

Kerala High Court

K.P.Jayaprakash vs Chengannur Municipality on 4 July, 2008

IN THE HIGH COURT OF KERALA AT ERNAKULAM

WP(C).No. 14204 of 2008(N)

1. K.P.JAYAPRAKASH, KALLELIL, KIZHAKKENADA,
... Petitioner

Vs

1. CHENGANNUR MUNICIPALITY, CHENGANNUR ,
... Respondent

2. DIRECTOR OF MUNICIPALITIES,

For Petitioner : SRI.K.SASIKUMAR

For Respondent : SRI.S.HARIKRISHNAN, SC, MC, CHENGANNUR

The Hon'ble MR. Justice V.GIRI

Dated : 04/07/2008

O R D E R

V.GIRI, J.

W.P (C) No. 14204 of 2008

Dated this the 4th July, 2008

J U D G M E N T

Petitioner retired from the Chengannur Municipality as Superintendent on 30.6.2007. By Exhibit-P1, terminal leave surrender benefits were sanctioned to the petitioner. By Exhibit-P2, DCRG and Commuted Value of Pension were sanctioned. Petitioner is aggrieved by notwithstanding the order of sanction except the pension, other amounts are yet to be received.

2. First respondent has filed a statement. It is clear that no liability as such is fixed against the petitioner. The stand taken by the Municipality is that amounts are due to the Municipality from the State and that has not been disbursed in full. In the meanwhile, in Exhibit -P2, the Director has

directed the Municipality to pay the amounts due to the petitioner from the amounts due from the Municipality to the State by way of contribution to the Central Pension Fund. This W.P (C) No. 14204 of 2008 according to the learned counsel for the Municipality is unjustified.

3. I heard learned counsel for the petitioner and learned Government Pleader and learned standing counsel for the 1st respondent Municipality.

4. Exhibit-P2 order passed by the Director is categoric and as long as it remains, it is binding on the Municipality as well. In the circumstances, the Municipality is bound to disburse the DCRG and Commuted Value of Pension due to the petitioner in terms of Exhibit-P2. Petitioner has a claim for revision of retirement benefits and the same is pending orders as Exhibit-P7 before the Director. The Director will have to take a decision on this aspect.

5. In the result, the writ petition is disposed of in the following terms:

i) First respondent shall disburse to the petitioner the amount sanctioned under Exhibit-P2 within a period of two months from the date of receipt of a copy of this judgment.

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ii) First respondent shall also pay the salary arrears due to the petitioner on the basis of Exhibit-P6 within the aforementioned time frame.

iii) Second respondent shall pass orders on Exhibit- P7 within a period of three months from the date of receipt of a copy of this judgment. Thereupon, appropriate steps shall be taken by the 1st respondent in consonance with the same.

iv) Arrears of pension due to the petitioner for the period from 1.7.2007 till 3.6.2007 shall also be paid by the 1st respondent, within a period of two months from the date of receipt of a copy of this judgment.

(V.GIRI, JUDGE) ma W.P (C) No. 14204 of 2008 W.P (C) No. 14204 of 2008