

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 7TH DAY OF DECEMBER 2015/16TH AGRAHAYANA, 1937

W.P.(C).No.30298 of 2015 (J)

PETITIONER(S):-

1. VARGHESE PEREPPADAM, AGED 48 YEARS, S/O.P.C.THOMAS,
PEREPPADAM HOUSE, ASSISTANT ENGINEER,
110KV SUB STATION, WADAKKANCHERY, THRISSUR-680589.
2. JOSEPH A.L., AGED 55 YEARS, S/O.LOUIS A.D.,
ASSISTANT ENGINEER, ELECTRICAL SECTION,
VETOM, PERIAPPURAM P.O., MALAPPURAM DISTRICT.
3. XAVIER THOMAS, AGED 56 YEARS, S/O.P.C.THOMAS,
ASSISTANT ENGINEER, ELECTRICAL SECTION,
CHEMPERI, KANNUR DISTRICT-670632.

BY ADV. SRI.RAJIT.

RESPONDENT(S):-

1. KERALA STATE ELECTRICITY BOARD,
REPRESENTED BY SECRETARY, VYDYUTHI BHAVAN, PATTOM,
THIRUVANANTHAPURAM-695004.
2. THE CHIEF ENGINEER (HUMAN RESOURCES MANAGEMENT),
VYDYUTHI BHAVAN, PATTOM, THIRUVANANTHAPURAM-695004.

R1 & R2 BY STANDING COUNSEL SRI.K.S.ANIL.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
07-12-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS:-

EXHIBIT-P1: TRUE COPY OF THE JUDGMENT IN O.P.NO.21479/2000 OF THIS HON'BLE COURT.

EXHIBIT-P2: TRUE COPY OF THE ORDER NO.EB4-120(C)/1999 DATED 7.2.2013 ISSUED BY THE 2ND RESPONDENT.

EXHIBIT-P3: TRUE COPY OF THE JUDGMENT IN WP(C) NO.15995/2003 OF THIS HON'BLE COURT.

EXHIBIT-P4: TRUE COPY OF THE BOARD ORDER (CM) NO.2866/2009(LAS III/4152/2003) DATED 7.11.2009 ISSUED BY THE 1ST RESPONDENT.

EXHIBIT-P5: TRUE COPY OF THE COMMUNICATION NO.LAS III/49444/2003) DATED 14.6.2011 ISSUED BY THE 1ST RESPONDENT.

EXHIBIT-P6: TRUE COPY OF THE ORDER NO.EB.4(B)/CCC 1229/2009 DATED 7.6.2011 ISSUED BY THE 2ND RESPONDENT.

EXHIBIT-P7: TRUE COPY OF THE JUDGMENT DATED 2.7.2013 IN W.P.(C) NO.3672/2012 OF THIS HON'BLE COURT.

EXHIBIT-P8: TRUE COPY OF THE JUDGMENT DATED 30.1.2014 IN W.P.(C) NO.5493/2012 OF THIS HON'BLE COURT.

EXHIBIT-P9: TRUE COPY OF THE REPRESENTATIONS FILED BY THE PETITIONERS BEFORE THE 2ND RESPONDENT.

RESPONDENT(S)' EXHIBITS:-

NIL.

Vku/-

[true copy]

K. Vinod Chandran, J

W.P.(C).No.30298 of 2015-J

Dated this the 07th day of December, 2015.

JUDGMENT

The petitioners are similarly situated like the petitioners in 28130 of 2014, in which a judgment was passed on 04.11.2014 following an earlier judgment of this Court in W.P.(C). No.5493 of 2012 and connected cases. The operative portion of the afore-cited decision is as follows:

“In the facts and circumstances, I do not see any discernible differentiation between the petitioners in the present writ petition on one hand and those in W.P.(C).No.5493/2012 and batch on the other, to deny what is otherwise a legitimate benefit to be given to the petitioners retroactively, though. Thus, the writ petition is allowed. No order as to costs. It is made clear that given the administrative exigencies and inevitable delays, this Court desires to fix a time frame in this regard. Accordingly, this Court directs the respondent Board to pay all

the monetary benefits to the petitioners with effect from 23.07.2000 within three months from the date of receipt of a copy of this judgment”.

Hence, a similar direction shall be issued in the present case also.

The writ petition is allowed. No costs.

Sd/-
K.Vinod Chandran
Judge.

vku/-

[true copy]