitioner. The interest at

the rate of 7.5%, shall be calculated on the amount due to the petitioner from the date of due till the date of disbursal of the amount. Needful shall be done to comply with the judgment within one month from the date of receipt of a copy of this judgment.

The writ petition is disposed of as above.

Sd/-

**A.MUHAMED MUSTAQUE,
Judge.**

dpk

/True copy/ PS to Judge.

