

Rajan E.K. vs State of Kerala

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Court : Kerala

Decided On : Jul-29-2021

Judge : Honourable Mr. Justice Devan Ramachandran

Appeal No. : WP(C)/7414/2021

Appellant : Rajan E.K.

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN THURSDAY, THE 29TH DAY OF JULY 2021 / 7TH SRAVANA, 1943 PETITIONER: RAJAN E.K., AGED 58 YEARS, S/O. KUNJU, RESIDING AT EDAPATTUNJALIL, KURUMULLOOR P.O., VEDAGIRI, ETTUMANOOR, KOTTAYAM DISTRICT. BY ADVS. R.LAKSHMI NARAYAN SMT.R.RANJANIE RESPONDENTS:

1 STATE OF KERALA, REP. BY ITS SECRETARY, DEPARTMENT OF INDUSTRIES, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695001. 2 THE MANAGING DIRECTOR, KERALA STATE TEXTILE CORPORATION LTD., HEAD OFFICE OF

THE KERALA STATE TEXTILE CORPORATION LTD., ANNAPOORNA, KOCHAR ROAD, SASTHAMANGALAM, THIRUVANANTHAPURAM-695001. 3 THE GENERAL MANAGER, KOTTAYAM TEXTILES, (A UNIT OF KERALA STATE TEXTILE CORPORATION LTD.) (A GOVERNMENT OF KERALA UNDERTAKING), VEDAGIRI, KURUMALLOOR P.O., KANAKKARY (VIA), KOTTAYAM DISTRICT-686 639. BY ADVS. SRI.P.U.SHAILAJAN,SC SRI. SUNIL KUMAR KURIAKOSE - GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 29.07.2021, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: -2-

JUDGMENT

The petitioner says that he retired from the services of Kerala State Textile Corporation Ltd. (the Corporation, for short) on 30.09.2019, after serving as an Assistant Manager (Spinning) in Kottayam Textiles, which is a unit of the said Corporation.

2. The petitioner has approached this Court seeking that respondents be directed to pay him an amount of Rs.9,81,408/- towards gratuity and an amount of Rs.1,61,790/- towards unpaid salary and arrears, along with arrears of pension, with applicable interest.

3. The learned Standing Counsel for the Corporation - Sri.P.U.Shailajan, in response, submitted that a counter affidavit has been filed by respondents 2 and 3, wherein, they admit that -3- an amount of Rs.9,12,408/- to be paid to the petitioner towards gratuity, along with arrears of Dearness Allowance and a further amount of Rs.3,25,000/-, to be remitted to the Employees' Provident Fund account (EPF account).

4. Sri.P.U.Shailajan submitted that Kottayam Textiles, from which the petitioner retired, is in grave financial difficulty; and that they will be able to pay the amount of Rs.9,12,408/- only in ten monthly installments, while the amount of

Rs.3,25,000/- will be remitted into the EPF account within a period six months.

5. On hearing Sri.P.U.Shailajan as afore, the

learned counsel for the petitioner - Smt.R.Ranjanie, submitted that her client admits the figures aforementioned; but prayed that they be directed to be paid much earlier than what has been afore undertaken. She submitted that she is making this submission because her client is -4- suffering from extreme physical and medical difficulties, including that he had suffered a stroke; and that unless at least the amount of Rs.3,25,000/- is paid into his EPF account immediately, he will not be in a position even to obtain the eligible pension.

6. I find substantial force in the

submissions of Smt.R.Ranjanie. This is more so because, the respondents do not contest the claim of the petitioner and they have agreed to pay Rs.9,12,408/- towards the amount of gratuity and arrears of Dearness Allowance, as also Rs.3,25,000/- towards contribution to the EPF.

7. The petitioner, admittedly, retired as early as on 30.09.2019 and it has been more than

one and a half years thereafter. Since he is stated to be suffering from grievous diseases, I am of the view that he must at least be favoured with the eligible pension at the earliest. -5- In the afore circumstances, I order this writ petition and direct the respondents to remit an amount of Rs.3,25,000/- (Rupees three lakh twenty five thousand only) to the petitioners EPF account within a period of three months from the date of receipt of a copy of this judgment, so that he can begin to obtain the eligible monthly pension thereafter; with an additional direction

to the respondents to pay the amount installments commencing from August 2021, failing which, said amount will carry interest at the rate of 9% per annum from today, until it is actually paid.

It is also clarified that once the remittance is made by the respondents into the EPF account of the petitioner, the eligible pension, along with its arrears, shall be

disbursed to him by its -6- competent Authority without any avoidable delay. Sd/-
DEVAN RAMACHANDRAN JUDGE akv -7- APPENDIX OF WP(C) 7414/2021
PETITIONER'S EXHIBITS: EXHIBIT P1 THE PHOTOCOPY OF THE
STATEMENT OF GRATUITY ISSUED BY THE 3RD RESPONDENT TO THE
PETITIONER. EXHIBIT P2 THE PHOTOCOPY OF RETIREMENT NOTICE
DATED 6.9.19 ISSUED BY THE 3RD RESPONDENT TO THE PETITIONER.
EXHIBIT P3 THE PHOTOCOPY OF MEDICAL CERTIFICATE DATED 3.3.2021
ISSUED TO THE PETITIONER FROM CARITAS HOSPITAL, KOTTAYAM.
EXHIBIT P4 THE PHOTOCOPY OF REPRESENTATION DATED 29.1.2020
SUBMITTED BY THE PETITIONER BEFORE THE 3RD RESPONDENT.
RESPONDENT'S/S EXHIBITS : NIL. //TRUE COPY// P.A. TO JUDGE

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