
(2010) 02 KL CK 0019

In the High Court Of Kerala

Case No : Writ Petition (C) . No. 25511 of 2008 (K)

P. Raghavan

APPELLANT

Vs

Kerala State Road Transport Corporation

RESPONDENT

Date of Decision : 10-02-2010

Acts Referred:

Citation : (2010) 02 KL CK 0019

Hon'ble Judges : Antony Dominic, J

Bench : Single Bench

Advocate : P.R. Venketesh, for the Appellant; No Appearance, for the Respondent

Judgement

Antony Dominic, J.—The petitioner was a Chargeman, who retired from the Edappal Depot of the Kerala State Road Transport Corporation on 31/07/2003. While he was in service, he availed of certain financial assistance from the Kerala State Financial Enterprises and the Kerala State Transport Workers Co-operative Society Ltd. According to the petitioner, the liability was being discharged by way of instalments, which were recovered by the employer from his salary. It is stated that although such recoveries were made in time, delay was caused in remitting the amount to the respective institutions. As a result of which, those institutions levied overdue interest on the petitioner. The petitioner submits that by way of overdue interest, Rs. 28,255/- was levied, and that the said amount was recovered from his terminal benefits.

2. The contention of the petitioner is that default was occurred at the hands of the KSRTC, in as much as, it had after making recoveries in time, did not make timely remittance of the amount to the respective institutions.

3. If as stated by the petitioner, delay has occurred only for the reasons attributable to the KSRTC, the petitioner cannot be saddled with the liability for payment of overdue interest. If overdue interest has been realised in the circumstances as pointed out above, the petitioner is entitled to be compensated by the KSRTC. This necessarily calls for verification of the records of the KSRTC

as to whether delay has occurred at their hands in remitting the amount, and on such examination, if delay has in fact occurred, the KSRTC should reimburse the amount to the petitioner.

This writ petition is, therefore, disposed of directing the KSRTC to verify its records and ascertain as to whether delay has occurred at their hands in remitting the amount recovered from the petitioner to the KSFE and to the Society referred to above. On such examination, if it is found that delay has occurred for reasons which were entirely attributable to the KSRTC, the KSRTC should refund to the petitioner the amount recovered from his terminal benefits towards overdue interest, which was paid to the KSFE and to the Society referred to above. The aforesaid process of verification will be completed as expeditiously as possible, at any rate, six weeks of production of a copy of this judgment.

This writ petition is disposed of as above.