

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

MONDAY, THE 8TH DAY OF JUNE 2015/18TH JYAISHTA, 1937

WP(C).NO. 33149 OF 2014 (P)

PETITIONER(S):

M.V. GANGADHARAN AGED 57 YEARS
S/O.NARAYANAN NAMBIAR, SREEPADAM, ANIKKADY
KOKAKKADU, TRIKARIPUR
KASARGOD DISTRICT (EX.DRAFTSMAN GRDE I(HG)
PROJECT DIVISION, KERALA WATER AUTHORITY, KANNUR.

BY ADVS.SRI.M.R.GOPALAKRISHNAN NAIR
SRI.S.S.SRINATH

RESPONDENT(S):

KERALA WATER AUTHORITY
REPRESENTED BY THE MANAGING DIRECTOR
JALABHAVAN THIRUVANANTHAPURAM - 695 001.

BY ADV. SRI.GEORGE MATHEW, SC, KERALA WATER AUTHORITY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
08-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) .NO. 33149 OF 2014 (P)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXT. P1 : THE TRUE COPY OF THE ORDER NO.KWA/AO/ (ESTT) /PEN.7712/526
DATED 30.1.2014.

EXT. P2 : THE TRUE COPY OF THE COMMUTATION PAYMENT ORDER NO.11706
DATED 30.1.2014.

EXT. P3 : THE TRUE COPY OF THE GRATUITY PAYMENT ORDER NO.14313 DATED
30.1.2014.

EXT. P4 : THE TRUE COPY OF THE JUDGMENT DATED 18.8.2014 IN W.P(C)
NO.18129/2014.

RESPONDENT(S) ' EXHIBITS:NIL

//TRUE COPY//

P.A TO JUDGE

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C).No.33149 of 2014

.....
Dated this the 8th day of June, 2015

J U D G M E N T

The petitioner who retired from the services of the respondent Water Authority as a Draftsman Grade I (HG) on 30.11.2012, is aggrieved by the delay on the part of the respondents in disbursing the retirement benefits that were due to him by way of DCRG, commuted value of pension and arrears of pension. Although, some portion of the retirement benefits were paid to him after his retirement, there was a delay in sanctioning the balance amounts. The petitioner therefore approached this Court through W.P.(C).No. 18129 Of 2014, seeking a direction to the respondent Water Authority to disburse the balance amounts of retirement benefits that were due to him expeditiously. In the said writ petition, however, the petitioner did not have a specific claim for the payment of interest on the delayed disbursal of the retirement benefits. By Ext.P4 judgment, this Court disposed the said writ petition, taking note of the submission of the respondent Water Authority that, while they do not dispute the liability due to the petitioner, it was on account of paucity of funds that the payments were not actually effected. The writ petition was

thereafter disposed by directing the Water Authority to effect the payment of the balance amounts due to the petitioners within a period of two months from the date of the judgment. In the present writ petition, the petitioner does not dispute the fact that the respondent Water Authority had since, within the time permitted by this Court in Ext.P4 judgment, disbursed the balance amounts due to the petitioner. His claim in the present writ petition is limited to the interest due on the delayed payment of the said retiral benefits. It is his case that a specific claim for interest was not made in the previous round of litigation since the petitioner was of the view that, if interest was claimed, the respondents would default on payment of the principal amount as well.

2. I have heard the learned counsel for the petitioner and learned Standing counsel for the respondents.

On a consideration of the facts and circumstances of the case as also the submissions made across the bar, and in particular, taking note of the fact that the petitioner while approaching this Court on an earlier occasion, claiming the differential amounts of retirement benefits that were due to him from the respondent Water Authority, had not specifically claimed interest on the said delayed disbursement of retiral benefits, I am of the view that the

petitioner cannot now claim the interest due on the delayed payment of retiral benefits, after having forgone such a claim in the earlier round of litigation. Inasmuch as it is not in dispute that consequent to Ext.P4 judgment of this Court, the balance amounts due and payable to the petitioner by way of retiral benefits have been paid to him, within the time granted by this Court in Ext.P4 judgment, I am of the view that, nothing survives for adjudication in the present writ petition. The claim in the writ petition for interest is therefore rejected and the writ petition dismissed.

A.K.JAYASANKARAN NAMBIAR
JUDGE

mns