

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

WEDNESDAY, THE 19TH DAY OF AUGUST 2015/28TH SRAVANA, 1937

WP(C).No. 8541 of 2015 (P)

PETITIONER:

KOCHU UTHUPPU T.C., THANNIKKAL HOUSE,
PAZHANJI - 680 542, THRISSUR DISTRICT.

BY ADV. SRI.C.E.UNNIKRISHNAN

RESPONDENTS:

1. THE PAZHANJI SERVICE CO-OPERATIVE BANK LTD.
NO.68, PAZHANJI - 680 542, THRISSUR DISTRICT
REPRESENTED BY ITS SECRETARY.
2. KERALA STATE CO-OPERATIVE EMPLOYEES PENSION BOARD,
THIRUVANANTHAPURAM - 695 001
REPRESENTED BY ITS SECRETARY.
3. JOINT REGISTRAR (GENERAL) OF CO-OP.SOCIETIES,
THRISSUR - 680 542.

R1 BY ADV. SRI.P.NARAYANAN

R2 BY ADV. SRI.K.R.SUNIL

R3 BY GOVERNMENT PLEADER SRI.G.GOPAKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
19-08-2015 ALONG WITH WPC. 23709/2015, THE COURT ON THE SAME
DAY DELIVERED THE FOLLOWING:

APPENDIX IN WP(C).No. 8541 of 2015 (P)

PETITIONER'S EXHIBITS:

EXT.P1: TRUE COPY OF THE LETTER DATED 08.12.2012 SUBMITTED BY THE PETITIONER TO THE 1ST RESPONDENT.

EXT.P2: TRUE COPY OF THE LETTER DATED 01.02.2013 SENT BY THE 1ST RESPONDENT TO THE PETITIONER.

EXT.P3: TRUE COPY OF THE JUDGMENT OF THE HON'BLE HIGH COURT OF KERALA DATED 14.06.2011 IN W.A.1086/2009.

EXT.P4: TRUE COPY OF THE ORDER OF THE JOINT REGISTRAR (GENERAL) THRISSUR NO.CRP.5233/06 DATED 27.12.2006.

EXT.P5: TRUE COPY OF THE LETTER DATED 03.01.2015 SUBMITTED TO THE PUBLIC INFORMATION OFFICER, KERALA STATE CO-OPERATIVE EMPLOYEES PENSION BOARD.

EXT.P6: TRUE COPY OF REPLY DATED 13.02.2015 RECEIVED FROM THE PUBLIC INFORMATION OFFICER, KERALA STATE CO-OPERATIVE EMPLOYEES PENSION BOARD.

RESPONDENT'S EXHIBITS:

EXT. R1(a) COPY OF THE COMMUNICATION DATED 27.5.2011 ISSUED BY THE SECOND RESPONDENT

EXT. R1(b) COPY OF THE PROFORMA FOR CALCULATION OF PENSION FUND VERIFIED AND ACCEPTED BY THE SECOND RESPONDENT

EXT. R1(c) COPY OF THE PAYMENT RECEIPT DATED 9.4.2011

EXT. R1(d) COPY OF THE DEMAND NOTICE DATED 19.6.2014 ISSUED BY THE SECOND RESPONDENT

EXT. R1(e) COPY OF THE PROFORMA FOR CALCULATION OF PENSION FUND FORWARDED BY THE SECOND RESPONDENT TO THIS RESPONDENT

EXT. R1(f) COPY OF THE EXPLANATION DATED 21.7.2014 SUBMITTED BY THIS RESPONDENT BEFORE THE SECOND RESPONDENT

EXT. R1(g) COPY OF THE SETTLEMENT AGREEMENT ENTERED INTO BETWEEN THE PETITIONER AND THIS RESPONDENT IN WA 1086/2009 BEFORE THIS HON'BLE COURT

/TRUE COPY/

P.S. TO JUDGE

Dama Seshadri Naidu, J.

W.P.(C)Nos.8541 & 23709 of 2015

Dated this the 19th day of August, 2015

JUDGMENT

The petitioner in W.P.(C)No.8541/2015 questions the inordinate delay in settling his pensionary benefits by the second respondent Board. On the other hand, the employer Bank has filed W.P.(C)No.23709/2015 questioning the inaction of the first respondent Board in considering its Exhibit P6 explanation concerning the pensionary benefits to be extended to the petitioner in W.P.(C)No.8541/2015. Since the issue is common and the respondents are the same, this Court has proposed to dispose of both the writ petitions through a common judgment. For the sake of convenience the facts as pleaded in W.P.(C)No.8541/2015 are taken as the basis.

2. The petitioner, who retired from the service of the Bank in November 2013 on his attaining the age of

superannuation, has a grievance that there is inordinate delay in the respondent Board paying the monthly pension to him.

3. The respondent Board, in turn, in its statement has taken a plea that the employer Bank has not paid the full contribution to enable it to disburse the monthly pension to the petitioner at the full rate.

4. In the meanwhile, the employer Bank has filed W.P. (C)No.23709/2015 contending that it has already made contributions to the pension fund on the basis of the service of the petitioner and also the salary drawn by him. It has also contested the demand of the respondent Board against the employer Bank to pay ₹ 6,78,501/- towards pension contribution along with the interest up to date in respect of the petitioner. It is evident that protesting against the demand, the employer Bank has submitted its explanation, which is Exhibit P6 in W.P.(C)No.23709/2015.

5. All the learned counsel concerned have agreed that the issue is required to be determined based on the orders to

be passed by the respondent Board in response to Exhibit P6 explanation submitted by the employer Bank as regards the demand made by the respondent Board towards pension contribution in respect of the petitioner.

6. The learned Standing Counsel for the respondent Board has nevertheless agreed that the Board will take every measure to consider Exhibit P6 explanation of the employer Bank objectively, at the earliest.

7. The learned counsel for the employer Bank has submitted that the Bank's obligation to pay the amount demanded by the respondent Board shall be subject to the orders to be passed by the respondent Board on Exhibit P6

8. The learned counsel for the petitioner, on his part, has submitted that if at all the respondent Board is to render a positive order on Exhibit P6 explanation submitted by the employer Bank that the petitioner is entitled to full pension, it shall be paid at the earliest, since the petitioner has retired from service in November, 2013.

In the facts and circumstances, having regard to the respective submissions of the learned counsel for the petitioners and the learned Standing Counsel for the respondent Board, this Court disposes of the writ petition with a direction to the respondent Board to consider Exhibit P6 explanation submitted by the employer Bank in response to Exhibit P4 notice issued by the respondent Board and pass appropriate orders thereon, as expeditiously as possible, at any rate, within a period of two months from the date of receipt of a copy of this judgment. Needless to observe that once appropriate orders are passed, given the fact that the issue involves a retired employee, the respondent Board may also take further consequential steps without any delay.

Dama Seshadri Naidu, Judge

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