

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE GOPINATH P.

THURSDAY, THE 29TH DAY OF FEBRUARY 2024 / 10TH PHALGUNA, 1945

WP(C) NO. 30665 OF 2019

PETITIONER:

KERALA STATE ROAD TRANSPORT CORPORATION,
REPRESENTED BY ITS CHAIRMAN & M.D, TRANSPORT
BHAVAN, PATTOM, THIRUVANANTHAPURAM.

BY ADVS.

SRI.P.C.CHACKO, SC, KERALA STATE ROAD TRANSPORT CORPN.
P.C.SASIDHARAN(K/255/1982)

RESPONDENTS:

- 1 STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT, LABOUR AND
REHABILITATION DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN-695 001.
- 2 GRATUITY CONTROLLING AUTHORITY
(DEPUTY LABOUR COMMISSIONER), NEAR CIVIL STATION,
KOLLAM-691013.
- 3 S.RAMANAN,
AGED 63 YEARS
S/O SREEDHARAN, REJITHA BHAVAN, PONGODE,
VELIYAN.P.O, KOLLAM, PIN-691 540.
- 4 G.THULASEEDHARAN NAIR,
AGED 63 YEARS
S/O GOPALAN NAIR, REMYA BHAVAN(VILAYIL VEEDU),
ARAMPUNNA, ELAMPAL.P.O, PUNALUR, KOLLAM, PIN-691 306.
- 5 K.PREMACHANDRAN PILLAI,
AGED 64 YEARS,
S/O KESAVA PILLAI, NEDIYARA, ANCHAL, KOLLAM, PIN-691 306.
- 6 S.SOMARAJAN,
AGED 63 YEARS,
S/O SUKUMARAN, KALIYILAZHIKATH PUTHEN
VEEDU, KAIRALI, MATHURAPPRA, THADIKKAD.P.O,
KOLLAM, PIN-691 306.
BY ADV SRI.N.SASIDHARAN UNNITHAN
SRI.DHEERAJ A S, GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
29.02.2024, ALONG WITH WP(C).6372/2020, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE GOPINATH P.

**THURSDAY, THE 29TH DAY OF FEBRUARY 2024 / 10TH PHALGUNA,
1945**

WP(C) NO. 6372 OF 2020

PETITIONER:

KERALA STATE ROAD TRANSPORT CORPORATION,
REPRESENTED BY ITS CHAIRMAN & M.D., TRANSPORT
BHAVAN, PATTOM, THIRUVANANTHAPURAM,
PIN - 695 023.

BY ADVS.

SRI.P.C.CHACKO, SC, KERALA STATE ROAD TRANSPORT
CORPN.

P.C.SASIDHARAN

RESPONDENTS:

- 1 STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
LABOUR AND REHABILITATION DEPARTMENT, GOVERNMENT
SECRETARIAT, THIRUVANANTHAPUAM, PIN - 695 001.
- 2 GRATUITY CONTROLLING AUTHORITY,
DEPUTY LABOUR COMMISSIONER, NEAR CIVIL STATION,
KOLLAM - 691 013.
- 3 P.SHANMUGHAM,
S/O.PADMANABHAN, ARJUN VILLA, NORTH ARYAD P.O.,
ALAPPUZHA DISTRICT, PIN - 688 521.
- 4 RAVEENDRAN PILLAI K.,
MENNATHIL HOUSE, PUTHIYAVILAVADAKKATHIL,
PATTOLYMARKET P.O., KANDALLOOR, KAYAMKULAM,
ALAPPUZHA DISTRICT - 690 531.
- 5 SUDARSANAN P.,
KARAVATHU PUTHEN VEEDU, EDATHARA P.O., KADAYKKAL,
KOLLAM DISTRICT - 678 611.
SRI.VENUGOPAL V, GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 29.02.2024, ALONG WITH WP(C).30665/2019, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

These writ petitions have been filed challenging orders of the Controlling Authority under the payment of Gratuity Act, 1972. These cases were listed along with W.P.(C)No.594 of 2018, which was filed challenging an order issued by the Controlling Authority under the payment of Gratuity Act in an omnibus manner. That writ petition has been allowed today on the ground that there could not be an omnibus order without determining the individual eligibility of persons concerned for gratuity considering their qualifying service etc. Considering the fact that the impugned orders in these cases are orders issued in respect of individual employees and after considering their service details, I am not inclined to interfere with those orders in exercise of the jurisdiction vested in this Court under Article 226 of the Constitution of India.

