

IN THE HIGH COURT OF KERALA AT ERNAKULAM

Present:

THE HONOURABLE MR.JUSTICE C.T.RAVIKUMAR

&

THE HONOURABLE MR.JUSTICE V.G.ARUN

Thursday, the 28th day of February 2019/9th Phalguna, 1940

OP(KAT) No.51/2019

(AGAINST THE ORDER DATED 21/3/2017 in OA(EKM) No.130/2017 OF THE KERALA ADMINISTRATIVE TRIBUNAL, THIRUVANANTHAPURAM) (CAMP SITTING ERNAKULAM).

PETITIONERS/RESPONDENTS IN O.A.

1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT, GENERAL EDUCATION
DEPARTMENT, ANNEX GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM,
KERALA-695001.
2. THE DIRECTOR, VOCATIONAL HIGHER SECONDARY EDUCATION,
OFFICE OF THE DIRECTOR, VHSE, THIRUVANANTHAPURAM.
3. THE PRINCIPAL, GOVERNMENT VOCATIONAL HIGHER SECONDARY SCHOOL,
NADAKKAVU, KOZHIKODE KERALA-673011.
4. THE ACCOUNTANT GENERAL (A AND E), KERALA,
OFFICE OF THE ACCOUNTANT GENERAL (A AND E), M.G. ROAD,
THIRUVANANTHAPURAM, KERALA-695039.

RESPONDENT/APPLICANT IN O.A.

LATHIKA RANI A., ATHOLI HOUSE, KOLATHARA,
CHERUVANNOOR P.O., KOZHIKODE (RETIRED H.S.A. (HINDI))
(HIGHER GRADE, NOW RESIDING AT KARAYI, S.V. COLONY ROAD,
ERANHIPALAM, KOZHIKODE, KERALA-673006.

Original Petition (Kerala Administrative Tribunal) praying inter alia that in the circumstances stated in the affidavit filed along with the OP(KAT) the High Court be pleased to stay the operation and implementation of Ext. P2 order dated 21/3/2017 in O.A.(EKM) No. 130/2017 on the file of the Kerala Administrative Tribunal, Thiruvananthapuram camp sitting Ernakulam pending disposal of the above Original Petition.

This petition coming on for admission on 28/2/2019 upon perusing the petition and the affidavit filed in support of OP(KAT) and upon hearing the arguments of GOVERNMENT PLEADER, for the petitioners and of Sri. P. RAMAKRISHNAN Advocate for the respondent, the court passed the following:

O R D E R

Admit. Advocate Sri. P. Ramakrishnan, learned counsel takes notice for the respondent.

The respondent/applicant retired from the service as Senior Grade HSA on 31/3/2016. However, terminal benefits to the respondent/applicant are yet to be disbursed on the ground that while in service, the respondent/applicant had obtained an excess amount of Rs. 1,70,000/-. Thus, it is obvious that the

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OP(KAT) No.51/2019

disputed amount is only Rs. 1,69,619/-. Under such circumstances, we are of the view that there is no need to withhold the entire amount of terminal benefits payable to the respondent/applicant. Hence, there will be a direction to the petitioners to disburse the terminal benefits to the respondent/applicant, less an amount of Rs. 1,70,000/- within a period of one month.

28-02-2019

Sd/- C.T.RAVIKUMAR, JUDGE
Sd/- V.G.ARUN, JUDGE

/true copy/

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10/11/19
11/3/19
DEPUTY REGISTRAR

EXHIBIT P2: TRUE COPY OF THE ORDER DATED 21/3/2017 IN OA (EKM) NO. 130/2017.

11/3/19

11/3/19