
(2025) 02 KL CK 1240
In the High Court Of Kerala
Case No : Writ Petition (C) No. 12815 Of 2017

Suresh V.K

APPELLANT

Vs

Chief Engineer (HRM)

RESPONDENT

Date of Decision : 05-02-2025

Acts Referred:

Citation : (2025) 02 KL CK 1240

Hon'ble Judges : Mohammed Nias C.P, J

Bench : Single Bench

Advocate : T.C.Govindaswamy, Kala T.Gopi, Kailesh T. Gopi, Nishitha Balachandran, M.K.Thankappan, O.M.Shalina, B.Premod

Final Decision : Allowed

Judgement

Mohammed Nias C. P. , J.

1. The petitioner was working as a Khalasi under the 3rd respondent, Director, Department of Lighthouses and Lightships from 05.07.2002 to 20.06.2008. The petitioner thereafter was appointed as an electricity worker in Kerala State Electricity Board, allegedly after getting consent from the 3rd respondent. The petitioner approached the Board to reckon the prior service he rendered under the 3rd respondent as qualifying service for the grant of pensionary benefits including the grant of service weightage and all consequential benefits arising therefrom. The request of the petitioner was rejected as per Ext.P5.

2. The petitioner submits that his case is covered by the judgment of this Court in Babu M Poulouse Vs. Kerala State Electricity Board, Tvm and Others [2014 (2) KHC 187], wherein it is held that an employee of the Government of India Department, who on his own volition leaves that employment to take up regular employment in a Department under the Government of Kerala or under KSEB, full pensionary liability pertaining to that employee has to be paid counting the prior service under the Department of Government of India and the pension has to be paid by the employer/organisation to which the employee permanently

belongs at the time of retirement.

3. Taking note of the above, Ext.P5 is set aside and there will be a direction to respondents 1 and 2 to reconsider the request submitted by the petitioner for reckoning the prior service and take a fresh decision, in light of the law laid down by this Court. The decision as directed above, shall be taken within two months from the date of receipt of a copy of this judgment, with notice to the petitioner.

The impugned order is quashed. The Writ Petition is allowed as above.