
(2023) 06 KL CK 0259
In the High Court Of Kerala
Case No : Writ Petition (C) No.18736 Of 2023

Vinod.V.V.

APPELLANT

Vs

Kerala State Road Transport Corporation

RESPONDENT

Date of Decision : 23-06-2023

Acts Referred:

Citation : (2023) 06 KL CK 0259

Hon'ble Judges : Gopinath P, J

Bench : Single Bench

Advocate : K.P.Justine, A.Joseph George, Deepu Thankan

Final Decision : Disposed Of

Judgement

Gopinath P, J

1. The petitioner has approached this Court seeking a refund of the amount deducted from the salary of the petitioner towards the repayment of a loan available by the petitioner from the 7th respondent society. According to the petitioner, the amount deducted from the salary of the petitioner (Rs.2,23,100/- Rupees Two lakh Twenty Three Thousand One Hundred only) was never paid to the society and was illegally retained by the KSRTC. According to the petitioner, the petitioner has now settled the loan with the 7th respondent, as is evident from Ext.P3 and therefore, the first respondent is bound to refund the said amount of Rs.2,23,100/- (Rupees Two lakh Twenty Three Thousand One Hundred only) to the petitioner forthwith. It is submitted that the amount is urgently required by the petitioner to meet treatment expenses of his mother. The learned counsel for the petitioner also submits that the penal interest charged by the 7th respondent society for delayed payment is also to be paid to the petitioner by the KSRTC.

2. The learned Standing Counsel appearing for the respondent Corporation would submit that considering the urgent need projected by the petitioner, the amount of Rs.2,23,100/- (Rupees Two lakh Twenty Three Thousand One Hundred only)

can be refunded to the petitioner within a period of one month, on the petitioner making an application for the same. It is submitted that the Corporation is in discussion with the 7th respondent regarding waiver of any penal interest etc. charged on loans availed by employees of the corporation and on account of delayed remittance by the corporation. It is submitted that the question of whether the corporation is bound to reimburse the penal interest charged by the 7th respondent, to the petitioner, may be left open for adjudication.

Having heard the learned counsel for the petitioner and the learned Standing Counsel for the Kerala State Road Transport Corporation, this writ petition will stand disposed of directing the first respondent to refund an amount of Rs.2,23,100/-(Rupees Two lakh Twenty Three Thousand One Hundred only) to the petitioner within a period of one month from the date on which the petitioner makes an application for the same. The question as to whether the petitioner is entitled to payment of the penal charges on account of non-payment of the amounts deducted from the salary of the petitioner to the 7th respondent is left open for adjudication, taking into consideration the submission of the learned Standing Counsel that the Corporation is in discussion with the 7th respondent to waive all such penal interest charges.

This writ petition is disposed of as above.