

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

WEDNESDAY, THE 20TH DAY OF MAY 2015/30TH VAISAKHA, 1937

WP(C).No. 11475 of 2015 (H)

PETITIONER(S):

**THE GENERAL MANAGER,
KOTTAYAM CO-OPERATIVE URBAN BANK LTD., NO.421,
KOTTAYAM-686001.**

BY ADV. SRI.SURIN GEORGE IPE

RESPONDENT(S):

**1. T.L. RAJESWARI,
W/O.SURESH, SOUYPARNIKA, POONJAR.P.O.,
PERUNILAM, KOTTAYAM DISTRICT-686563.**

**2. THE KERALA LOK AYUKTA,
THIRUVANANTHAPURAM,
REPRESENTED BY ITS REGISTRAR-695033.**

R2 BY ADV. SMT.RENU. D.P., SC, LOK AYUKTA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 20-05-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

WP(C).No. 11475 of 2015 (H)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1: TRUE COPY OF THE COMPLAINT FILED BY THE 1ST RESPONDENT
 BEFORE THE 2ND RESPONDENT, LOKAYUKTHA.**
- EXT.P2: TRUE COPY FO THE NOTICE ISSUED BY THE 2ND RESPONDENT ON
 EXT.P1 COMPLAINT.**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

K. VINOD CHANDRAN, J.

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W.P.(C) No.11475 of 2015

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Dated this the 20th day of May, 2015

J U D G M E N T

The petitioner, an Urban Co-operative Bank, challenges the proceedings initiated by the 2nd respondent pursuant to Ext.P1 complaint filed by the 1st respondent. Ext.P2 is the notice issued to the petitioner herein and the learned Standing Counsel appearing for the 2nd respondent would seek to sustain the same on the ground that, the complaint Ext.P1 relates to pensionary benefits; the grievance with respect to which comes within the jurisdiction of the Lok Ayukta as per the binding precedents of this Court reported in **K.S.R.T.C v. Padmavathy [2008(1) KLT 584]**.

2. The learned Counsel appearing for the petitioner however would contend that, on the facts of the aforesaid case,

the 2nd respondent would have absolutely no jurisdiction, since the 1st respondent is continuing in employment with the petitioner Bank. It is submitted that the petitioner had taken disciplinary proceedings against the 1st respondent, who was kept under suspension during the pendency of the proceedings. Later in the appeal, the Board permitted the 1st respondent to join in the entry post. The 1st respondent having accepted the same and being continued in the entry post, does not have any claim with respect to the service benefits as of now, is the contention.

3. However since, the said contention could as well be agitated before the 2nd respondent, the petitioner is directed to raise the question of maintainability before the 2nd respondent, which definitely the 2nd respondent would consider as a preliminary issue. It is specifically noticed that, what has been stated as to the facts are mere reiteration of the arguments placed on record by both sides and does not indicate any

observations of this Court.

The writ petition would stand disposed of. The parties shall suffer their respective costs.

**Sd/-
K. VINOD CHANDRAN,
JUDGE**

SB

// true copy //

P.A to Judge