

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 9TH DAY OF FEBRUARY 2015/20TH MAGHA, 1936

WP(C).No. 4033 of 2015 (D)

PETITIONER(S):

- 1. RAJIV GANDHI CO-OPERATIVE HOSPITAL LIMITED
NO.E.303, KOOTHATTUKULAM P.O.,
ERNAKULAM DISTRICT, PIN - 686 662.
REPRESENTED BY ITS HONOURARY SECRETARY.**
- 2. BOBAN VARGHESE, AGED 48 YEARS,
S/O.LATE VARGHESE, HONOURARY SECRETARY,
KOOTHATTUKULAM CO-OPERATIVE HOSPITAL LTD.
NO.E.303, KOOTHATTUKULAM P.O.,
PIN - 686 662, ERNAKULAM DISTRICT.**

BY ADV. SRI.ALIAS M.CHERIAN

RESPONDENT(S):

- 1. EMPLOYEES PROVIDENT FUND ORGANIZATION,
SRO, BHAVISHYANIDHI BHAVAN, KALOOR,
KOCHI - 682 017, REPRESENTED BY ITS
ASSISTANT PROVIDENT FUND COMMISSIONER.**
- 2. ASSISTANT PROVIDENT FUND COMMISSIONER &\
RECOVERY OFFICER, OFFICE OF EMPLOYEES
PROVIDENT FUND ORGANIZATION, SRO,
BHAVISHYANIDHI BHAVAN, KALOOR,
KOCHI - 682 017.**

**BY DR.S.GOPAKUMARAN NAIR, SENIOR ADVOCATE
ADV. SRI.A.RAJASIMHAN,SC**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
09-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 4033 of 2015 (D)

APPENDIX

PETITIONER(S)' EXHIBITS:

**EXT.P1: TRUE COPY OF PROCEEDINGS NO.KR/KC/10962/ENF-III/2/2013/16298
DTD.6.3.2013.**

EXT.P2: TRUE COPY OF DEMAND DRAFT NO.734541 DTD.6.6.2014 FOR RS.1,48,292/-

**EXT.P3: TRUE COPY OF SHOW CAUSE NOTICE NO.KR/KC/10962/RECOVERY/2014-15
DTD.12.1.2015.**

**EXT.P4: TRUE COPY OF RELEVANT PORTION OF AUDIT CERTIFICATE 2013-14
BEARING NO.M1475/14 DTD.30.9.2014.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Ms v/

K. Vinod Chandran, J.

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W.P.(C)No.4033 of 2015

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Dated this the 9th day of February, 2015.

JUDGMENT

The petitioners are the Honorary Secretaries of two Co-operative Hospitals. They defaulted contribution to the 1st respondent and is before this Court challenging the recovery proceedings initiated therein. The liability and the default is admitted and the only prayer is for instalments. Considering the facts of the case and the alleged impecunious circumstances of the petitioners, this writ petition is disposed of on the following terms:-

- (i) The petitioners shall produce a certified copy of this judgment before the 1st respondent within two weeks of its receipt.
- (ii) The 1st respondent shall grant 24 monthly instalments for payment of the dues, as per Ext.P3 starting from 09.03.2015.
- (iii) Recovery proceedings shall be kept in abeyance on condition that the remittances as per this order are made without any

default.

(iv) On the petitioners making one default, the recovery steps initiated shall revive and continue.

(v) On the petitioners satisfying the entire dues, the recovery proceedings shall be unenforceable.

Writ Petition is disposed of as above, making it clear that the 1st respondent will be free to proceed with the recovery, if the above conditions are not complied with. The other liability, if any, as per the statute would also be left to the respondents to decide upon.

K. Vinod Chandran, Judge.

sl.