

S. Jayan vs State of Kerala

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Court : Kerala

Decided On : Oct-31-2023

Judge : Honourable Mr. Justice Raja Vijayaraghavan V

Appeal No. : WP(C)/13191/2023

Appellant : S. Jayan

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V TUESDAY, THE 31ST DAY OF OCTOBER 2023 / 9TH KARTHIKA, 1945 WP(C) NO. 13191 OF 2023 PETITIONER/S: S. JAYAN AGED 58 YEARS S/O SADASIVA PANICKER AMALATHAVILA VEEDU, AVANAKUZHI, THANNIMOODOU, THANNIMOODOU P.O, PIN - 695123 BY ADVS. V.G.ARUN (K/795/2004) V.JAYA RAGI R.HARIKRISHNAN (KAMBISSERIL) NEERAJ NARAYAN N.UNNIKRISHNAN RESPONDENT/S: 1 STATE OF KERALA REPRESENTED BY ITS SECRETARY DEPARTMENT OF TRANSPORT, ROOM NO. 391, 1ST FLOOR, MAIN BLOCK, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, KERALA,

PIN - 695001 2 THE CHAIRMAN AND MANAGING DIRECTOR OF KERALA STATE ROAD TRANSPORT CORPORATION TRANSPORT BHAVAN, THIRUVANANTHAPURAM, PIN - 695001

3 THE FINANCIAL ADVISOR AND THE ACCOUNTS OFFICER TRANSPORT BHAVAN, THIRUVANANTHAPURAM, PIN - 695023 4 THE DISTRICT TRANSPORT OFFICER THIRUVANANTHAPURAM CITY DEPOT, THIRUVANANTHAPURAM, PIN - 695023 5 ASSISTANT TRANSPORT OFFICER PARASSALA, THIRUVANANTHAPURAM, PIN - 695023 6 THE KERALA STATE TRANSPORT WORKERS CO-OPERATIVE SOCIETY LTD. T-133 REPRESENTED BY ITS SECRETARY, SS KOVIL RD, OVER BRIDGE, THAMPANOOR, THIRUVANANTHAPURAM, KERALA, PIN - 695001 BY ADV N.UNNIKRISHNAN SRI. DEEPU THANKAN, SC FOR KSRTC THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 31.10.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

The petitioner states that after having worked as a Garage Mazdoor at the Parassala Unit of the KSRTC, he attained superannuation on 31.5.2020. He states that he availed a personal loan of Rs.2,50,000/- from the 6th respondent society in the year 2014. He states that the 3rd respondent has recovered the amount towards the repayment of the loan from the salary of the petitioner but failed to remit the said amount to the loan account of the petitioner. It is stated that being aggrieved by the action on the part of the respondents, the petitioner has preferred representation. The grievance of the petitioner is that the representations have not been considered to date. It is on these assertions that this writ petition is filed seeking the following reliefs:

- i. issue a writ of mandamus or any such other writ, order or direction, directing the 2nd, 3rd, 4th and 5th respondent to disburse of the petitioners pension, D.C.R.G, Terminal Leave Surrender Benefits,

Gratuity and other retirement benefits of the petitioner within a time frame as fixed by this Honble Court; ii. issue a writ of mandamus or any such other writ, order or direction, directing the 3rd respondent to pay the recovered

amount with penal/accrued interest due to the non-remittance of the loan amount from the petitioners salary towards the his loan account in Kerala State Transport Workers Co-Operative Society Ltd, T-133; iii. issue a writ of mandamus or any such other writ, order or direction, directing the respondents No. 2, 3, 4 & 5 to consider Exts. P5 to P8 representations within a time frame as fixed by this Honble Court;

2. A counter affidavit has been filed by the 6th respondent wherein it is

stated that the dues under the loan account were remitted by the petitioner, and the loans were closed on 31.03.2023. It is further stated that the liability towards the society has been cleared.

3. The learned counsel appearing for the petitioner submits that there

was no justification on the part of the KSRTC in not disbursing the pension, DCRG, Terminal leave surrender benefits, Gratuity, and other retirement benefits due to the petitioner.

4. The learned Standing Counsel appearing for the KSRTC submits that

now that the dues to the society have been cleared, the pension dues to the petitioner shall be sanctioned and disbursed within a period of two months. In so far as the DCRG, Terminal leave surrender benefits, Gratuity, and other retirement benefits due to the petitioner are concerned, the same shall be disbursed within a period of four months. The said submission is recorded. In that view of the matter, this writ petition is disposed of directing the respondents 2 to 5 to sanction and disburse the pension to the petitioner within a period of two months from the date of receipt of a copy of this judgment. In so far as the DCRG, Terminal leave surrender benefits, Gratuity and other retirement benefits due to the petitioner are

concerned, the same shall be disbursed within a period of four months from the date of receipt of a copy of the judgment. Sd/- RAJA VIJAYARAGHAVAN V, JUDGE NS/31/10/2023 APPENDIX OF WP(C) 13191/2023 PETITIONER EXHIBITS Exhibit P1 A TRUE COPY OF THE K.S.R.T.C RECOVERY DETAILS FROM THE SALARY OF THE PETITIONER AGAINST LOAN ACCOUNT NO. 54364 Exhibit P2 A TRUE COPY OF THE LOAN ACCOUNT STATEMENT OF

LOAN ACCOUNT NO. 54364 ISSUED BY KERALA STATE TRANSPORT WORKERS CO-OPERATIVE SOCIETY LTD, T-133 TO THE PETITIONER Exhibit P3 A TRUE COPY OF THE LOAN ACCOUNT STATEMENT OF LOAN ACCOUNT NO. 72938 ISSUED BY KERALA STATE TRANSPORT WORKERS CO-OPERATIVE SOCIETY LTD, T-133 TO THE PETITIONER Exhibit P4 A TRUE COPY OF THE REPRESENTATION DATED CHAIRMAN AND MANAGING DIRECTOR, KERALA STATE ROAD TRANSPORT CORPORATION Exhibit P5 A TRUE COPY OF REPRESENTATION DATED 04.03.2021 FILED BY THE PETITIONER BEFORE THE FINANCIAL ADVISOR AND ACCOUNTS OFFICER OF KERALA STATE ROAD TRANSPORT CORPORATION Exhibit P6 A TRUE COPY OF THE REPRESENTATION DATED DISTRICT TRANSPORT OFFICER, KERALA STATE ROAD TRANSPORT CORPORATION Exhibit P7 A TRUE COPY OF THE REPRESENTATION DATED ASSISTANT TRANSPORT OFFICER, KERALA STATE ROAD TRANSPORT CORPORATION, PARASSALA UNIT

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