

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 14TH DAY OF JANUARY 2015/24TH POUSHA, 1936

WP(C).No. 34560 of 2014 (T)

PETITIONER :

**K.GOPALAKRISHNAN NAIR, AGED 57 YEARS,
S/O LATE K.N.LAKSHMANAN PILLAI, KALAYIL HOUSE,
PANACHIKKADU, KUZHIMATTOM P.O., KOTTAYAM-686533.**

**BY ADVS.SRI.SHAJI P.CHALY
SMT.C.S.SINDHU KRISHNAH**

RESPONDENTS :

- 1. STATE OF KERALA
REPRESENTED BY ITS SECRETARY,
AGRICULTURAL DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM-695001.**
- 2. KERALA AGRICULTURAL UNIVERSITY,
REPRESENTED BY ITS REGISTRAR, VELLANIKKARA,
THRISSUR-680656.**
- 3. THE DEPUTY COMPTROLLER
KERALA AGRICULTURAL UNIVERSITY, VELLANIKKARA,
THRISSUR-680656.**

**R1 BY SENIOR GOVERNMENT PLEADER SRI. V. VIJULAL
R2 & R3 BY SRI.BABU JOSEPH KURUVATHAZHA,SC,**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 14-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

WP(C).No. 34560 of 2014 (T)

APPENDIX

PETITIONER(S)' EXHIBITS :

EXT. P1: COPY OF THE ORDER SANCTIONING THE DEATH CUM RETIREMENT GRATUITY ISSUED TO THE PETITIONER.

EXT. P2: COPY OF THE ORDER SANCTIONING THE COMMUTATION OF PENSION ISSUED TO THE PETITIONER RUE COPY OF THE COMMUTATION OF PENSION

EXT. P3: TRUE COPY OF THE ORDER DATED 25.10.2014 ISSUED BY THE KERALA AGRICULTURAL UNIVERSITY.

EXT P4: TRUE COPY THE JUDGMENT IN WPC NO.13277/2014 DATED 4.7.2014.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

A.MUHAMED MUSTAQUE, J.
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W.P(C).No.34560 of 2014
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Dated this the 14th day of January, 2015

JUDGMENT

Petitioner was retired as Farm Manager Grade-II from the second respondent-Kerala Agricultural University. This Writ Petition is filed for a direction to the Agricultural University to disburse Death cum Retirement Gratuity and Commutation of pension which are legally due to the petitioner. Petitioner has a claim that he is entitled for pensionary benefits in the light of the proceeding in Ext.P3 ordering promotion of petitioner as Farm Manager Grade I. Petitioner submits that respondents are unreasonably withholding the pensionary benefits.

2. Learned Standing Counsel for the Agricultural University submits that on account of financial constraints of the University, they are unable to pay the pensionary benefits.

3. Considering the facts and circumstances, there shall be a direction to the second respondent to disburse the pensionary benefits in the light of Ext.P3 proceeding, which shall be done on or before 30.06.2015. It is open for the respondent/University to pay the commuted value of pension and Death cum Retirement Gratuity

either in lumpsum or in installment. However, it is made clear that entire payment has to be effected on or before 30.06.2015.

The Writ Petition is disposed of.

Sd/-
A.MUHAMED MUSTAQUE, JUDGE.

Sbna/15/01/15