

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 30TH JANUARY 2009 / 10TH MAGHA 1930

RP.No. 581 of 2008(M)

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AGAINST THE JUDGEMENT/ORDER IN WPC.28051/2003 Dated  
07/02/2007  
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REVIEW PETITIONER(S): RESPONDENTS:  
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1. STATE OF KERALA REPRESENTED BY THE  
JOINT SECRETARY TO GOVERNMENT, PUBLIC WORKS  
DEPARTMENT, THIRUVANANTHAPURAM.
2. THE COMMISSIONER AND SECRETARY,  
PUBLIC WORKS AND TRANSPORT (F) DEPARTMENT,  
SECRETARIAT, THIRUVANANTHAPURAM.
3. THE ACCOUNTANT GENERAL,  
THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI.VIPINDAS.

RESPONDENT(S): PETITIONER:  
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K.RAMAKRISHNAN NAMBIAR, ASSISTANT  
EXECUTIVE ENGINEER (RETIRED), 'OM NIVAS'  
NIRMALAGIRI, KANNUR.

ADV. SRI.GRASHIOUS KURIAKOSE

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION  
ON 30/01/2009, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:

**KURIAN JOSEPH, J.**

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**R.P. No.581 of 2008 in W.P.(C) 28051/03**  
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**Dated 30<sup>th</sup> January, 2009.**

**O R D E R**

C.M.Appln.251/08 : Delay condoned.

This is a petition to review the judgment dated 7.2.2007 in W.P.(C) No.28051/03. The issue pertains to disbursement of amounts withheld from the pensionary benefits due to the writ petitioner. This court disposed of the writ petition directing the Government to take action in the light of Ext.P4 judgment in O.P.No.20447/98. But, by the time the writ petition was disposed of, a Division Bench of this court had partly modified the directions in O.P.No.20447/98, as per the judgment in W.A.No.1395/04. Unfortunately, the matter was not brought to the notice of this court by either side, at the time of disposal of the writ petition. Therefore, the matter requires fresh consideration. In the above circumstances, the Review Petition is allowed and the judgment dated 7.2.2007 in W.P.(C) No.28051/03 is recalled. Post the writ petition for hearing.

**KURIAN JOSEPH, JUDGE.**

**tgs**

**KURIAN JOSEPH, J**

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**R.P. No.581 of 2008 in W.P.(C) 28051/03**  
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**O R D E R**

**Dated 30<sup>th</sup> January, 2009.**