

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

TUESDAY, THE 18TH DAY OF AUGUST 2015/27TH SRAVANA, 1937

WP(C).No. 8052 of 2006 (H)

PETITIONER:

P.M. JOSEPH, RETIRED ASSISTANT SECRETARY,
KILIANTHARA SERVICE CO-OPERATIVE BANK LIMITED
NO.C.50, RESIDING AT POOMALA HOUSE, ULIKKAL P.O.,
PIN-670 705, KANNUR DISTRICT.

BY ADV. SRI.K.RAMAKUMAR (SR.)

RESPONDENTS:

1. THE KERALA STATE CO-OPERATIVE
EMPLOYEES' PENSION BOARD, THIRUVANANTHAPURAM
REPRESENTED BY ITS SECRETARY.
2. THE KILIANTHARA SERVICE CO-OPERATIVE
BANK LIMITED NO.C.50, P.O. KILIANTHARA-670 706
KANNUR DISTRICT, REPRESENTED BY ITS SECRETARY.

ADDL.R3 IMPEADED:

3. JOINT REGISTRAR (GENERAL) OF CO-OPERATIVE SOCIETIES,
KANNUR.

(ADDL. R3 IMPEADED AS PER ORDER DATED 18.08.2015 IN
I.A NO. 12045 OF 2015)

R,R1 BY ADV. SRI.V.G.ARUN
R,R2 BY ADV. SRI.M.SASINDRAN
R1 BY ADV. SRI.K.R.SUNIL,SC,PENSION BOARD(B/O)
R BY SRI.P.V.MOHANAN, SC,

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
18-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

: 2 :

APPENDIX

PETITIONER'S EXHIBITS:

- EXT.P1 : TRUE COPY OF ORDER DATED 27.06.2005 BY THE FIRST RESPONDENT.
- EXT.P2 : TRUE EXTRACTS OF PENSION DOCKET MAINTAINED BY THE 2ND RESPONDENT BANK.
- EXT.P3 : TRUE COPY OF THE REPRESENTATION DATED 02.09.2005 SUBMITTED BY THE PETITIONER BEFORE THE FIRST RESPONDENT.
- EXT.P4 : TRUE COPY OF THE ORDER DATED 14.03.2006 ISSUED BY THE SECOND RESPONDENT.

RESPONDENTS' EXHIBITS: NIL

//TRUE COPY//

P.A. TO JUDGE

DAMA SESHADRI NAIDU, J.

W.P. (C) No. 8052 of 2006

Dated this the 18th day of August, 2015.

JUDGMENT

Heard the learned counsel for the petitioner, the learned counsel for the respondent Bank and the learned Standing Counsel for the Pension Board, apart from perusing the record.

2. The petitioner, having retired on 30.04.2004 as Assistant Secretary from the service of the second respondent Bank, applied for settling of his terminal benefits, including the fixation of pension. When the Assistant Registrar of the societies through Ext.P2 recommended the pension at ₹ 7,264/- per month, the second respondent Bank further communicated to the first respondent Pension Board that the rate of pension recommended by the Assistant Registrar cannot be granted.

3. The respondent Bank has contradicted the recommendation of the Assistant Registrar on the ground that at the time of petitioner's retirement the Assistant Registrar took into account a wrong rate of pay. Eventually, the first respondent Board fixed the pension at the rate of ₹ 6,494/- per month, as has been quantified by the respondent Bank.

4. In the course of time, the second respondent Board has

also issued Ext.P4 notice to the petitioner seeking to recover what is said to be the excess salary paid to the petitioner on account of erroneous fixation of scale of pay while he was in service. Aggrieved, the petitioner has filed the present writ petition.

5. As can be seen, the writ petition was filed way back in 2006, and by now the petitioner is close to 70 years old. In these circumstances, it serves the interest of justice if this Court disposes of the writ petition with a direction to the competent authority to look into the dispute and take remedial steps.

6. In fact, the learned counsel for the petitioner has submitted that the bone of contention is the rate of pension. In other words, the disparity between the quantum of pension recommended by the Assistant Registrar through Ext.P2 and the amount actually fixed by the first respondent Board essentially acting on the recommendation of the second respondent Bank.

7. According to the learned counsel, the additional third respondent, who has been brought on record now, is the competent authority to resolve the dispute. The learned counsel for the respondent Bank and also the learned Standing Counsel for the first

respondent Board have agreed that the issue may be placed before the additional third respondent.

8. In the facts and circumstances, this Court makes it clear that the petitioner is at liberty to file a comprehensive application or representation before the additional third respondent ventilating his grievance as regards the putative wrongful fixation of pension. The additional third respondent, in turn, on receipt of such representation as is to be filed by the petitioner, shall consider the same after affording an opportunity of hearing to the respondent Bank as well as the petitioner, and pass appropriate orders thereon, especially keeping in view Ext.P2 recommendation of the Assistant Registrar.

9. Needless to observe that, given the fact that the writ petition has been pending for about a decade, and that the petitioner is a retired employee in his late 60s, the additional third respondent may consider the issue expeditiously.

With the above observation, this writ petition stands disposed of. No order as to costs.

sd/- DAMA SESHADRI NAIDU, JUDGE.

rv

