

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

FRIDAY, THE 13TH DAY OF NOVEMBER 2015/22ND KARTHIKA, 1937

WP(C) .No. 29729 of 2012 (M)

PETITIONER(S) :-

JOSEPH A.V., AGED 57 YEARS
S/O.VARKEY, ARAYANIKKAL, CHATTAMALA
PARAMBA P.O., KASARAGOD DIST-671 533

BY ADVS.SRI.R.T.PRADEEP
SRI.P.BIJIMON

RESPONDENT(S) :-

1. ACCOUNTANT GENERAL (A&E)
O/O.THE ACCOUNTANT GENERAL (A & E)
THIRUVANANTHAPURAM, KERALA - 695 001.
2. SENIOR ACCOUNTS OFFICER
O/O.THE ACCOUNTS OFFICER,
THIRUVANANTHAPURAM, KERALA - 695 001.
3. DEPUTY DIRECTOR OF EDUCATION
O/O.THE DEPUTY DIRECTOR OF EDUCATION,
KANNUR - 670 001.
4. HEADMASTER
ST.GEORGE HIGH SCHOOL, CHEBANTHOTTY - 670 018.

R4 BY ADV.SRI.A.K.JOSEPH
R1 TO R3 BY GOVERNMENT PLEADER SRI.P.P.PADMALAYAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 13-11-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

jvt

WP(C).NO.29729 OF 2012

APPENDIX

PETITIONER'S EXHIBITS :-

EXT.P1 :- TRUE COPY OF THE GRATUITY PAYMENT ORDER DATED 24.1.2011.

EXT.P2 :- TRUE COPY OF THE CONSENT OF PETITIONER IN WRITING DATED 27.12.2011 TO RECOVER FROM HIS DCRG.

EXT.P3 :- TRUE COPY OF THE COMMUNICATION DATED 12.4.2012 OF 3RD RESPONDENT.

EXT.P4 :- TRUE COPY OF THE COMMUNICATION DATED 3.8.2012 FROM 1ST RESPONDENT TO PETITIONER.

EXT.P5 :- TRUE COPY OF THE VERIFICATION REPORT DATED 26.7.2012 REGARDING REVISED DCRG.

EXT.P6 :- TRUE COPY OF THE RECEIPT DATED 5.9.2012 REGARDING PAYMENT OF RS.50,349/-.

EXT.P7 :- TRUE COPY OF THE COMMUNICATION DATED 5.9.2012 TO STOP THE REVENUE RECOVERY PROCEEDING BY KERALA STATE BACKWARD CLASSES DEVELOPMENT CORPORATION LTD.

EXT.P8 :- TRUE COPY OF THE RECEIPT DATED 10.9.2012 REGARDING REMITTANCE OF RS.44271/-.

EXT.P9 :- TRUE COPY OF THE CLEARANCE CERTIFICATE DATED 10.9.2012 OF THALASSERY RUPATHA EDUCATIONAL INSTITUTION CO-OPERATIVE SOCIETY LTD.

RESPONDENT'S EXHIBITS :- NIL.

//TRUE COPY//

P.A. TO JUDGE

A.M.SHAFIQUE, J

W.P(C). No. 29729 of 2012

Dated this the 13th day of November, 2015

J U D G M E N T

This writ petition is filed seeking the following reliefs:

“i. To issue a writ of mandamus or any other appropriate writ order or direction to 4th respondent to issue Non Liability Certificate by showing the liability of Rs.2,97,321/- within such time fixed by this Hon'ble Court.

ii. To Issue a writ of mandamus or any other appropriate writ order or direction to respondents to pay the amount outstanding towards surrender of earned leave, Family Benefit Scheme, State Life Insurance and Group Insurance within such time fixed by this Hon'ble Court.”

2. The petitioner retired on superannuation while working as peon of St.George High School on 31.3.2011. His complaint is regarding the recommendation of the 3rd respondent to recover an amount of Rs.2,66,544/- from his DCRG. According to him, the amount was later quantified as Rs.2,97,321/- and he has given consent to recover the same from the DCRG. But since the Non Liability Certificate has not been issued, the balance amount due to him was not paid.

3. Counter affidavit is filed by the third respondent inter alia contending that the fourth respondent submitted Non-

Liability Certificate of the petitioner along with letter dated 28.2.2013 and on receipt of the same, Non Liability Certificate of the petitioner has been issued to Sub Treasury Officer, Vellarikkundu on 11.3.2013. The fourth respondent remitted Rs.2,96,222/- in five banking institutions in which the petitioner defaulted loans and the fourth respondent issued Non Liability Certificate. It is therefore stated that there is no delay on their part. In regard to the other relief sought for, it is stated that the petitioner should submit application for closure of the Family Benefit Scheme, State Life Insurance and terminal surrender of leave to the fourth respondent.

4. Having regard to the aforesaid facts, as stated in the counter affidavit, I do not think that the petitioner is entitled for any relief as claimed. It shall be open for the petitioner to approach the competent authority for any further relief as sought for.

This writ petition is disposed of accordingly.

Sd/-
A.M.SHAFIQUE,
JUDGE

// TRUE COPY //

P.A. TO JUDGE

sou.19/11/15