

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

FRIDAY, THE 27TH DAY OF NOVEMBER 2015/6TH AGRAHAYANA, 1937

WP(C).No. 27095 of 2014 (J)

PETITIONER:

**REENA K.P
KARANCHERY, NEDUMPURA, CHERUTHURUTHY
THRISSUR - 639 531.**

BY ADV. SRI.POOVAPPALLY M.RAMACHANDRAN NAIR

RESPONDENTS:

- 1. STATE OF KERALA
REPRESENTED BY ITS SECRETARY
HIGHER EDUCATION (K) DEPARTMENT
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001.**
- 2. THE KERALA STATE CENTRE FOR ADVANCED
PRINTING AND TRAINING (C-APT-FORMERY KSAVRC)
REPRESENTED BY ITS MANAGING DIRECTOR
H.O. COMPLEX, VATTIYOORKAVU
THIRUVANANTHAPURAM - 695 013.**

**BY ADVS. SRI.K.ANAND (SR.), SC, C-APT
SMT.LATHA KRISHNAN, SC, C-APT
SMT.K.K.RAZIYA , SC, C-APT
BY GOVERNMENT PLEADER SRI. VIJU THOMAS**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
27-11-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS:-

- EXHIBIT-P1 - COPY OF THE PROCEEDINGS (ORDER) NO. KSAVRC/4747 DATED 13/03/1966.
- EXHIBIT-P2 - COPY OF THE PROCEEDINGS NO. KSACVRC/1460/96 DATED 28/03/1996.
- EXHIBIT-P3 - COPY OF THE TRANSFER ORDER NO. KSAVRC/3543/96 DATED 03/09/1997.
- EXHIBIT-P4 - COPY OF THE PROCEEDINGS NO. KSAVRC/1460/96 DATED 26/11/1997.
- EXHIBIT-P5 - COPY OF THE INCOME TAX RETURN IN FORM NO. 2 D FOR THE ASSESSMENT YEAR 2001-2002.
- EXHIBIT-P6 - COPY OF THE ORDER NO. APT/4794/12/EST DATED 01/08/2012.
- EXHIBIT-P7 - COPY OF THE SUBMISSION MADE BY THE PETITIONER DATED 12/04/2013.
- EXHIBIT-P8 - COPY OF THE RELIEVING ORDER NO. C-APT 2670/13 E.S.T DATED 15/05/2013 (WITH ENGLISH TRANSLATION).
- EXHIBIT-P9 - COPY OF THE SUBMISSION OR ARREARS OF SALARY, GRATUITY, E.L.S., P.F ETC. DATED 04/07/2013.
- EXHIBIT-P10 - COPY OF THE ORDER NO. C-APT/4859/13 EST DATED 12/08/2013 (WITH ENGLISH TRANSLATION).
- EXHIBIT-P11 - COPY OF THE ORDER NO. C APT/4859/13 EST PF NO. 213 DATED 12/08/2013 (WITH ENGLISH TRANSLATION).
- EXHIBIT-P12 - COPY OF THE LETTER FROM ASST. P.F COMMISSIONER DATED 04/11/2013.
- EXHIBIT-P13 - COPY OF THE LETTER NO. C APT/13418/06/ACT DATED 07/045/2014 (ARREARS OF SALARY) (WITH ENGLISH TRANSLATION).
- EXHIBIT-P14 - COPY OF THE LEGAL NOTICE DATED 22/07/2014.
- EXHIBIT-P15 - COPY OF THE LETTER NO. C-APT/2596/12/CSH DATED 17/09/2014. CHEQUE FOR RS.10000/- PART PAYMENT.
- EXHIBIT-P16(A)
(B) AND (C) - COPIES OF W.P(C) NOS. 37054/2009, 27592/2011 AND 33390/2011.

RESPONDENTS' EXHIBITS:- NIL

//TRUE COPY//
P.A. TO JUDGE

K. VINOD CHANDRAN, J.

W.P(C). No.27095 of 2014-J

Dated this the 27th day of November, 2015.

JUDGMENT

The petitioner is aggrieved with the fact that the petitioner has not been paid the entire amounts due, which is claimed to be the arrears of salary, service benefits by leave surrender, pay revision, arrears, bonus, balance gratuity etc. No separate computation is given, nor does the petitioner clearly indicate as to what is the revision of pay, which she claims or relating to which period.

2. Going to the reliefs, it is seen that the petitioner's contention is that the petitioner is entitled to Rs.2,43,196+ 1,87,288/-. As to the amount of Rs.2,43,196, the respondents agree to the same and the learned Standing Counsel appearing for the respondents also submits that an amount of Rs.1,43,943/- has been paid and the balance amount would be paid within a period of two months from the date of receipt of the certified copy of this judgment.

3. With respect to the claim for Rs.1,87,288, the petitioner claims that she is entitled to 17 years' service for computing the pension and also specifically points to Ext.P12. It is to be noticed that though actual service is shown as 17 years, one month and 19 days, the Assistant Provident Fund Commissioner himself had certified the pensionary service to be only 10 years 5 months and 19 days. The learned Standing Counsel appearing for the 2nd respondent also submits that this was due to the fact that the petitioner had been on long leave for the balance period. The Employees' Provident Fund Organisation is also not made a party to this writ petition.

In such circumstance, the claim of the petitioner for additional amounts cannot be sustained, the same would stand rejected. With respect to the balance amounts admitted by the 2nd respondent, the direction aforesaid shall be complied with.

The writ petition would stand partly allowed. No costs.

Sd/-

**K. VINOD CHANDRAN,
JUDGE.**

//True Copy//

P.A. to Judge.

sp/27/11/15