

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE V. CHITAMBARESH

MONDAY, THE 2ND DAY OF FEBRUARY 2015/13TH MAGHA, 1936

WP(C).No. 5612 of 2014 (B)

PETITIONER:

P. HAMZA, PATHARI HOUSE, PUTHANANGADI,
ANGADIPPURAM P.O., MALAPPURAM.

BY ADV. SRI. P. N. MOHANAN

RESPONDENTS:

1. KERALA STATE CO-OPERATIVE EMPLOYEES'
PENSION BOARD, REPRESENTED BY SECRETARY,
KALA NIVAS, T.C. 27/156, 157, NEAR AYURVEDA COLLEGE,
KUNNUMPURAM, P.B. NO. 85, THIRUVANANTHAPURAM-695001
PH: 0471-2475681.
2. ANGADIPPURAM SERVICE CO-OPERATIVE BANK LTD. NO. P.581
REPRESENTED BY SECRETARY, ANGADIPPURAM P.O.
MALAPPURAM DISTRICT-679321.
3. THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES (G)
MALAPPURAM-679001.

R1 BY ADV. SRI. K. R. SUNIL, SC, CO-OP. EMP. PENSION BOARD
R2 BY ADV. SRI. U. K. DEVIDAS
BY GOVERNMENT PLEADER SRI. T. R. RAJESH

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 02-02-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1 : TRUE COPY OF THE SRO NO.486/06 ISSUED BY THE GOVERNMENT.
- EXHIBIT P2 : TRUE COPY OF THE JUDGMENT IN WPC 28689/2008 DT.1-12-2008.
- EXHIBIT P3 : TRUE COPY OF THE COMMUNICATION DT.25-8-2009.
- EXHIBIT P4 : TRUE COPY OF THE CONTRIBUTION CALCULATION SHEET OF THE FIRST RESPONDENT.
- EXHIBIT P5 : TRUE COPY OF THE INTERIM ORDER DT.1-9-2011 IN WPC 6738/2011.
- EXHIBIT P6 : TRUE COPY OF THE INTERIM ORDER DT.05.09.2013 IN WP(C) NO. 19225/2013
- EXHIBIT P7 : TRUE COPY OF THE JUDGMENT REPORTED IN 2008(4) KLT 647.

RESPONDENT(S)' EXHIBITS

- EXHIBIT R2(a) - TRUE COPY OF THE DEMAND NOTICE DATED 26.12.2011 ISSUED BY THE FIRST RESPONDENT.
- EXHIBIT R2(b) - TRUE COPY OF THE LETTER DATED 06.02.2012 SEND BY THE SECOND RESPONDENT TO THE PETITIONER.
- EXHIBIT R2(c) - TRUE COPY OF THE LETTER DATED 17.10.2012 SEND BY THE SECOND RESPONDENT TO THE FIRST RESPONDENT.
- EXHIBIT R2(d) - TRUE COPY OF THE PERFORMA FOR CALCULATIOH OF PENSION FUND.

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

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Dated this the 2nd day of February, 2015

JUDGMENT

The parties are at variance as to whether the respective shares of the employer and the employee have been remitted to the Pension Board or not. It remains to be seen whether the share of the employee has already been paid directly as Provident Fund. It requires to be probed as to whether the share of the employer has been remitted to the Pension Board or not. The third respondent Joint Registrar is at any rate empowered to conduct an enquiry and issue appropriate directions. {See **Sambasivan Nair T.R. Vs. Kerala State Co-operative Employees Pension Board and another [2012 (3) KHC 518 (DB)]**}.
(DB)]}.

2. The third respondent Joint Registrar is therefore directed to hear the petitioner as well as the second respondent bank and take remedial steps. This shall be done within a period of two months from the date of receipt of a copy of this judgment. This however shall not be a reason to delay the

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disbursement of full pension to the petitioner {see **Thulasi Devi Vs. Kerala State Co-operative Employees Pension Board [2008(4) KLT 647]}**}. The full pension of the petitioner with arrears shall therefore be disbursed to the petitioner within a period of four months.

The Writ Petition is disposed of.

**V. CHITAMBARESH
JUDGE**

ncd