

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.HARILAL

THURSDAY, THE 3RD DAY OF DECEMBER 2015/12TH AGRAHAYANA, 1937

WP(C).No. 35640 of 2015 (D)

PETITIONER(S):

**V.S. SUDHAN, AGED 64 YEARS,
S/O. SANKARAN, VADAKKEDATH HOUSE,
NEAR FIVE STARS CLUB, ANAMALA JN.,
CHALAKUDY POST OFFICE,
THRISSUR DISTRICT, PIN:680 309.**

BY ADV. SRI.C.V.MILTON.

RESPONDENT(S):

- 1. KERALA STATE ROAD TRANSPORT CORPORATION,
REPRESENTED BY ITS MANAGING DIRECTOR,
TRANSPORT BHAVAN, FORT P.O.,
THIRUVANANTHAPURAM-695 023.**
- 2. THE ASSISTANT TRANSPORT OFFICER,
KERALA STATE ROAD TRANSPORT CORPORATION,
CHALAKUDY, PIN:680 307.**

BY ADV. SRI.M.GOPIKRISHNAN NAMBIAR, SC, KSRTC.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 03-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXHIBIT P1: TRUE COPY OF THE PETITIONER'S PASS ISSUED TO THE PETITIONER.
- EXHIBIT P2: TRUE COPY OF THE LETTER D.NO.277/10 DATED 25.03.2010 RETURNING THE CHEQUE NO.0196798 DAED 11.03.2010 FOR RS.60,485/- TO THE 2ND RESPONDENT.
- EXHIBIT P3: TRUE COPY OF THE LETTER NO.G3/2347/11/CLDY DATED 30.11.2011 RECEIVED BY THE PETITIONER.
- EXHIBIT P4: TRUE COPY OF THE LETTER NO.CH6/03467/11 DATED 29.12.2011 RECEIVED FROM THE OFFICE OF THE 1ST RESPONDENT.
- EXHIBIT P5: TRUE COPY OF THE REPRESENTATION DATED 15.01.2013 SENT TO THE 1ST RESPONDENT.
- EXHIBIT P6: TRUE COPY OF THE LAWYER NOTICE DATED 13.04.2015 SENT TO THE 1ST RESPONDENT.

RESPONDENT'S EXHIBITS:- **NIL.**

//TRUE COPY//

P.S. TO JUDGE

rs.

K. HARILAL, J.

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W.P. (C) No.35640 of 2015

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Dated this the 3rd day of December, 2015

J U D G M E N T

The petitioner is a retired employee of the Kerala State Road Transport Corporation (KSRTC). He was the 4th Judgment Debtor in E.P.No.338 of 2005 and execution proceedings to recover Rs.60,485/- had been initiated against the petitioner. When he retired from the service, the Court attachment was shown, as a liability against him and the same had been recovered from his gratuity and cheque bearing No.0196798 dated 11.03.2010, for the amount of Rs.60,485/- was sent to the Munisiff's Court, Chalakudy. But, later, the 1st Judgment Debtor had remitted the entire amount. Consequently, the said cheque was returned to the 1st respondent along with Ext.P2 letter. Later, the 2nd

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respondent informed the petitioner that the cheque has been forwarded to the Financial Advisor and Chief Accounts Officer in the office of the 1st respondent on 26.03.2010. Thereafter, by Ext.P4, the petitioner was informed that the cheque has been cancelled and forwarded to the pension Section in the office of the 1st respondent on 31.03.2010, for further action. The grievance of the petitioner ventilated through the pleadings in this Writ Petition is that despite long lapse of more than five years, no further action has been taken to clear the cheque amount to the petitioner.

2. Heard the learned counsel for the petitioner and learned Standing Counsel appearing for the 1st respondent.

3. Having regard to the grievance highlighted in this Writ Petition, I am of the view that being an employee retired from the service before five years, his

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grievance deserves to be considered and addressed by the 1st respondent, at the earliest. It appears that he is awaiting for Rs.60,485/-, since the last more than five years. The 1st respondent is directed to consider and pass orders on Ext.P5 representation, at the earliest, at any rate, within a period of one month, from the date of receipt of a copy of this judgment.

This Writ Petition is disposed of accordingly.

Sd/-

**K. HARILAL,
JUDGE**

DST

//True copy//

P.A. To Judge