

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. 5741 of 2014 (P)  
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PETITIONER:  
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P. BAPPUTTY, PUTHIYANGADI HOUSE,  
THIRUOORCAD PO, MALAPPURAM.

BY ADV. SRI. P. N. MOHANAN

RESPONDENTS:  
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1. KERALA STATE CO-OPERATIVE EMPLOYEES' PENSION BOARD  
REPRESENTED BY SECRETARY, KALA NIVAS, TC.27/156, 157,  
NEAR AYURVEDA COLLEGE, KUNNUPURAM, P.B.NO.85  
THIRUVANANTHAPURAM 695 001. PH. 0471 2475681.
2. ANGADIPPURAM SERVICE CO-OPERATIVE BANK  
LTD.NO.P 581, REPRESENTED BY SECRETARY  
ANGADIPPURAM PO, 679 321, MALAPPURAM DISTRICT.
3. THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES (G)  
MALAPPURAM 679 001.

R1 BY ADV. SRI. K. R. SUNIL, SC, CO-OP. EMP. PENSION BOARD

R2 BY ADV. SRI. U. K. DEVIDAS

BY GOVERNMENT PLEADER SRI. MANOJ P KUNJACHAN

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**

- EXT.P1 - A TRUE COPY OF THE SRO NO.486/06 ISSUED BY THE GOVERNMENT
- EXT.P2 - A TRUE COPY OF THE JUDGMENT IN WPC.28689/2008 DATED 1-12-2008
- EXT.P3 - A TRUE COPY OF THE COMMUNICATION DATED 25-8-2009
- EXT.P4 - A TRUE COPY OF THE COMMUNICATION DATED 15-2-2014 OF THE BANK ALONG WITH THE COMMUNICATION OF THE PENSION FUND DATED 31-1-2014 ISSUED TO THE BANK.
- EXT.P5 - A TRUE COPY OF THE INTERIM ORDER DATED 1-9-2011 IN WPC.NO.6738/2011
- EXT.P6 - A TRUE COPY OF THE INTERIM ORDER DATED 05.09.2013 IN WP(C) NO. 19225/2013
- EXT.P7 - A TRUE COPY OF THE JUDGMENT REPORTED IN 2008(4) KLT 647

**RESPONDENT(S)' EXHIBITS**

- EXHIBIT R2(a) - TRUE COPY OF THE DEMAND NOTICE DATED 31.01.2013 ISSUED BY THE FIRST RESPONDENT.
- EXHIBIT R2(b) - TRUE COPY OF THE LETTER DATED 15.02.2014 SEND BY THE SECOND RESPONDENT TO THE PETITIONER.
- EXHIBIT R2(c) - TRUE COPY OF THE LETTER DATED 26.03.2014 SEND BY THE SECOND RESPONDENT TO THE FIRST RESPONDENT.
- EXHIBIT R2(d) - TRUE COPY OF THE PERFORMA FOR CALCULATION OF PENSION FUND.

/TRUE COPY/

P.A. TO JUDGE.

**V. CHITAMBARESH, J**

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**WP(C) NO. 5741 OF 2014**  
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Dated this the 2<sup>nd</sup> 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

WP(C) No. 5741/2014

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