IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

FRIDAY, THE 18TH DAY OF DECEMBER 2020 / 27TH AGRAHAYANA, 1942

WP(C).No.14930 OF 2020(M)

PETITIONERS:

1 B. JAYAKRISHNAN,
AGED 59 YEARS
HARICHANDRAM, K.P.9/521, PANTHEZHAM,
MUHAMMA P.O., ALAPPUZHA - 688 525.

2 E.C.GEORGE
AGED 58 YEARS
S/O.CHACKO, EDAVAZHICAL HOUSE, CMC 28,
NEAR PARADISE THEATRE, CHERTHALA - 688 524.

BY ADVS.
SRI.R.PARTHASARATHY
SMT.SEEMA PARTHASARATHY

RESPONDENTS:

1 STEEL INDUSTRIALS KERALA LIMITED,
A GOVERNMENT OF KERALA UNDERTAKING AND A PUBLIC LIMITED COMPANY INCORPORATED UNDER THE COMPANIES ACT, 1956, HAVING ITS REGISTERED OFFICE AT ATHANI P.O., THRISSUR - 680 771, REPRESENTED BY ITS MANAGING DIRECTOR.

2 THE MANAGING DIRECTOR
STEEL INDUSTRIALS KERALA LIMITED, ATHANI P.O.,
THRISSUR - 680 771.

3 THE GOVERNMENT OF KERALA
REPRESENTED BY SECRETARY TO GOVERNMENT,
DEPARTMENT OF INDUSTRIES,
THIRUVANANTHAPURAM - 695 001.

R1 TO R2 BY SMT. LATHA ANAND, STANDING COUNSEL
R3 BY SRI. BIJOY CHANDRAN, SR. GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18.12.2020, ALONG WITH WP(C).14962/2020(U), THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

FRIDAY, THE 18TH DAY OF DECEMBER 2020 / 27TH AGRAHAYANA, 1942

WP(C).No.14962 OF 2020(U)

PETITIONER:

SURASAN V.P
AGED 63 YEARS
S/O.CHATHUKUTTY.P.V,SAMRIDHI,
NEAR E.J.TOWER,KANNUR ROAD,KUTHUPARAMBA,
PIN-670643.

BY ADVS.
SRI.R.PARTHASARATHY
SMT.SEEMA PARTHASARATHY

RESPONDENTS:

1 **STEEL INDUSTRIALS KERALA LIMITED**
A GOVERNMENT OF KERALA UNDERTAKING AND A PUBLIC LIMITED COMPANY INCORPORATED UNDER THE COMPANIES AT,1956,HAVING ITS REGISTERED OFFICE AT ATHANI.P.O,THRISSUR-680771,REPRESENTED BY ITS MANAGING DIRECTOR.

2 **THE MANAGING DIRECTOR,**
STEEL INDUSTRIALS KERALA LIMITED,
ATHANI.P.O, THRISSUR-680771.

3 **THE GOVERNMENT OF KERALA,**
REPRESENTED BY SECRETARY TO GOVERNMENT,
DEPARTMENT OF INDUSTRIES,
THIRUVANANTHAPURAM-695001.

R1 TO R2 BY ADV. SMT.LATHA ANAND, STANDING COUNSEL
R3 BY SRI. BIJOY CHANDRAN, SR. GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18.12.2020, ALONG WITH WP(C).14930/2020(M), THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

[WP(C).14930/2020, WP(C).14962/2020]

Dated this the 18th day of December 2020

The petitioners in these cases are stated to be retirees from the Steel Industrials Kerala Limited (SILK), which is a wholly owned Government of Kerala enterprise. According to them, even though they have all retired as early as in the year 2014 and 2015, none of them have been paid their statutory retirement benefits until now, though some portions have been disbursed to them, in bits and pieces. They, therefore, pray that the SILK be directed to pay them the full amounts, within a time frame to be fixed by this Court.

