

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE C.N.RAMACHANDRAN NAIR

&

THE HONOURABLE MR.JUSTICE C.K.ABDUL REHIM

FRIDAY, THE 28TH DAY OF SEPTEMBER 2012/6TH ASWINA 1934

WA.No. 1570 of 2012 () IN WPC/11236/2010

AGAINST THE JUDGMENT IN WPC.11236/2010 DATED 05-07-2012

APPELLANTS/RESPONDENTS 1 & 2 IN WPC(C):

1. THE PANMANA KSHEEROLPADAKA SAHAKARANA SANGHAM LTD.
NO.Q 141 (D) APCOS, PANMANA PO, KOLLAM 691 583
REPRESENTED BY ITS SECRETARY IN CHARGE.
2. THE BOARD OF DIRECTORS OF THE PANMANA KSHEEROLPADAKA
SAHAKARANA SANGHAM LTD. NO.Q 141 (D) APCOS, PANMANA PO
KOLLAM 691 583
REPRESENTED BY ITS PRESIDENT.

BY ADV. SRI.B.SURESH KUMAR

RESPONDENTS/PETITIONER AND 3RD RESPONDENT IN THE WP(C):

1. SOMANATHAN PILLAI C.,
SRUTHI, MANAYIL, PANMANA P.O.
CHAVARA, KOLLAM 691 583.
2. THE DEPUTY DIRECTOR
OFFICE OF THE DEPUTY DIRECTOR
DIARY DEVELOPMENT DEPARTMENT
ANDAMUKKAM HEAD POST OFFICE, KOLLAM 691 001.

BY SENIOR GOVERNMENT PLEADER SRI.D.SOMASUNDARAM

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 28-09-2012,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

VK

**C.N. RAMACHANDRAN NAIR, J.
&
C.K. ABDUL REHIM, J.**

W.A. No. 1570 OF 2012

DATED THIS THE 28th DAY OF SEPTEMBER, 2012

J U D G M E N T

Ramachandran Nair, J:

Appellant is a Milk Society challenging the interim order passed by the Single Judge directing payment of subsistence allowance to the 1st respondent who is out of service nearly 6 years now. During the pendency of the writ appeal we issue direction to the 2nd respondent to report on the financial position of the society. Special Government Pleader filed reports stating that the appellant which is a Milk Society is in miserable financial condition and unable to pay even the salary to regular staff. Further, we are told that enquiry will be conducted against the affairs of the society and appropriate action will be taken including surcharge proceedings to those found responsible. We leave all these open to the Department to proceed with, but without any delay.

2. Special Government Pleader will communicate this to the Deputy Director for initiation of enquiry and for completion of the same within two months from now. If after enquiry and proceedings the Deputy Director finds liquidity for society, certainly 1st respondent can press his claim for subsistence allowance. In the meantime we feel Writ petition itself can be considered on merit and disposed of without any delay so that finality can be arrived on the disciplinary proceedings initiated against the 1st respondent.

Sd/-

C.N. RAMACHANDRAN NAIR, JUDGE.

Sd/-

C.K. ABDUL REHIM, JUDGE.

AMG

True copy

P.A to Judge