

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

FRIDAY, THE 4TH DAY OF SEPTEMBER 2015/13RD BHADRA, 1937

WP(C).No. 36760 of 2009 (L)

PETITIONER:

**N.RAJAPPAN, AGED 60 YEARS,S/O.THE LATE NANU,
DAFEDAR(RETIRED), CHANGANASSERY
MUNICIPALITY, CHANGANASSERY, RESIDING AT
PARUVAPARAMBIL, THRIKODITHANAM.P.O, VESHNAL
CHANGANASSERY.**

**BY ADVS.SRI.O.V.RADHAKRISHNAN (SR.)
SMT.REKHA VASUDEVAN
SRI.K.RAMACHANDRAN (THYKODAM)**

RESPONDENTS:

- 1. STATE OF KERALA,REPRESENTED BY ITS SECRETARY,
LOCAL SELF GOVERNMENT DEPARTMENT
SECRETARIAT, THIRUVANANTHAPURAM.**
- 2. DIRECTOR OF URBAN AFFAIRS,
THIRUVANANTHAPURAM.**
- 3. CHANGANASSERY MUNCIPALITY,
REPRESENTED BY ITS SECRETARY, CHANGANASSERY.**

**R3 BY ADVS. SRI.SIBY MATHEW
SRI.PHILIP J.VETTICKATTU
SRI.B.PREMNATH (E)
SRI. VINEETH KURIAKOSE**

**R1 BY GOVERNMENT PLEADER SRI.S. JAMAL
R2 BY SRI.MATHEWS J.NEDUMPARA,SC, IISR**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 04-09-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS

- P1 : TRUE COPY OF THE G.O.(P) NO.770/88/FIN DATED 27.10.1988
- P2 : TRUE COPY OF THE G.O.(P) NO.564/89/FIN DATED 29.11.1989 OF THE 1ST RESPONDENT
- P3 : TRUE COPY OF THE ORDER NO.G5.1105/73/CMC DATED 24.01.1975 OF THE MUNICIPAL COMMISSIONER, CHANGANACHERRY
- P4 : PHOTOCOPY OF THE G.O.(MS) NO.1693/06/LSGD DATED 18.07.2006 OF THE 1ST RESPONDENT
- P5 : PHOTOCOPY OF THE JUDGMENT IN W.P.(C) NO.30972/2002 DATED 02.12.2008
- P6 : PHOTOCOPY OF THE G.O.(RT) NO.649/2009/LSGD DATED 16.3.2009 ISSUED BY THE 1ST RESPONDENT
- P7 : TRUE COPY OF THE ORDER NO.P7-780/09 DATED 04.07.2009 ISSUED BY THE 2ND RESPONDENT
- P8 : TRUE COPY OF THE REPRESENTATION DATED 13.10.2009 OF THE PETITIONER ALONGWITH RECEIPT
- P9 : TRUE COPY OF THE REPRESENTATION DATED 14.10.2009 OF THE PETITIONER

RESPONDENT'S EXHIBITS

NIL

//TRUE COPY//

P.A. TO JUDGE

JJJ

K. VINOD CHANDRAN, J.

W.P.(C) No. 36760 of 2009 (L)

Dated this the 4th day of September, 2015

J U D G M E N T

The petitioner's claim, with respect to continuance till 60 years, was allowed as per Ext.P5 judgment. The petitioner was appointed as a full-time Contingent Worker on 1.8.1969. By Ext.P2 Government Order of 1989, the full-time Contingent Workers appointed between 1.4.1968 to 7.4.1970 were allowed to be absorbed and regularized, in the regular establishment, with effect from 7.4.1970. The petitioner's superannuation, at the age of 55, was prompted since, according to the Municipality, the petitioner was, in the year 1975, promoted to the post of Peon, as requested by him. Ext.P5 considered the grievance of the petitioner and found that two other persons, similarly situated, also promoted as per Ext.P3, were allowed to continue till 60 years. The petitioner's claim to continue till 60 years was upheld by Ext.P5.

2. The grievance projected in the above writ petition was with respect to the non-implementation of Ext.P7. The petitioner submits that though he was allowed to continue, the annual increments, during the period in which he continued up to 60 years, has not been paid.

3. The learned Standing Counsel for the Municipality produces a communication of the 3rd respondent dated 6.5.2010 which lists out the amounts payable, as under:

“xxx xxx xxx പെൻഷൻ ആനുകൂല്യങ്ങളായി ലീവ് സറണ്ടർ, ഡി.സി.ആർ.ജി., പേ റിവിഷൻ/ഡി.എ. അരിയർ എന്നിങ്ങനെ യഥാക്രമം Rs.1,05,991/-, Rs.4,64,259/-, Rs.1,53,201/- എന്നിങ്ങനെ ആകെ നൽകുവാനുള്ള Rs.7,23,451/-ൽ നിന്നും ടിയാൻ മുൻപ് കൈപ്പറ്റിയിട്ടുള്ള Rs.1,65,000/- (Rs.50,000/- + Rs.1,15,000/-) രൂപ കഴിച്ചു ബാക്കി നൽകുവാനുള്ള തുകയായ Rs.5,58,451/- രൂപ 26.04.2010-ലെ കോട്ടയം ജില്ലാ സഹകരണ ബാങ്കിന്റെ 243447-ാം നമ്പർ ചെക്ക് പ്രകാരം ടിയാൻ അനുവദിച്ചു നൽകിയിട്ടുള്ള വിവരം റിപ്പോർട്ട് ചെയ്തു കൊള്ളുന്നു.”

4. In such circumstance, if any further amounts are due, the petitioner would be entitled to approach the 3rd respondent showing the details of the amounts due, in which event, the 3rd respondent shall consider the same and pass a written order on the representation made.

Writ Petition is disposed of with the above observation.

No costs.

Sd/-
K.VINOD CHANDRAN,
JUDGE