2. In response to the submissions of Sri. Parthasarathy, the learned counsel for the petitioners in both these cases, Smt. Latha Anand – the learned Standing Counsel for the SILK, submitted that the sole reason for the delay in disbursement of the benefits of the petitioners is because, her client is in extreme financial crisis and that steps have been now taken to ensure that enough resources are created so as to honour all the commitments faced by them. Smt. Latha Anand

submitted that a proposal has also been made, which has transmuted itself into a scheme, as per which, DCRG will be disbursed to all persons who have retired upto the year 2020 at the rate of 10% every month, thus ensuring that all of them get their DCRG within the next ten months. She, added to this by saying that this payment has already begun and that the entire DCRG will be, therefore, honoured within the next few months.

3. As far as the other retirement benefits of the petitioners are concerned, Smt. Latha Anand submitted that they will also be paid in the same manner, at the rate of 10% per month, from July, 2021. She prayed that this Court allow the SILK to do so and submitted that if it is not so, then the Company will have to be shut down.

4. On hearing Smt. Latha Anand as afore, Sri.Parthasarathy – the learned counsel for the petitioners, acceded to the suggestion made by her, but praying that this Court may ensure that the SILK honors its commitment without any break. He, then, added that, as regards the petitioner in W.P. (C) No.14962 of 2020 is concerned, there is a dispute as to the amounts which he is entitled to and showed me that the Company has only accepted nearly Rupees six lakhs out of the

appropriately Rupees 14 lakhs he has claimed. Sri. Parthasarathy, therefore, prayed that the SILK be directed to look into this aspect also.

5. In the afore circumstances, I order this writ petitions and direct the SILK to continue to pay 10% of the DCRG to all the employees who have retired until September 2020, without any break, so as to complete the same in due course.

b) As regards the other terminal benefits are concerned, the SILK will pay the petitioners herein along with all the employees who have retired upto September 2020, at the rate of 10% per annum starting from July 2021, making sure that this is also completed without any break.

c) In the event any of the afore directions are violated – even in the case of one of the petitioners or retirees – the salary to all the officers in the top management shall stand suspended, until such time as the amounts are fully paid to all of them, in terms of the directions herein.

d) As far as the petitioner in W.P.(C)No. 14962 of 2020 is concerned, the Competent Authority of the SILK will hear him and take a final decision as to his benefits, which shall be done within a period of one month from today and will then disburse to him

the said amounts, in the afore manner. Needless to say, the petitioner in the said writ petition will be at full liberty, to challenge or to invoke such other remedy as against the proceedings to be issued by the SILK, if we feels that any further action is required.

These writ petitions are thus ordered.

Sd/-

DEVAN RAMACHANDRAN

JUDGE

DK

Continued.....

The words **'per annum'** occurring after the word '10%' in Paragraph No.5(b) of the Judgment dated 18.12.2020 in W.P.(C)No.14930/2020 & 14962/2020 are corrected as **'per month'** as per the order dated 18.03.2021 in I.A.No.01/2021 in W.P.(C)No.14930/2020.

Sd/-

DEPUTY REGISTRAR

APPENDIX OF WP(C) 14930/2020

PETITIONERS' EXHIBITS:

EXHIBIT P1	**TRUE COPY OF THE RELIEVING ORDER OF 1ST PETITIONER DATED 31/5/2018.**
EXHIBIT P2	**TRUE COPY OF THE INFORMATION RECEIVED BY THE 2ND PETITIONER FROM THE 1ST RESPONDENT TO A QUERY UNDER RTI ACT DATED 27/1/2010.**
EXHIBIT P3	**TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE 1ST PETITIONER ON 23/01/2020.**
EXHIBIT P4	**TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE 1ST PETITIONER TO THE 1ST RESPONDENT DATED 6/2/2020.**
EXHIBIT P5	**TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE 2ND PETITIONER BEFORE THE 1ST RESPONDENT ON 6/1/2020.**
EXHIBIT P6	**TRUE COPY OF THE PROFIT AND LOSS STATEMENT FOR THE YEAR ENDING MARCH 2018.**
EXHIBIT P7	**TRUE COPY OF THE JUDGMENT W.P.(C) 5837/2014 BEFORE THE HON'BLE COURT DATED 1/4/2014.**
EXHIBIT P8	**TRUE COPY OF THE INTERIM ORDER DATED 28/7/2017.**
EXHIBIT P9	**TRUE COPY OF THE JUDGMENT IN W.P.(C) NO.2920/2017 AND CONNECTED CASES DATED 23/10/2019.**
EXHIBIT P10	**TRUE COPY OF THE LIST SUPPLIED BY THE 1ST RESPONDENT.**
EXHIBIT P11	**TRUE COPY OF THE ADVERTISEMENT OBTAINED FROM THE WEBSITE OF THE RESPONDENT COMPANY.**

