

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 9TH DAY OF NOVEMBER 2015/18TH KARTHIKA, 1937

W.P.(C).No.33499 of 2015 (J)

PETITIONER(S):-

A.N.SAROJINI, AGED 60 YEARS,
PADINJAREKARA HOUSE, CHERURUTHUTHY,
TRICHUR DISTRICT-679 531.

BY ADVS.SMT.K.P. GEETHA MANI
SMT.P.A. RINUSA.

RESPONDENT(S):-

-
1. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY TO GOVERNMENT,
SCHEDULED CASTE AND SCHEDULED TRIBES DEVELOPMENT DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM-695 001.
 2. STATE BANK OF TRAVANCORE,
REPRESENTED BY ITS ASSISTANT GENERAL MANAGER,
REGION-II, ZONAL OFFICE, 3RD FLOOR, GEETHANGALI BUILDING,
PARAMAKKAVU, ROUND EAST, TRICHUR-679 531.

R1 BY SPECIAL GOVERNMENT PLEADER SMT.P.SANTHAMMA.
R2 BY STANDING COUNSEL SRI.P.RAMAKRISHNAN.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
09-11-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS:-

- EXT.P1. TRUE COPY OF THE JUDGMENT DATED 5/11/1980 IN OP 4506/1979.
- EXT.P2. TRUE COPY OF THE RELEVANT PAGES OF THE PETITIONER'S
SSLC BOOK.
- EXT.P3. TRUE COPY OF THE JUDGMENT DATED 28/1/2009 IN MFA NO.1377/2002.
- EXT.P4. TRUE COPY OF THE ORDER DATED 25/11/2011 IN SLP NO.6083/2009.
- EXT.P5. TRUE COPY OF THE CERTIFICATE ISSUED BY THE ASSISTANT
GENERAL MANAGER, SBT, DATED 30/9/2015.
- EXT.P6. TRUE COPY OF THE PROVIDENT FUND SANCTIONED ORDER
DATED 25/9/2015.
- EXT.P7. TRUE COPY OF THE LETTER DATED 6/10/2015 SUBMITTED BY
THE PETITIONER.
- EXT.P8. TRUE COPY OF THE ORDER DATED 13/10/2015 ISSUED BY THE
2ND RESPONDENT.
- EXT.P9. TRUE COPY OF THE JUDGEMENT DATED 22/1/2015 IN
SLP NO.1162-1163 OF 2015.

RESPONDENT(S)' EXHIBITS:-

NIL.

Vku/-

[true copy]

K. Vinod Chandran, J

W.P.(C).No.33499 of 2015-J

Dated this the 09th day of November, 2015

JUDGMENT

None appears for the petitioner.

2. The petitioner is aggrieved with the fact that the petitioner's retirement benefits have not been paid for reason of a pending Special Leave Petition before the Hon'ble Supreme Court. The petitioner challenges Exhibit P8, by which the respondent-Bank had advised the petitioner that the terminal/pensionary benefits will be disbursed only after the Supreme Court considers the petition pending before it. The petitioner has also been directed to refund the amounts already disbursed to the petitioner.

3. The contention of the petitioner is that, Exhibit P9 passed in another connected Civil Appeal would cover the issue. That, however, is a contention to be raised before the Hon'ble Supreme Court. As things stand now, the petitioner's claim that she belongs to the 'Thandan' community stands rejected by Exhibit P3 judgment. It is also evident that there is no stay order from the Supreme Court.

In such circumstances, the writ petition is found to be devoid of merit and the same stands dismissed *in limine*, but however making it clear that the refund ordered as per Exhibit P8 shall be kept in abeyance till the Hon'ble Supreme Court passes verdict on the petitioner's case.

Sd/-

K.Vinod Chandran
Judge.

vkul/-

[true copy]