

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

MONDAY, THE 5TH DAY OF JANUARY 2015/15TH POUSHA, 1936

WP(C).No. 1133 of 2006 (I)

PETITIONER:

**ANNAMMA CHACKO,
KUDACKADU, MUTTAR, ALAPPUZHA-689 574.**

BY ADV. SRI.A.KRISHNAN

RESPONDENTS:

**1. KERALA STATE CO-OPERATIVE EMPLOYEE'S
PENSION BOARD, P.B.NO.85, T.C.NO.27/156/157
CHINMAYA LANE, KUNNUNPURAM, THIRUVANANTHAPURAM-695 001
REPRESENTED BY ITS ADDITIONAL REGISTRAR/SECRETARY**

**2. THE MUTTAR SERVICE CO-OPERATIVE BANK
LIMITED, MUTTAR, REPRESENTED BY ITS SECRETARY.
MUTTAR - 689 574**

**R1 BY ADVS. SRI.P.V.MOHANAN, SC, CO-OP. EMP. PENSION BOARD
SRI.K.R.SUNIL, SC, CO-OP. EMP. PENSION BOARD
R2 BY ADVS. SRI.RAVIDASAN.N.S.
SRI.C.HARIKUMAR**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
05-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

DCS

WP(C).No. 1133 of 2006 (I)

APPENDIX

PETITIONER(S)' EXHIBITS

P1 : COPY OF THE ORDER DATED 6.1.2003

P2 : COPY OF THE DEATH CERTIFICATE DATED 21.06.2005

P3 : COPY OF THE REPRESENTATION DATED 28.06.2005

P4 : COPY OF THE REPLY DATED 04.07.2005

RESPONDENT(S)' EXHIBITS:-

R1(A) : G.O.(P) NO. 53/2001/CO-OP DATED 7TH MARCH 2001

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). NO. 1133 OF 2006

Dated this the 05th day of January, 2015

JUDGMENT

The employee voluntarily retired from service even before attaining the age of superannuation. The employee is therefore in receipt of retiring pension only and not superannuation pension. The legal heirs of the employee are obviously not entitled to family pension as per Clause 23 of Ext. R1(A) pension scheme.

2. The challenge to Ext. R1(A) pension scheme in this writ petition cannot be countenanced for more reasons than one. The Government of Kerala who issued Ext. R1(A) pension scheme has not been impleaded in the writ petition. The terms under which the employee retired from service voluntarily are also not brought out by any exhibit. The second respondent bank points out that the employee gave up all other benefits while voluntarily retiring from service.

I decline the jurisdiction and the writ petition is dismissed. No costs.

**V. CHITAMBARESH
JUDGE**

DCS