

John Lilly Vs. State of Kerala

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Court : Kerala

Decided On : Jul-26-2013

Judge : Honourable Mr. Justice Babu Mathew P.Joseph

Appellant : John Lilly

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR. JUSTICE BABU MATHEW P.JOSEPH FRIDAY, THE 26TH DAY OF JULY 2013 4TH SRAVANA, 1935 WP(C).No. 12203 of 2004 (C) ----- PETITIONER(S): ----- JOHN LILLY, KATTUVILA PUTHUVAL, NEENDAKARA P.O., KOLLAM. (PROCESSIING WORKER KERALA FISHERIES CORPORATION, NEENDAKARA). BY ADV. SRI.K.SUBASH CHANDRA BOSE RESPONDENT(S): ----- 1. STATE OF KERALA, REPRESENTED BY SECRETARY TO GOVERNMENT, MINISTRY OF FISHERIES SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DISTRICT OFFICER, MATSYAFED, KERALA STATE CO-OPERATIVE FEDERATION FOR FISHERIES DEVELOPMENT LTD., DISTRICT OFFICE, KOLLAM. R1 BY ADV. GOVERNMENT PLEADER SRI.RAFEEL V.K. R2 BY ADV. SRI.KOSHY GEORGE, SC, MATSYAFED THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 26-07-2013, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: WP(C).No. 12203 of 2004 APPENDIX

PETITIONER'S EXHIBITS: EXT.P1: TRUE COPY OF THE MASS PETITION SUBMITTED BY THE PETITIONER AND OTHERS EXT.P2: TRUE COPY OF THE CERTIFICATE ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER & OTHERS, DATED 22 11-2002 EXT.P3: TRUE COPY OF THE REPRESENTATION FROM THE PETITIONER TO THE 1ST RESPONDENT EXT.P4: TRUE COPY OF THE LETTER FROM THE 1ST RESPONDENT TO THE M.L..A CHAVARA DATED 21 2-2003 EXT.P5: TRUE COPY OF THE LETTER TO THE PETITIONER FROM THE 1ST RESPONDENT, DATED 2 6-2003 EXT.P6: TRUE COPY OF ESI CARDS EXT.P7: TRUE COPY OF THE NEWS APPEARED IN THE MALAYALA MANORAMA DAILY DATED 23 7-2006 RESPONDENTS EXHIBITS: EXT.R1: TRUE COPY OF MUSTER ROLL SHOWING WAGES PAID TO DAILY RATED WORKERS /TRUE COPY/ P.A TO JUDGE BABU MATHEW P.JOSEPH, J.

----- W.P.(C) No.12203 of 2004 ----- Dated this the 26th day of July, 2013

JUDGMENT

This writ petition has been filed for a direction to the respondents to take necessary steps for granting pension and other benefits to the persons named in Ext.P2 and for other reliefs.

2. Heard the learned counsel appearing for the petitioner and the learned Government Pleader appearing for the respondents.

3. Ext.P2 certificate dated 22-11-2002 shows that the petitioner and other thirteen persons had worked with the Kerala Fisheries Corporation Limited, Neendakara. The learned counsel for the petitioner submits that the persons similarly placed were granted pension and other benefits. But, the petitioner and other persons named in Ext.P2 were denied the same. This writ petition can be disposed of by giving an opportunity to the petitioner and others named in Ext.P2 to approach the first respondent with a detailed representation explaining the reasons for granting pension W.P.(C) No.12203 o

2. and other benefits to the petitioner and others and directing the first respondent to dispose of the same on merits. Most of the persons named in Ext.P2 are aged ladies. All the persons included in that list rendered long periods of service. Now all of them are suffering from various ailments and they are deprived of the primary necessities of life. Their case deserves to be considered by the first respondent with utmost sympathy, he further submits. Having heard both the sides, this Court is also of the view that the case of the persons in Ext.P2 list including the petitioner has to be considered sympathetically by the first respondent. Therefore, a direction as prayed for by the learned counsel for the petitioner can be issued in this case.

4. In the result, the petitioner is granted liberty to submit a representation, either by herself or along with others named in Ext.P2, before the first respondent within a period of three weeks from today. In that representation, all the grievances of the petitioner and others named in Ext.P2 can be highlighted. On receipt of such a representation, the first respondent shall consider the same sympathetically
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3. taking into account their long periods of service and the necessity of assuring the welfare of the poor and aged people, who served long the public sector. The first respondent shall dispose of that representation within a period of three months from the date of receipt of the same. Before disposing of the representation, the first respondent shall afford an opportunity of being heard to the petitioner or the representative of the petitioners in the representation. This writ petition is disposed of as above. Sd/-BABU MATHEW P.JOSEPH JUDGE ma
/True copy/ P.A to Judge

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