

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 26TH DAY OF NOVEMBER 2015/5TH AGRAHAYANA, 1937

WP(C).No. 30482 of 2015 (I)

PETITIONER:

**MARY MATHAI
VELAMKUZHIYIL, POTHANIKAD, KOTHAMANGALAM
ERNAKULAM 686 671**

**BY ADVS.SRI.B.RAGUNATHAN
SRI.M.SALIM
SRI.P.KARTHIKEYAN
SRI.R.SRINATH
SRI.V.M.JACOB**

RESPONDENTS:

- 1. STATE OF KERALA
REPRESENTED BY PRINCIPAL SECRETARY TO GOVERNMENT
LOCAL SELF GOVERNMENT DEPARTMENT
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM 695 001**
- 2. DIRECTOR OF URBAN AFFAIRS,
PUBLIC OFFICE COMPLEX, THIRUVANANTHAPURAM 695 033**
- 3. SENIOR DEPUTY DIRECTOR,
LOCAL FUND AUDIT, DISTRICT OFFICE, CIVIL STATION
KAKKANAD, ERNAKULAM 682 030**
- 4. KOTHAMANGALAM MUNICIPALITY
REPRESENTED BY SECRETARY, KOTHAMANGALAM MUNICIPALITY
KOTHAMANGALAM 686 691**
- 5. SHRI K.P BABU
CHAIRMAN, KOTHAMANGALAM MUNICIPALITY
KOTHAMANGALAM 686 691**

**R4,R5 BY ADV. SRI.C.A.MAJEED, SC, KOTHAMANGALAM MUNICIPAL
COUNCIL
BY GOVERNMENT PLEADER SMT.M.J. RAJASHREE**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 26-11-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS

- EXHIBIT P1 TRUE COPY OF THE LETTER DATED 12-03-2014 OF THE 3RD
RESPONDENT ALONG WITH VERIFICATION REPORT REVISED
CALCULATION STATEMENT SHOWING DCRG, FAMILY/RETIRING
PENSIONARY BENEFITS**
- EXHIBIT P2 T RUE COPY OF THE STATEMENT OF PENSION ARREARS DUE TO THE
PETITIONER**
- EXHIBIT P3 TRUE COPY OF THE LETTER DATED 18-08-2015 OF THE PUBLIC
INFORMATION OFFICER,KOTHAMANGALAM MUNICIPALITY**

RESPONDENT(S)' EXHIBITS

- R4-A : PHOTOCOPY OF THE LEGAL HEIRSHIP CERTIFICATE NO.A4-9069/2011
ISSUED BY THE TAHSILDAR, KOTHAMANGALAM TALUK DATED
18.05.2012**
- R4-B : PHOTOCOPY OF THE SETTLEMENT ARRIVED BY THE LEGAL HEIRS
OF THE DECEASED DATED 03.10.2012**
- R4-C : PHOTOCOPY OF THE OFFICIAL PENSION PAYMENT ORDER DATED
07.01.2014 IN RESPECT OF THE PETITIONER**

//TRUE COPY//

P.A. TO JUDGE

JJJ

K. VINOD CHANDRAN, J.

W.P.(C) No. 30482 of 2015 (I)

Dated this the 26th day of November, 2015

J U D G M E N T

The petitioner, widow of Sri.V.J. Mathai, who was a Municipality contingent worker, seeks disbursement of retirement benefits, commutation of pension and D.A. arrears.

2. The learned Standing Counsel appearing for the Municipality submits that the payment is not made only due to the financial stringency of the Municipality.

3. In any event, the retired employee's widow has to survive and in such circumstance, the Municipality shall pay 50% of the amounts due within three months and the balance 50% shall be paid within three months thereafter.

Writ Petition is disposed of with the above direction.

Sd/-
K.VINOD CHANDRAN,
JUDGE