

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE GOPINATH.P.

TUESDAY, THE 12TH DAY OF MAY,2020/22ND VAISAKHA, 1942

W.P(C) NO.9864 OF 2020

PETITIONERS

1. DR. SUSAN MATHEWS, AGED 47,
D/O RAJAN J MATHEWS, 5C, HEERA HAVEN,
ULLOOR- AAKULAM ROAD, MEDICAL COLLEGE P.O.,
THIRUVANANTHAPURAM-695011.
2. DR. ASHA ARJUNAN, AGED 48, D/O.V.ARJUNAN,
USHES, NO. 13, TILAK NAGAR, PAROTTUKONAM,
NALANCHIRA P.O, THIRUVANANTHAPURAM - 695 015
3. DR. C.T.KAINICKAL, AGED 46, S/O KJ THOMMACHAN,
KAINICKAL HOUSE, VAZHAKKULAM P.O., MOOVATTUPUZHA,
ERNAKULAM DISTRICT, 686670

BY ADV. SURYA BINOY

RESPONDENTS

1. STATE OF KERALA, REPRESENTED BY
SECRETARY TO THE DEPARTMENT OF
HEALTH AND FAMILY WELFARE,
SECRETARIAT, THIRUVANANTHAPURAM PIN 695001.
2. REGIONAL CANCER CENTRE, REPRESENTED BY ITS DIRECTOR,
MEDICAL COLLEGE P.O., THIRUVANANTHAPURAM - 695 011
3. THE DIRECTOR, REGIONAL CANCER CENTRE,
MEDICAL COLLEGE P.O., THIRUVANANTHAPURAM - 695 011

BY GOVERNMENT PLEADER SRI.K.P.HARISH

THIS WRIT PETITION HAVING COME UP FOR ADMISSION ON 12.05.2020,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

Admit.

The learned Government Pleader takes notice for R1.

Adv. Sri. Athul Shaji takes notice for R2 & R3.

Post on 27.05.2020. The respondents shall file counter affidavit/statement by that time.

**GOPINATH P.
JUDGE**

ncd

APPENDIX

PETITIONERS' EXHIBITS

EXHIBIT.P1: TRUE COPY OF GO (MS) NO. 411/2013/H &FWD DATED 09.10.2013

EXHIBIT.P2: DRAFT RCC EMPLOYEES' PENSION RULES, 2014

EXHIBIT.P3: TRUE COPY OF THE FILE NOTINGS OF THE 4TH RESPONDENT DEPARTMENT RECEIVED UNDER RTI PERTAINING TO THE APPROVAL OF DRAFT RULES INCLUDING A NOTE PREPARED BY THE ADDL. SECRETARY TO THE DEPARTMENT OF FINANCE

EXHIBIT.P4: TRUE COPY OF (4) G.O.(MS) NO. 267/2015/H&FWD DATED 21.11.2015

EXHIBIT.P5: TRUE COPY OF THE RCC EMPLOYEES' PENSION RULES, 2016

EXHIBIT.P6: TRUE COPY OF THE OPTION FORM SUBMITTED BY THE 2ND PETITIONER DATED 11.07.2016

EXHIBIT.P7: TRUE COPY OF THE LETTER DATED 19.08.2016 WRITTEN BY THE 3RD RESPONDENT REQUESTING THE 1ST RESPONDENT TO IMPLEMENT NPS AT RCC

EXHIBIT.P8: TRUE COPY OF THE ACTUARIAL REPORT PREPARED BY LIC DATED 18.03.2017

EXHIBIT.P9: TRUE COPY OF THE ACTUARIAL VALUATION REPORT COMMISSIONED BY THE 3RD RESPONDENT DATED 23.01.2018

EXHIBIT.P10: TRUE COPY OF THE JUDGMENT DATED 21.08.2019 IN WP(C) 36516 OF 2017

EXHIBIT.P11: TRUE COPY OF G.O.(MS) NO. 53/2020/H&FWD DATED 17.03.2020

EXHIBIT.P12: TRUE COPY OF THE REPRESENTATION DATED 04.05.2020

EXHIBIT P13: TRUE COPY OF THE INFORMATION OBTAINED UNDER RTI ACT DATED 27.01.2020