

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE MR.JUSTICE ANTONY DOMINIC
&
THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS**

THURSDAY, THE 22ND DAY OF JANUARY 2015/2ND MAGHA, 1936

WA.No. 15 of 2015 () IN WP(C).10659/2012

**AGAINST THE ORDER/JUDGMENT IN WP(C) 10659/2012 of HIGH COURT OF KERALA
DATED 16.10.2014**

APPELLANT(S)/4TH & 5TH RESPONDENTS IN W.P(C):

- 1. THE PRESIDENT
ALLEPPEY DISTRICT CO-OPERATIVE PRINTING SOCIETY A 191
ALAPPUZHA - 1.**
- 2. ALLEPPEY DISTRICT CO-OPERATIVE PRINTING SOCIETY A 191,
ALAPPUZHA - 1, REPRESENTED BY ITS SECRETARY.**

BY ADV. SRI.M.K.PRADEEP KUMAR

RESPONDENT(S)/WRIT PETITIONER & RESPONDENTS 1 TO 3 IN W.P(C):

- 1. K.VIJAYAMBIKA
SREEKRISHNA VILASAM, AVALOOKUNNU P.O, SOUTH ARYAD
ALAPPUZHA - 6.**
- 2. THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL),
ALAPPUZHA - 688 001.**
- 3. THE ASSISTANT REGISTRAR OF CO-OPERATIVE SOCIETY (GENERAL),
AMBALAPPUZHA, ALAPPUZHA - 688 565.**
- 4. THE ARBITRATOR CO-OPERATIVE INSPECTOR,
AMBALAPPUZHA CIRCLE - 688 565.**

**R1 BY ADV. SRI.N.RAGHURAJ
R1 BY ADV. SMT.K.AMMINIKUTTY
BY SR GOVERNMENT PLEADER SRI.M.K.ABOOBACKER**

**THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 22-01-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

ANTONY DOMINIC & ALEXANDER THOMAS, JJ.
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Writ Appeal No. 15 of 2015
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Dated this the 22nd day of January, 2015

J U D G M E N T

Antony Dominic, J.

The appeal is filed by the 4th and 5th respondent in WP(C) No.10659/12 challenging the judgment of the learned single Judge disposing of the writ petition filed by the 1st respondent herein directing that her Provident Fund and Gratuity be released.

2. The 1st respondent was the Secretary of the 2nd appellant Society for the period from 3/7/84 to 29/12/05. Her claim for terminal benefits such as PF and gratuity were not conceded. When that was pending, the Bank filed ARC No.18/11, a copy of which is Ext.P4, claiming an amount of ₹5,22,102.12. It was thereupon that the writ petition was filed seeking a direction to the appellants to disburse the terminal benefits. By the judgment under appeal, the learned Judge held that the employer could not have withheld the PF and gratuity that is due to the 1st respondent. Accordingly, learned Judge directed release of the aforesaid terminal benefits. It is this judgment which is under challenge before us.

3. We heard the learned counsel for the appellants and the learned counsel appearing for the 1st respondent.

4. The only question that is raised is whether the learned Judge erred in directing release of the terminal benefits during the pendency of ARC No.18/11. Although it is true that such an ARC filed by the appellants is pending before the competent authority, fact remains that none of the provisions of the Kerala Co-operative Societies Act entitled the appellants to withhold the PF or the gratuity that is due to a person, who has ceased to be in employment. If that be so, learned Judge was fully justified in concluding that there was no justification for withholding the terminal benefits that are due to the 1st respondent. For that reason, we are fully in agreement with the conclusion of the learned single Judge and we do not find any reason to interfere with the directions.

Writ appeal is dismissed.

Sd/-
**ANTONY DOMINIC
JUDGE**

Sd/-
**ALEXANDER THOMAS
JUDGE**

Rp

//True Copy//

PA to Judge