

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 26TH DAY OF OCTOBER 2015/4TH KARTHIKA, 1937

W.P.(C).No.26452 of 2015 (F)

PETITIONER(S):-

J. GOPINATHAN NAIR, AGED 61 YEARS, S/O.SANKARAN NAIR,
CHIRANGARA, KIZHAKKEKARA, MUVATTUPUZHA,
ERNAKULAM DISTRICT, PIN - 686 661.
RETIRED AS SANITATION WORKER, MUVATTUPUZHA MUNICIPALITY

BY ADV. SRI.SAJEEV KUMAR K.GOPAL.

RESPONDENT(S):-

1. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY TO GOVERNMENT,
LOCAL SELF GOVERNMENT DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM,
PIN - 695 001.
2. THE MUVATTUPUZHA MUNICIPALITY,
REPRESENTED BY ITS SECRETARY,
MUVATTUPUZHA, ERNAKULAM DISTRICT, PIN - 686 661.
3. THE SECRETARY, MUVATTUPUZHA MUNICIPALITY,
MUVATTUPUZHA, ERNAKULAM DISTRICT, PIN - 686 661.

R1 BY GOVERNMENT PLEADER SMT.M.J. RAJASREE.
R2 & R3 BY STANDING COUNSEL SRI.V.M.KURIAN.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
26-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:-

W.P.(C).NO.26452 OF 2015

APPENDIX

PETITIONER'S EXHIBITS:-

EXT.P1 TRUE COPY OF THE ORDER OF THE 3RD RESPONDENT
 VIDE NO.PH1-13267/2013 DATED 30.09.2013.

EXT.P2 TRUE COPY OF THE VERIFICATION REPORT OF THE LOCAL
 FUND AUDIT, DISTRICT OFFICE, CIVIL STATION, KAKKANAD.

RESPONDENT'S EXHIBITS:-

----- NIL.

Vku/

[true copy]

K. Vinod Chandran, J

W.P.(C).No.26452 of 2015-F

Dated this the 26th day of October, 2015

JUDGMENT

The petitioner retired on 30.09.2013 from the services of the respondent-Municipality; but has not been paid the retirement benefits till date. The petitioner was a contingent employee, whose services are entitled to be counted for retirement benefits and for pension also. Though pension is paid, the retirement benefits, including death-cum-retirement gratuity [for brevity "DCRG"], have not been disbursed till date, is the contention of the petitioner. The petitioner contends that even persons retired after the petitioner were paid the retirement benefits.

2. In the above circumstances, the respondent-Municipality is directed to pay the entire retirement benefits within three months from the date of receipt of a certified copy of this judgment. If such amounts are not disbursed within the aforesaid period, the dues would carry interest at the rate of 10%

per annum from 30.09.2013 till payment. Such interest liability paid by the Municipality shall also be recovered from the officer who commits default in the disbursement of the amounts within the time granted above.

The writ petition is disposed of as above. No costs.

Sd/-

K.Vinod Chandran
Judge.

vku/-

[true copy]