RESPONDENTS' EXHIBITS:

EXHIBIT R2(a)	**TRUE COPY OF THE SCHEDULE SHOWING DETAILS OF EMPLOYEES TO WHOM THE GRATUITY ARE PAYABLE**
EXHIBIT R3(a)	**A TRUE COPY OF THE "SCHEDULE" WITH REGARD TO PAYMENT OF GRATUITY DUES OF RETIED EMPLOYEES OF SILK AS ON 22.09.2020 FURNISHED BY THE MD, SILK TO THE GOVERNMENT**

APPENDIX OF WP(C) 14962/2020

PETITIONER'S EXHIBITS:

EXHIBIT P1	**TRUE COPY OF THE RELIEVING ORDER DATED 30.4.2015 ISSUED BY THE 1ST RESPONDENT.**
EXHIBIT P2	**TRUE COPY OF THE ORDER ACCEPTING PLACING OF THE PETITIONER AS SENIOR MANAGER ON CONTRACT CARRIAGE BASIS DATED 12.1.2016.**
EXHIBIT P3	**TRUE COPY OF THE GOVERNMENT ORDER DATED 5.7.2013,REVISING PAYMENT OF EXECUTIVE STAFF OF 1ST RESPONDENT COMANY.**
EXHIBIT P4	**TRUE COPY OF THE CIRCULAR ISSUED PURSUANT TO EXT.P3 GOVERNMENT ORDER DATED 30.7.2013**
EXHIBIT P5	**TRUE COPY OF THE LAST REPRESENTATION SUBMITTED BEFORE THE 1ST RESPONDENT DATED 2.3.2020.**
EXHIBIT P6	**TRUE COPY OF THE PROFIT AND LOSS STATEMENT FOR THE YEAR ENDING MARCH 2018.**
EXHIBIT P7	**TRUE COPY OF THE JUDGMENT W.P. (C)NO.5837/2014 BEFORE THE HON'BLE HIGH COURT DATED 1-4-2014.**
EXHIBIT P8	**TRUE COPY OF RELEVANT PAGES OF THE SCHEME SUBMITTED BY THE COMPANY BEFORE THE HON'BLE COURT IN WP.(C).NO.23235/2016.**
EXHIBIT P9	**TRUE COPY OF THE GRATUITY REVISION GIVEN TO SRI.V.L.MOHANKUMAR DATED 08/05/2014.**
EXHIBIT P10	**TRUE COPY OF THE NOTE OF ASSISTANT MANAGER HRD DATED 06/09/2013 FOR REVISION OF GRATUITY TO SRI.V.L.MOHANKUMAR.**
EXHIBIT P11	**TRUE COPY OF THE EMAIL DATED 17/02/2017 RECEIVED THE RESPONDENT.**
EXHIBIT P12	**LIST OF PETIITONER'S ENGAGEMENT ON VARIOUS DATES BETWEEN 23/11 TO 26/12 OF 2015 FOR THE COMPANY.**
EXHIBIT P13	**TRUE COPY OF THE CHEQUE FORWARDING LETTER OF DUES TO SRI.A.AUBID DATED 20/09/2019.**

RESPONDENTS' EXHIBITS:

EXHIBIT R2(a)	**SCHEDULE FOR RELEASING TERMINAL BENEFITS TO RETIRED EMPLOYEES**