

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 21ST DAY OF DECEMBER 2015/30TH AGRAHAYANA, 1937

WP(C).No. 38760 of 2015 (T)

PETITIONER(S):

1. RUBBER BOARD EXTENSION OFFICER'S UNION
(REG. NO. 05-01/2006), REPRESENTED BY ITS
PRESIDENT V.D. HARI, SREERANJINI EAST KADUNGALLOOR
UC COLLEGE , POST ALUVA 683 102.
2. SREE KUMAR. B, FIELD OFFICER
RUBBER BOARD REGIONAL OFFICE
VADAVATHOOR P.O, KOTTAYM
3. P.K RAVICHANDAR, FIELD OFFICER
RUBBER BOARD REGIONAL OFFICE
VADAVATHOOR P.O, KOTTAYAM.

BY ADV. SRI.LAL GEORGE

RESPONDENT(S):

1. CHAIRMAN, RUBBER BOARD OF INDIA
KOTTAYAM - 686 002
2. RUBBER BOARD OF INDIA
REPRESENTED BY ITS SECRETARY
HEAD OFFICE, RUBBER BOARD, KOTTAYAM - 686 002

R BY SRI.V.ABRAHAM MARKOS

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 21-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONERS EXHIBITS

- | | |
|----------------|--|
| EXT.P1 | COPY OF THE REVISED TRAVELLING ALLOWANCE RULE ISSUED BY THE CENTRAL GOVT. |
| EXT.P2 | COPY OF THE RELEVANT PORTION OF MANUAL OF GENERAL PROCEDURE. |
| EXT.P3 | COPY OF THE CIRCULAR DTD. 14.2.94 |
| EXT.P4 | COPY OF THE CIRCULAR DTD. 24.1.95 |
| EXT.P5 | COPY OF THE CIRCULAR DTD. 12.6.15 |
| EXT.P6 | COPY OF THE REPRESENTATION DTD. 30.6.15 |
| EXT.P7 | COPY OF THE CIRCULAR DTD. 12.11.15 |
| EXT.P8 | COPY OF THE RECOVERY NOTICE DTD. 19.11.15 |
| EXT.P9 | COPY OF THE REPRESENTATION DTD. 19.11.05 |
| EXT.P10 | COPY OF THE RELEVANT PORTION OF DELEGATION OF POWERS |
| EXT.P11 | COPY OF THE REPRESENTATION DTD. 8.12.15. |

RESPONDENTS EXHIBITS: **NIL**

// TRUE COPY //

PA TO JUDGE.

SB

K. VINOD CHANDRAN, J.

=====

W.P.(C) No.38760 of 2015 - T

=====

Dated this the 21st day of December, 2015

J U D G M E N T

The petitioners are aggrieved with the non-consideration of Exts.P6 and P9 representations filed before the 1st respondent. The representations are filed on 30.06.2015 and 19.11.2015 respectively.

2. The petitioners contended that the Rubber Board issued a circular by Ext.P4 dated 24.01.1995, in the matter of using own vehicle (two wheelers) for official journey. In the meanwhile, circulars have been issued by the Director of Finance, Rubber Board of India, as evidenced by Exts.P5 and P7, fixing the rate for autorickshaw, cars and two wheelers for official journey. Placing reliance on Exts.P5 and P7 circulars, the

respondent Board had initiated recovery of travelling allowance already paid to the petitioners.

3. It is contended by the petitioners that recovery proceedings are initiated without hearing the petitioners. In such circumstance, the 1st respondent definitely will have to look at the representations filed before it and consider the same in accordance with law, after affording an opportunity of hearing, at any rate within a period of three months from the date of production of a certified copy of this judgment. It is made clear that this Court has not made any observations on merits, which the 1st respondent will consider, in accordance with law.

The writ petition is disposed of.

Sd/-
K. VINOD CHANDRAN,
JUDGE

SB/21/12/2015

// true copy //

P.A to Judge.