

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

WEDNESDAY, THE 11TH DAY OF MARCH 2015/20TH PHALGUNA, 1936

WP(C).No. 6088 of 2014 (I)

PETITIONERS:

- 1. B.BALACHANDRAN**
GENERAL MANAGER (RETIRED)
KARAMANA CO-OPERATIVE URBAN BANK LIMITED NO. 1761
RESIDING AT 'BHARATHAM', T.C 4/2239(13), K.N.R.A 65
KAIRALI NAGAR, KURAVANKONAM, KOWDIAR P.O.
THIRUVANANTHAPURAM.
- 2. S. VIVEK KUMAR**
SENIOR ACCOUNTANT (RETIRED)
KARAMANA CO-OPERATIVE URBAN BANK LIMITED NO. 1761
RESIDING AT 'INDRAVALLARI', AYANIMOODU
VEDIVECHANKOVIL P.O., THIRUVANANTHAPURAM.
- 3. K. JALENDRAN NAIR**
PEON (HG), RETIRED
KARAMANA CO-OPERATIVE URBAN BANK LIMITED NO. 1761
RESIDING AT REVATHI, T.C 18/1069(3), THRIKKANNAPURAM
PEROORKONAM, ARAMADA P.O, THIRUVANANTHAPURAM.
- 4. L. VALSALA**
INTERNAL AUDITOR/BRANCH MANAGER
KARAMANA CO-OPERATIVE URBAN BANK LIMITED NO. 1761
RESIDING AT ATHIRA, T.C 7/99, SANKARAN NAIR ROAD
KUNDAMON BHAGOM, PEYAD P.O., THIRUVANANTHAPURAM.
- 5. P.S. JAYALEKSHMI**
CHIEF ACCOUNTANT (RETIRED)
KARAMANA CO-OPERATIVE URBAN BANK LIMITED NO. 1761
KARAMANA P.O., THIRUVANANTHAPURAM, RESIDING ATT.C 21/595(1)
JAYA NIVAS, PALLITHANAM, NEDUMCAUD
KARAMANA P.O., THIRUVANANTHAPURAM - 2
- 6. L. KRISHNAMMA PILLAI**
ATTENDER (HG) (RETIRED)
KARAMANA CO-OPERATIVE URBAN BANK LIMITED NO. 1761
KARAMANA P.O., THIRUVANANTHAPURAM
RESIDING AT ROHINI KRISHNA, CHITTAKKODU, CHEENIVILA
KOOVALASSERI P.O., THIRUVANANTHAPURAM.
- 7. T. OMANA**
TYPIST (RETIRED)
KARAMANA CO-OPERATIVE URBAN BANK LIMITED NO. 1761
KARAMANA P.O., THIRUVANANTHAPURAM
RESIDING AT VISWAK BHAVAN, MANALLOOR, NEYYATTINKARA P.O.
THIRUVANANTHAPURAM.

**8. S. RAMACHANDRAN NAIR
ATTENDER (HG) (RETIRED)
KARAMANA CO-OPERATIVE URBAN BANK LIMITED NO. 1761
KARAMANA P.O, THIRUVANANTHAPURAM, RESIDING AT AISWARYA
VENGANOOR, NELLIVILA P.O., THIRUVANANTHAPURAM.**

**9. S. VASANTHASENAN
JUNIOR CLERK (RETIRED)
KARAMANA CO-OPERATIVE URBAN BANK LIMITED NO. 1761
KARAMANA P.O., THIRUVANANTHAPURAM, RESIDING AT SWAPNA
PANANGOD, VENGANOOR P.O.
THIRUVANANTHAPURAM - 695 523.**

**BY ADVS.SRI.P.N.MOHANAN
SRI.K.S.ARUNDAS
SMT.I.VINAYAKUMARI**

RESPONDENTS:

**1. THE MANAGING COMMITTEE OF THE KARAMANA URBAN CO-
OPERATIVE BANK LTD.NO.1761
REPRESENTED BY ITS CHAIRMAN, KARAMANA P.O.
THIRUVANANTHAPURAM - 695 002**

**2. GENERAL MANAGER
KARAMANA CO-OPERATIVE URBAN BANK LIMITED NO. 1761
KARAMANA P.O., THIRUVANANTHAPURAM -695 002.**

**3. JOINT REGISTRAR OF CO-OPERATIVE
SOCIETIES (GENERAL), THIRUVANANTHAPURAM -695 001.**

**4. KERALA STATE CO-OPERATIVE
EMPLOYEES PENSION BOARD, REPRESENTED BY SECRETARY
P.B. NO. 85, KALA NIVAS, T.C 27/156
157, CHINMAYA LANE, KUNNUMPURAM
NEAR AYURVEDA COLLEGE, THIRUVANANTHAPURAM -1.**

