
(2022) 05 KL CK 0099

In the High Court Of Kerala

Case No : Writ Petition (C) No. 16550 Of 2022

V.A.Jose

APPELLANT

Vs

Joint Registrar (General), Co Operative Societies

RESPONDENT

Date of Decision : 23-05-2022

Acts Referred:

Citation : (2022) 05 KL CK 0099

Hon'ble Judges : Murali Purushothaman, J

Bench : Single Bench

Advocate : S.Jayakrishnan, S.Parameswara Prasad

Final Decision : Disposed Of

Judgement

Murali Purushothaman, J

1. The petitioner is a former employee of the third respondent-Bank. He entered in service of the Bank as Peon on 01.01.1999, on temporary basis and was appointed on regular basis on 06.08.2003. He retired from service as Accountant on 31.03.2020. According to the petitioner, in terms of Rule 59 of the Kerala Co-operative Societies Rules, the total gratuity due to him is Rs.4,99,486/-. However, an amount of Rs.3,93,720/- alone was paid to the petitioner. The request of the petitioner for disbursement of the balance amount was rejected by the third respondent vide Ext.P1. Aggrieved by the same, the petitioner preferred Ext.P2 statutory application before the second respondent under the Payment of Gratuity Act, 1972. The contention of the petitioner is that the second respondent has not so far considered the same. Accordingly, the petitioner has filed this writ petition for the following reliefs:-

"i) Issue a writ of certiorari or any other appropriate writ, order or direction, to call for the records leading to Exhibit P1 and quash the same;

ii) Issue a Writ in the nature of mandamus or any other appropriate writ, order or direction, directing the 1st respondent to see that the 3rd respondent pays the

balance gratuity amount of Rs.1,05,766/- to the petitioner along with interest from 01.04.2020 till the date of realization;

iii) Issue a writ of mandamus or any other appropriate writ, order or direction, directing the 2nd respondent to consider and pass orders on Exhibit P2 after affording an opportunity of being heard."

2. Heard the learned counsel for the petitioner, the learned standing counsel for the 5th respondent and the learned Government Pleader.

In the nature of the order I propose to pass in this writ petition, notice to respondents 3 and 4 is not necessary. Having regard to the facts and circumstances of the case and the submissions made across the Bar, this writ petition is disposed of directing the second respondent to consider Ext.P2 application and dispose of the same on merits, in accordance with law, after hearing the petitioner and the third respondent. This shall be done within a period of six months from the date of receipt of copy of this judgment.