
(2012) 06 KL CK 0135
In the High Court Of Kerala
Case No : WP (C) .No. 13589 of 2012 (W)

Kumari Santha.K.

APPELLANT

Vs

The Kerala State Electricity Board, The Controlling Authority
Under The Payment of Gratuity Act, 1972 and District Labour
Officer, Thiruvananthapuram-I, 695001, The Appellate
Authority Under The Payment of gratuity Act, 1972 and
Regional Joint Labour Commissioner and The Chief
Engineer(Hrm)

RESPONDENT

Date of Decision : 14-06-2012

Acts Referred:

Citation : (2012) 06 KL CK 0135

Hon'ble Judges : K. Surendra Mohan, J

Bench : Single Bench

Advocate : M.K. Pushpalatha, for the Appellant; Sri. K.S. Anil, SC, Kseb in R1 and R4 and Sri. G. Gopakumar Government Pleader Advocate in R2 and R3, for the Respondent

Judgement

K. Surendra Mohan, J

1. The petitioners are all retired employees or widows of retired employees of the Kerala State Electricity Board, the first respondent herein. They complain that they have not been paid the interest portion of their gratuity so far. Since the petitioners had not been paid gratuity in accordance with the provisions of the Payment of Gratuity Act, 1972 they had approached the second respondent for necessary reliefs. Accordingly, as per Exts.P1 to P5 orders, the second respondent has directed payment of the balance amount of gratuity to them. Though the first respondent has taken Ext.P7 decision to follow the Payment of Gratuity Act, 1972, the payments due to them have still not been made, the petitioners complain.

2. The counsel for the petitioners submits that this Court has allowed similar prayers in various other writ petitions filed by retired employees like the

petitioners. Ext.P8 is one such judgment. Adv. K.S.Anil who appears for the first respondent submits that the amounts claimed would be paid provided some time is granted for the said purpose. He points out that six W.P.C. NO. 13589 OF 2012 2 month's time has been granted by this Court in Ext.P8. He also submits that interest may be permitted to be calculated from the respective due dates, only till the date of deposit of the principal amount. The above being the position, I am satisfied that this writ petition can also be disposed of in terms of the directions in Ext.P8. Accordingly, this writ petition is disposed of with the following directions:-

- (i). The first respondent Board shall deposit the entire balance amount payable to the petitioners, calculated in accordance with the orders Exts.P1 to P5, the interest to be calculated from the respective due dates in the case of each petitioner till the date of deposit of the principal amount, before the Controlling Authority, within a period of six months from today.
- (ii) Upon such deposit being made, it shall be open to the petitioners to unconditionally withdraw the amounts so deposited.
- (iii). If the petitioners have withdrawn the principal amount of gratuity after executing bonds, such withdrawal will be treated as unconditional.