**5. REGISTRAR OF CO-OPERATIVE SOCIETIES,
THIRUVANANTHAPURAM - 695 001.**

**R1 & R2 BY ADVS. SRI.N.NANDAKUMARA MENON (SR.)
SRI.P.K.MANOJKUMAR
SMT.HENA BAHULEYAN**

**R3 & R5 BY GOVERNMENT PLEADER SRI. T.R. RAJESH
R4 BY ADV.SRI.K.R.SUNIL, SC, CO-OP. EMP. PENSION BOARD**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
11-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT-P1- TRUE COPY OF THE PAY REVISION ORDER ISSUED BY THE GOVERNMENT AS PER G.O(P)NO.217/2005 DATED 22/08/2005.**
- EXHIBIT-P2- TRUE COPY OF THE PAY REVISION ORDER ISSUED BY THE GOVERNMENT G.O(P)NO.149/2010 DATED 18/08/2010.**
- EXHIBIT-P3- TRUE COPY OF THE PETITION FILED BY THE PETITIONERS DATED 02/09/2013.**
- EXHIBIT-P4- TRUE COPY OF THE REMINDER DATED 02/10/2013.**
- EXHIBIT-P5- TRUE COPY OF THE REMINDER DATED 02/11/2013.**
- EXHIBIT-P6- TRUE COPY OF THE REMINDER DATED 14/12/2013.**
- EXHIBIT-P7- TRUE COPY OF THE JUDGMENT DATED 25/02/2013 IN W.P(C) 21599/2012.**
- EXHIBIT-P8- TRUE COPY OF THE JUDGMENT OF THE DIVISION BENCH REPORTED IN 2012 (3) KHC 518.**
- EXHIBIT-P9- TRUE COPY OF THE CIRCULAR NO. 44/2012 DATED 19/11/2012.**
- EXHIBIT-P10- TRUE COPY OF THE JUDGMENT REPORTED IN 2008 (4) KLT 647.**
- EXHIBIT-P11- TRUE COPY OF THE INTERIM ORDER DATED 05/09/2013 IN W.P(C) 19225/2013.**

RESPONDENT(S)' EXHIBITS:-

- EXHIBIT-R2(a)- THE PHOTOSTAT COPY OF THE STATEMENT SHOWING THE DETAILS OF THE ACTUAL AMOUNTS OF GRATUITY RECEIVED BY THE PETITIONERS ISSUED BY THE KARAMANA CO-OPERATIVE URBAN BANK LTD. NO. 1761, TVM**
- EXHIBIT-R2(b)- THE PHOTOSTAT COPY OF THE STATEMENT SHOWING THE ACTUAL AMOUNTS RECEIVED BY THE FIVE OF THE PETITIONERS TOWARDS PROVIDENT FUND, ISSUED BY THE KARAMANA CO-OPERATIVE URBAN BANK LTD. NO. 1761, TVM**
- EXHIBIT-R2(c)- THE PHOTOSTAT COPY OF THE CHART SHOWING THE TOTAL AMOUNT OF EMPLOYERS CONTRIBUTION TRANSFERRED BY THE ABNK TO THE PENSION BOARD DURING THE RELEVANT PERIOD FROM 01.10.1990 TILL THE RESPECTIVE DATES OF RETIREMENT OF THE PETITIONERS, ISSUED BY THE KARAMANA CO-OPERATIVE URBAN BANK LTD. NO. 1761, TVM**

**EXHIBIT-R2(d)- THE PHOTOSTAT COPY OF THE PROFIT AND LOSS
ACCOUNT SUBMITTED BY THE BANK BEFORE THE
REGISTRAR OF CO-OPERATIVE SOCIETIES AND ALSO TO
THE RESERVE BANK OF INDIA, ISSUED BY THE
KARAMANA CO-OPERATIVE URBAN BANK LTD. NO. 1761,
TVM.**

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). NO. 6088 OF 2014

Dated this the 11th day of March, 2015

JUDGMENT

The first respondent bank has implemented Ext. P1 pay revision order with effect from 01.04.2003 in respect of the existing employees. Similarly Ext.P2 pay revision order has been implemented by the first respondent bank with effect from 01.05.2014 in respect of the existing employees. There is no reason as to why the past employees shall not be extended the said benefit if they had retired from service after 01.04.2003 and 01.05.2014. This is especially so in view of Section 80 of the Kerala Co-operative Societies Act, 1969 and the failure to obtain any exemption by the first respondent bank.

2. The further question is as to whether the first respondent bank has the financial capacity for implementation. I do feel that the third respondent shall bestow his attention on that aspect on motion made by the petitioners. Any motion made within one month from today shall be dealt with by the third respondent within two months therefrom. Needless to say that the petitioners as well as the

first respondent bank shall be put on notice and heard in the exercise.

3. The contribution if any to the Pension Board and other retiral benefits due to the petitioners shall also be considered.

The writ petition is disposed of.

**V. CHITAMBARESH
JUDGE**

DCS