

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K. VINOD CHANDRAN

MONDAY, THE 19TH DAY OF OCTOBER 2015/27TH ASWINA, 1937

W.P.(C).No.25439 of 2015 (D)

PETITIONER(S):

1. C.M.SREEDHARAN, AGED 70 YEARS, S/O. KANARAN,
SREYAS, CHAMAVAYAL ROAD,
PUDUPPANAM P.O., VADAKARA - 673 105.
2. T.U. SUKUMARAN, S/O.T.K. UNNIERI,
THALIYAL PARAMBIL, CHENGALLOOR,
PUTHUKAD, THRISSUR - 680 312.
3. P.L. THOMAS, S/O. P.O. LONAPPAN,
PULIKKAN HOUSE, PUTHUKKAD, THRISSUR -680 301.
4. T.P. ABDUREHMAN, S/O. LATE PAREED,
FIBISHA, B.C. ROAD,
BEYPRE P.O, CALICUT- 673 015.
5. BALAN KARAYI, S/O. LATE KUNHIKANNAN,
SRAVAN, NOONJAMBAL,
KUTHUPARAMB, KANNUR - 670 643.
6. K.K. RADHAKRISHNAN NAMBIAR, S/O. LATE KUNCHICHANDAN NAMBIAR,
GEETHANJALI, KARAT VAYAL, KANJANHAD - 671 315.

BY ADVS.SRI.R.PARTHASARATHY
SMT.SEEMA.

RESPONDENT(S):-

1. STEEL INDUSTRIALS KERALA LIMITED,
A GOVERNMENT OF KERALA UNDERTAKING AND A PUBLIC LIMITED
COMPANY INCORPORATED UNDER THE COMPANIES ACT, 1956,
HAVING ITS REGISTERED OFFICE AT ATHANI P.O., THRISSUR - 680771,
HEREIN REPRESENTED BY ITS MANAGING DIRECTOR.

2. THE MANAGING DIRECTOR,
STEEL INDUSTRIES KERALA LIMITED, ATHANI P.O.,
THRISSUR - 680 771.

3. THE GOVERNMENT OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT,
DEPARTMENT OF INDUSTRIES,
THIRUVANANTHAPURAM - 695 001.

R1 & R2 BY ADVS. SRI.K.ANAND (SENIOR ADVOCATE)
SMT.LATHA ANAND
R3 BY GOVERNMENT PLEADER SMT. A. LOWSY.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
19-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS:- -----

- EXHIBIT-P1- TRUE COPY OF THE RELIEVING ORDER ISSUED TO THE
IST PETITIONER DATED 31/12/2002.
- EXHIBIT-P2- TRUE COPY OF THE RELIEVING ORDER ALONG WITH STATEMENT
OF AMOUNT DUE TO THE PETITIONER AS RETIREMENT BENEFITS,
ISSUED TO THE 2ND PETITIONER DATED 31.10.2003.
- EXHIBIT-P3- TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE
2ND PETITIONER TO THE HRD DEPARTMENT DATED 28/07/2015.
- EXHIBIT-P4- TRUE COPY OF THE REPRESENTATION OF THE 5TH
PETITIONER DATED 12/10/2007.
- EXHIBIT-P5- TRUE COPY OF THE REPRESENTATION DATED 21/10/2009
SUBMITTED BY THE 5TH PETITIONER.
- EXHIBIT-P6- TRUE COPY OF THE REPRESENTATION OF THE
5TH PETITIONER DATED 30/05/2013.
- EXHIBIT-P7- TRUE COPY OF THE PROFIT AND LOSS ACCOUNT STATEMENT FOR
THE YEAR ENDED 31/03/2009.
- EXHIBIT-P8- TRUE COPY OF THE PROFIT AND LOSS ACCOUNT FOR THE YEAR
ENDING 31ST MARCH, 2010.
- EXHIBIT-P9- TRUE COPY OF THE PROFIT AND LOSS ACCOUNT FOR THE YEAR
31/03/2011.
- EXHIBIT-P10-TRUE COPY OF THE GOVERNMENT ORDER DATED 05/07/2013
SANCTIONING PAY REVISION.
- EXHIBIT-P11-TRUE COPY OF THE JUDGMENT IN W.P(C) 5837/2014
DATED 01/04/2014.
- EXHIBIT-P12-TRUE COPY OF THE REPLY GIVEN BY THE STATE PUBLIC
INFORMATION OFFICE, STEEL INDUSTRIAL KERALA LIMITED
DATED 23/06/2015.
- EXHIBIT-P13-TRUE COPY OF THE STATEMENT OF AMOUNTS DUE TO THE
IST PETITIONER, GIVEN TO THE IST PETITIONER ALONG
WITH THE RELIEVING ORDER DATED 31/12/2002.

RESPONDENT(S)' EXHIBITS:- -----

- EXT.R1(a) TRUE COPY OF REQUEST DATED 7.2.2015.

vku/-

[true copy]

K. Vinod Chandran, J

W.P.(C).No.25439 of 2015-D

Dated this the 19th day of October, 2015

JUDGMENT

The petitioners are aggrieved with the fact that the petitioners' retirement benefits have not been paid. The petitioners are persons who retired from the service of the respondent-Company between 2002 to 2009. In fact, earlier some other employees approached this Court and by Exhibit P11, the petitioners therein were directed to be paid gratuity dues within two months and other retirement benefits within an outer time limit of six months thereafter. In fact, this Court was conscious of other retirees also being not paid their dues did not confine the directions to the persons who had approached this Court.

2. This Court by Exhibit P11 directed that the entire liability due to the retired employees who retired upto 2013 shall be settled and paid within an outer limit of one year of date of disposal of the writ petition, i.e., 01.04.2014. The

petitioners therein who had retired long after the petitioners herein are also said to have been paid the entire amounts.

3. The learned Standing Counsel appearing for the respondent would contend that the Company is facing huge financial crisis and is awaiting rehabilitation under the Board for Industrial and Financial Reconstruction. The Company admits that the petitioners in Exhibit P11 were already paid the amounts. The respondent-Company also sought for financial help from the Government, as is evidenced at Exhibit R1(a). The profit accrued from the year 2007 to 2013 is said to be marginal and not sufficient to put back the Company on rails.

4. In any event, the employees have a first preference with respect to their liability and the same is recognised as a first charge on the assets of the Company also by the various welfare legislations. The petitioners have retired long back and contend that they are unable to carry on their life without the payment of their retirement benefits, especially in the circumstance of they being entitled to no pension.

5. In the totality of circumstances, this Court would direct the respondent-Company to pay the entire retirement

benefits due to the petitioners within a period of three months from today. The claim for interest raised by the petitioners would be left open. The petitioners shall file a representation before the respondent-Company, showing their dues as computed by them and the authority under the respondent Company shall give them a personal hearing and on the computation arrived at by the Company, shall pay the amounts as directed above.

The writ petition is disposed of as above.

Sd/-
K.Vinod Chandran
Judge.

vku/-

[true copy]