

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRA

FRIDAY, THE 21ST DAY OF AUGUST 2015/30TH SRAVANA, 1937H

WP(C).No. 25613 of 2015 (B)

PETITIONER(S):

1. **SIVARAMAN M C AGED 58 YEARS
SENIOR MANAGER,
KERALA STATE FINANCIAL ENTERPRISES (KSFE)
KUNNAMANGALAM BRANCH,
KOZHIKODE DISTRICT**
2. **PADMINI P.,
DEPUTY MANAGER,
KERALA STATE FINANCIAL ENTERPRISES (KSFE)
MEPPAYYUR BRANCH, KOZHIKODE DISTRICT**
3. **SREEDHARAN M.T.,
ASSISTANT MANAGER,
KERALA STATE FINANCIAL ENTERPRISES (KSFE)
KALLACHY BRANCH, KOZHIKODE DISTRICT**

**BY ADVS.SRI.N.RAGHURAJ
SMT.K.AMMINIKUTTY**

RESPONDENT(S):

1. **THE STATE OF KERALA
REPRESENTED BY PRINCIPAL SECRETARY TO GOVERNMENT
TAXES (H) DEPARTMENT, GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM - 695 001**
2. **THE PRINCIPAL SECRETARY TO GOVERNMENT
FINANCE DEPARTMENT, GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM - 695 001**
3. **KERALA STATE FINANCIAL ENTERPRISES (KSFE)
REPRESENTED BY ITS MANAGING DIRECTOR,
HEAD OFFICE: BHADRATHA, MUSEUM ROAD, THRISSUR - 680020**
4. **THE MANAGING DIRECTOR,
KERALA STATE FINANCIAL ENTERPRISES (KSFE)
HEAD OFFICE: BHADRATHA, MUSEUM ROAD, THRISSUR - 680020**

**R3-R4 BY SRI.M.GOPIKRISHNAN NAMBIAR, STANDING COUNSEL, KSFE
R1-R2 BY SRI SOJAN JAMES, SENIOR GOVERNMENT PLEADER**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 21-08-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONERS' EXHIBITS:

- P1: COPY OF THE MINUTES OF HTE 460TH MEETING OF THE BOARD OF DIRECTORS OF THE 3RD RESPONDENT HELD ON 25.06.2014
- P2: COPY OF THE COMMUNICATION BEARING NO.32318/PUC2/14/FIN. DATED 22.07.2014 ISSUED BY THE 2ND RESPONDENT
- P2(A): COPY OF HTE COMMUNICATION BEARING NO.20688/H2/2014/TD DATED 25.07.2014 ISSUED BY THE SECRETARY, TAXES
- P3: COPY OF THE JUDGMENT DATED 11.02.2015 IN WPC NO.13748/2014 AND CONNECTED CASES
- P4: COPY OF G.O.(RT) NO.340/2015/TD DATED 20.05.2015
- P5: COPY OF THE INTERIM ORDER DATED 03.06.2015 IN SPC NO.16336/2015
- P6: COPY OF THE JUDGMENT DATED 14.07.2015 IN WPC NO.20383/2015 AND CONNECTED CASES

RESPONDENTS' EXHIBITS: N I L

//TRUE COPY//

P.A. TO JUDGE

JV

ANIL K. NARENDRA, J.

W.P.(C) No.25613 of 2015

Dated this the 21st day of August, 2015

JUDGMENT

This writ petition has been filed seeking a writ of mandamus commanding the respondents to permit the petitioners to continue in the service of the 3rd respondent till he attains the age of 60.

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.20383/2015 and connected cases. By Ext.P6 judgment dated 14.07.2015, this Court set aside Ext.P4 Government Order dated 20.05.2015 and directed the Government to pass a reasoned order on the basis of the observations contained in Ext.P3 judgment of this Court in W.P.(C). No.13748/2014 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.20383/2015 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.P1 resolution passed the Board of Directors of the 3rd 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 Ext.P6 judgment dated 14.07.2015 in W.P.(C). No.20383/2015 and connected cases, holding that the petitioners will be entitled for all the benefits arising out of the aforesaid judgment.

Since the date of retirement of the petitioners is 30.09.2015, it is made clear that, if no decision is taken by the Government in terms of Ext.P6 judgment as on that date, the petitioners shall be permitted to continue in the service of the KSFE till a decision is taken by the Government giving the benefit extended to the petitioners in W.P.(C). No.20383/2015 and connected cases.

SD/-
ANIL K. NARENDRAN,
JUDGE