(2014) 11 KL CK 0007

In the High Court Of Kerala

Case No : Writ Petition (Civil) No. 1201 of 2014 (A)

A.D. Antony APPELLANT

Vs

The Comptroller RESPONDENT

Date of Decision : 28-11-2014

Acts Referred:

Citation : (2014) 11 KL CK 0007

Hon'ble Judges : Dama Seshadri Naidu, J

Bench : Single Bench

Advocate : P.V. Jayachandran, Advocate for the Appellant; Joseph Kuruvathazha, SC, Advocate for the Respondent

Judgement

Dama Seshadri Naidu, J.—The petitioner has approached this Court, having lost his substantial source of income, the salary, on retirement, when the respondent University, his employer, kept him on an interminable wait for what is otherwise his legitimate right, the retirement benefits. For one reason or another, the delays, more often than not, occur in the matters of settling the terminal benefits of the superannuated staff, the respondent University being no exception. This case is yet another such example as to illustrate the plight of the retired employees.

2. Briefly stated, as the records reveal, the petitioner retired from service on attaining the age of superannuation in 2006, from Kerala Agricultural University, his employer. Despite the lapse of more than seven years from the date of his retirement, so far, his terminal benefits have not been settled. All his efforts before the authorities bearing no fruit, the petitioner has approached this Court by filing the present writ petition.

3. In response to the submissions of the learned counsel for the petitioner that the delay on the part of the authorities in disbursing the terminal benefits to the petitioner is unjustified, the learned Standing Counsel has stated that the respondent University does not have any intention of holding back any of the

terminal benefits of the petitioner, but for the financial crunch inasmuch as the University is dependent on the Government for funds. In other words, the entire contention or defence on the part of the learned Standing Counsel for the University is that owing to lack of funds, the issue cannot be settled.

4. The learned counsel for the petitioner has brought to my notice a judgment of this Court in W.P.(C) No. 27285/2013 and batch, disposed of on 20.02.2014, per a learned Single Judge, under identical circumstances. This Court, on that occasion, has observed that it is for the University to find out its own resources for payment of terminal benefits due to the retired employees, and that the University cannot deny payment of retiral benefits to its employees on the pretext of financial stringency. I am in respectful agreement with the said opinion.

5. It is further pertinent to observe that, eventually, the learned Single Judge has issued the following direction in the judgment referred to above, and the same is as follows:

"[K]erala University [is] to formulate a priority lit of employees retired as on date, to whom payment of terminal benefits are pending due, based on their date of retirement. Eligible amounts due to the persons included in the list shall be paid within a period from 2 months to 6 months from today onwards. Payments after settling claims of each persons shall be made starting from today and all such persons included in the list shall be paid the benefits within an outer [time] limit of 6 months from today."

Indeed, in the present instance, the respondent is directed to follow the above procedure and settle the retiral benefits of the petitioner as well.

6. At this juncture, it is further brought to the notice of this Court that despite the time frame fixed in the judgment dated 20.02,2014, so far, the respondent University has not complied with the direction of this Court in that batch of writ petitions. If there is any infraction, it is for the parties aggrieved to take remedial steps in that regard.

7. Be that as it may, this Court, having not been inclined to take a different view, disposes of this writ petition in the same lines as has been done in W.P.(C) No. 27285/2013. In this context, it is made clear that if the authorities fail to settle the issue within three months as has been originally provided, the petitioner is entitled to 6% interest on the amounts due after the lapse of initial period of three months.

Though the writ is proposed to be disposed of on the usual lines as has been done earlier, the learned counsel for the petitioner has submitted that the terminal benefits of the petitioner shall be fixed taking into account the pay revisions that took place while the petitioner was in service. Accordingly, it is further observed that the petitioner''s retirement benefits may be settled taking into account any pay revision that took place while the petitioner was in service, provided it has any application to the petitioner. No order as to costs.