These writ petitions will therefore stand disposed of permitting the petitioner to avail statutory remedy in respect of the impugned orders. If the statutory appeals are filed within a period of one month from the date of receipt of a certified copy of this judgment, the appellate authority shall treat those appeals as having been filed in time and shall dispose of the same, in accordance with the law,

WP(C) NOS. 30665/2019 & 6372/2020

4

after issuing notice to the affected parties.

Sd/-
GOPINATH P.
JUDGE

DK

APPENDIX OF WP(C) 6372/2020

PETITIONER EXHIBITS

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| EXHIBIT P1 | TRUE COPY OF THE NOTIFICATION NO.GO(P)
NO.45/2013/LBR DATED 04/04/2013. |
| EXHIBIT P2 | TRUE COPY OF EXHIBIT P7 REPRESENTATION
DATED 05/09/2014 IN WP(C) NO.25396 OF
2014. |
| EXHIBIT P3 | TRUE COPY OF THE JUDGMENT DATED
30/09/2014 IN WP(C) NO.25396 OF 2014. |
| EXHIBIT P4 | TRUE COPY OF THE OBJECTION DATED
23/10/2014 FILED BY THE PETITIONER. |
| EXHIBIT P5 | TRUE COPY OF THE ORDER NO.GO(MS)
NO.53/2015/LBR DATED 12/05/2015 ISSUED
BY THE 1ST RESPONDENT. |
| EXHIBIT P6 | TRUE COPY OF THE ORDER DATED 12/03/2018
OF THE GRATUITY CONTROLLING AUTHORITY
GC NO.361/2016. |
| EXHIBIT P7 | TRUE COPY OF THE ORDER DATED 22/09/2018
OF THE GRATUITY CONTROLLING AUTHORITY
GC NO.260/2015. |
| EXHIBIT P8 | TRUE COPY OF THE ORDER DATED 14/09/2018
OF THE GRATUITY CONTROLLING AUTHORITY
GC NO.257/2015. |

APPENDIX OF WP(C) 30665/2019

PETITIONER EXHIBITS

EXHIBIT P1	TRUE COPY OF THE NOTIFICATION NO.G0(P)NO.45/2013/LBR DATED 04.04.2013
EXHIBIT P2	TRUE COPY OF EXHIBIT P7 REPRESENTATION DATED 05.09.2014 IN WP(C)NO.25396 OF 2014.
EXHIBIT P3	TRUE COPY OF THE JUDGMENT DATED 30.9.2014 IN WP(C)NO.253960 OF 2014.
EXHIBIT P4	TRUE COPY OF THE OBJECTION DATED 23.10.2014 FILED BY THE PETITIONER
EXHIBIT P5	TRUE COPY OF THE ORDER NO.G0(MS)NO.53/2015/LBR DATED 12.05.2015 ISSUED BY THE 1ST RESPONDENT
EXHIBIT P6	TRUE COPY OF THE ORDER DATED 25.09.2018 OF THE GRATUITY CONTROLLING AUTHORITY GC NO.111/2016 WITH TRUE ENGLISH TRANSLATION
EXHIBIT P7	TRUE COPY OF THE ORDER DATED 29.09.2018 OFD THE GRATUITY CONTROLLING AUTHORITY GC NO.112/2016 WITH TRUE ENGLISH TRANSLATION
EXHIBIT P8	TRUE COPY OF THE ORDER DATED 21.03.2017 OF THE GRATUITY CONTROLLING AUTHORITY GC NO.270/2015.
EXHIBIT P9	TRUE COPY OF THE ORDER DATED 21.03.2017 OF THE GRATUITY CONTROLLING AUTHORITY GC NO.271/2015.