

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.N.RAVINDRAN

FRIDAY, THE 31ST OCTOBER 2008 / 9TH KARTHIKA 1930

WP(C).No. 16511 of 2008(N)

PETITIONER(S):

K.O.SUBRAN, RETIRED UD CLERK, CHALAKUDY
MUNICIPALITY, RESIDING AT: KOZHAPILLY HOUSE,
K.KUNNU .P.O, MELOOR, CHALAKUDY.

BY ADV. SRI.S.RAMESH BABU

RESPONDENT(S):

1. STATE OF KERALA REPRESENTED BY ITS
SPECIAL SECRETARY, FINANCE DEPARTMENT,
TRIVANDRUM.
2. THE DIRECTOR OF URBAN AFFAIRS,
TRIVANDRUM.
3. THE REGISTRAR (SUBORDINATE JUDICIARY),
HIGH COURT OF KERALA, ERNAKULAM.
4. THE JUDICIAL FIRST CLASS MAGISTRATE,
SULTHANBATHERY.
5. THE CHALAKUDY MUNICIPALITY REPRESENTED
BY THE MUNICIPAL SECRETARY, MUNICIPAL OFFICE,
CHALAKUDY.

SPL.GOV'T. PLEADER (FINANCE)SRI.N.MANOJKUMAR FOR R1&R2
ADV.SRI.ELVIN PETER P.J. FOR R3
SRI.M.P.ASHOK KUMAR FOR R5

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 31/10/2008, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

Kss

P.N.Ravindran, J.

=====

W.P(C).No.16511 of 2008

=====

Dated this the 31st day of October, 2008.

JUDGMENT

Heard Sri.S.Ramesh Babu, the learned counsel for appearing for the petitioner, Sri.N.Manoj Kumar, the learned Special Government Pleader appearing for respondents 1 and 2, Sri.Elvin Peter P.J., the learned counsel appearing for respondents 3 and 4 and Sri.M.P.Ashok Kumar, the learned counsel appearing for the 5th respondent.

2. The petitioner retired from service on 31.8.2007 while he was serving as Upper Division Clerk in the fifth respondent Municipality. The petitioner had formerly served as Lower Division Clerk in the Kerala Judicial Ministerial Subordinate Service during the period from 26.4.1986 to 10.4.1987 and as Upper Division Clerk from 11.4.1987 to 2.7.1988. The petitioner's grievance is that due to the non-payment of pension contribution by the Judicial Department, his pensionary benefits have not been disbursed so far.

3. The third respondent has filed a counter affidavit stating that the contribution payable by the Judicial Department amounting to Rs.4,031/- with interest thereon has been sent by demand draft to the Director of Urban Affairs, Thiruvananthapuram. The learned counsel appearing for the fifth respondent Municipality submits that they have forwarded the non-liability certificate in relation to the petitioner to the Director of Urban Affairs on 21.10.2008.

3. The petitioner retired from service on 31.8.2007. It was because of the delay in payment of pension contribution by the Judicial Department that according to the petitioner, payment of pension was delayed. Now that the Judicial Department has paid its share of contribution to the Director of Urban Affairs, it is for the Director of Urban Affairs to issue necessary orders fixing and disbursing the terminal benefits payable to the petitioner. The fifth respondent Municipality has also issued non-liability certificate.

4. In these circumstances, I dispose of the Writ Petition with the following directions:

(i) The Director of Urban Affairs shall within six weeks from the date of receipt of this judgment, issue orders fixing the terminal benefits payable to the petitioner.

(ii) The Director shall forward the pension payment order to the fifth respondent Municipality immediately thereafter and also make available the requisite funds to the fifth respondent Municipality within one month from the date of the order fixing the pensionary benefits.

(iii) The fifth respondent Municipality shall within two weeks from the date of receipt of the funds from the Director of Urban affairs disburse to the petitioner the terminal benefits sanctioned to him.

P.N.Ravindran,
Judge.