

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.HARILAL

WEDNESDAY, THE 2ND DAY OF DECEMBER 2015/11TH AGRAHAYANA, 1937

WP(C).No. 30964 of 2015 (U)

PETITIONER :

**E.JACOB VARGHESE, AGED 64 YEARS,
S/O.CHACKO KOCHU CHACKO, ELANJICKAL HOUSE,
PALLOM P.O., KOTTAYAM DISTRICT - 686 007.**

BY SRI.E.JACOB VARGHESE (PARTY-IN-PERSON)

RESPONDENTS:-:

- 1. STATE OF KERALA,
REPRESENTED BY THE PRINCIPAL SECRETARY TO GOVERNMENT
FINANCE DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.**
- 2. THE DIRECTOR,
INFORMATION & PUBLIC RELATION (E) DEPARTMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.**
- 3. THE DISTRICT INFORMATION OFFICER,
DISTRICT INFORMATION OFFICE, COLLECTORATE P.O.,
KOTTAYAM - 686 001.**

BY SR GOVERNMENT PLEADER SRI.ANITHA RAVINDRAN

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 02-12-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

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APPENDIX

PETITIONER(S)' EXHIBITS

- P1- TRUE COPY OF THE CERTIFICATE DATED 16.7.2015 ISSUED BY THE CHIEF GENERAL MANAGER OF MALAYALA MANORAMA CO. LTED, KOTTAYAM RECTIFYING THE PERIOD OF SERVICE
- P1(A)- TRUE COPY OF THE EMPLOYEMENT CERTIFICATE DATED 16/7/2015 ISSUED BY THE CHIEF GENERAL MANAGER OF MALAYALA MANORAMA CO. LTD, KOTTAYAM OF THE PETITIONER
- P1(B)- TRUE COPY OF THE ORDER DATED 16.7.2015 ISSUED BY THE CHIEF GENERAL MANAGER OF MALAYALA MANORAMA CO.LTD, KOTTAYAM INDICATING DATE OF RETIREMENT OF SUPERANNUATION.
- P2- TRUE COPY OF THE ORDER ISSUED BY THE GOVERNMENT OF KERALA FOR IMPLEMENTING THE SCHEME AND APPENDED RULES
- P3- TRUE COPY OF THE LETTER OF THE 2ND RESPONDENT DTED 27.3.2013
- P3(A)- TRUE COPY OF THE RECEIPT DATED 13/5/2013.
- P4- TRUE COPY OF THE REJECTION ORDER DATED 19.3.2014 ISSUED BY THE 2ND RESPONDENT
- P5- TRUE COPY OF HTE REPRESENTATION DATED 17.7.2015 BEFORE THE 3RD RESPONDENT
- P5(A)- TRUE COPY OF THE RECEIPT EVIDENCING DISPATCH OF EXT P5 BY THE SPEED POST
- P6- TRUE COPY OF THE JUDGMENT DATED 15.10.2014 PASSED BY THE HONOURABLE SINGLE JUDGE IN WPC NO.8175/2014
- P7- TRUE COPY OF THE JUDGMENT IN WRIT APPEAL NO.249/15
- P8- TRUE COPY OF THE JUDGMENT IN REVIEW PETITION NO.717/2015

RESPONDENT(S)' EXHIBITS:

NIL

/TRUE COPY/

PA.TO JUDGE

K. HARILAL, J.

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W.P. (C) No. 30964 of 2015

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Dated this the 2nd day of December, 2015

J U D G M E N T

The petitioner is a former employee of Malayala Manorama Newspaper Daily. The petitioner worked in Malayala Manorama on contract basis from 15.01.1990 to 30.06.1997. On 01.07.1997 his service was regularised as Junior Clerk and had continued till the date of his superannuation on 30.06.2006. Thereafter, the petitioner had worked in the same newspaper establishment on contract basis from 17.07.2006 to 16.01.2009. As a part of social security, the Government of Kerala has introduced a pension scheme to secure the retirement life of non-journalists retired from newspaper establishments. By virtue of the above scheme, the petitioner had applied for pensioning benefits, relying on his employment certificate. But in the earlier

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employment certificate, there was a mistake as regards the date of commencement of his employment in Malayala Manorama. Even though he has applied for pensionary benefit on the basis of that certificate the same was rejected on the reason that he has no required service as stipulated under the scheme. Now the employer has identified the mistake, which had crept into their certificate and issued a fresh employment certificate dated 16.07.2015, after cancelling the previous certificate of employment dated 16.04.2013. According to the petitioner, in the light of Ext.P1, he is eligible to get pension under the scheme, formulated by the Government for the benefit of non-journalists. Under the afore said change of circumstances, the petitioner again filed Ext.P5 representation, with Ext.P1, seeking pensionary benefits. The grievance of the petitioner is that Ext.P5 representation, has not been considered so

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far, despite the long lapse of time.

3. Heard the learned counsel for the petitioner appeared in person and learned Government Pleader.

4. Having regard to the grievance ventilated in this Writ Petition through the pleadings made by the petitioner and submissions at the Bar, the 2nd respondent is directed to consider and pass orders on Ext.P5, in the light of Ext.P1, at the earliest, at any rate, within a period of three months from the date of receipt of a copy of this judgment, after affording an opportunity of the being heard, to the petitioner.

Sd/-
K. HARILAL,
JUDGE

DST

//True copy//

P.A. To Judge