

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

FRIDAY, THE 7TH DAY OF AUGUST 2015/16TH SRAVANA, 1937

WP(C).No. 21303 of 2007 (J)

PETITIONERS : -

1. P.KAMMARAN, S/O K.U.CHATHAPPA PODUVAL,
ANNUR P.O., PAYYANNUR KANNUR DIST.
(RETIRED BUSINESS MANAGER FROM PAYYANNUR CO-OPERATIVE
STORES, PAYYANNUR)
2. K.V.KRISHNA PODUVAL,
S/O KUNHIRAMA PODUVAL, 'HARI NIVAS', KELOTH,
PAYYANNUR, KANNUR DIST.
(RETIRED SECRETARY FROM PAYYANNUR CO-OPERATIVE STORES,
PAYYANNUR) (DECEASED)
3. A.PARVATHI DAMODARAN PILLAI,
W/O DAMODARAN PILLAI, KEYILLATH HOUSE,
NEAR NAMBYATHRA TEMPLE, PAYYANNUR, P.O. PAYYANNUR,
KANNUR DIST.
(RETIRED OFFICE MANAGER FROM PAYYANNUR CO-OPERATIVE
STORES, PAYYANNUR)
4. N.K.BALAKRISHNAN, S/O P.NARAYANAN,
MEKKUNNA HOUSE, MUKUNDA HOSPITAL ROAD, KOKKANISSERY,
PAYYANNUR, KANNUR DIST.
(RETIRED SENIOR SALES MAN FROM PAYYANNUR CO-OPERATIVE
STORES, PAYYANNUR)

LR'S OF R2 :

ADDL.P5- A.RAJALAKSHMI,
W/O.LATE K.V.KRISHNA PODUVAL, 'HARI NIVAS', KELOTH,
PAYYANNUR P.O., KANNUR - 670 307.

ADDL.P6- A.AJITHKUMAR,
S/O.LATE K.V.KRISHNA PODUVAL, 'HARI NIVAS', KELOTH,
PAYYANNUR P.O., KANNUR - 670 307.

(ADDL.P5 & P6 (LRS OF R2) ARE IMPEADED AS PER ORDER DATED 06.09.2011
IN IA.14796/2011).

BY ADV.SRI.KALEESWARAM RAJ

RESPONDENTS : -

1. KERALA STATE CO-OPERATIVE EMPLOYEES'
PENSION BOARD, REPRESENTED BY ITS SECRETARY,
KERALA STATE CO-OPERATIVE EMPLOYEES' PENSION BOARD,
THIRUVANANTHAPURAM.
2. THE ASSISTANT REGISTRAR OF CO-OPERATIVE SOCIETIES,
TALIPARAMBA, KANNUR.
3. THE ASSISTANT PROVIDENT FUND COMMISSIONER,
EMPLOYEES' PROVIDENT FUND ORGANIZATION,
SUB REGIONAL OFFICE, V.K.COMPLEX, FORT ROAD,
KANNUR.
4. PAYYANNUR CO-OPERATIVE STORES LTD.,
REPRESENTED BY THE SECRETARY,
PAYYANNURCO-OPERATIVE STORES LTD., PAYYANNUR,
KANNUR DISTRICT.

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

R4 BY ADV.SRI.MAHESH V RAMAKRISHNAN

R4 BY ADV.SRI.S.SUJIN

R3 BY ADV.SRI.N.N.SUGUNAPALAN (SR.)

BY ADV.SRI.P.VMOHANAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
07-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONERS' EXHIBITS :

EXHIBIT P1 : COPY OF THE JUDGMENT DATED 17.03.2004 IN O.P. No. 13868/1999.

EXHIBIT P2 : COPY OF G.O. (Ms) No. 44/2006/LBR DATED 19.6.2006.

EXHIBIT P3 : COPY OF G.O. (P) 128/06/Co-op. DATED 12.7.2006.

EXHIBIT P4 : COPY OF THE MEMO DATED 20.12.2000.

EXHIBIT P5 : COPY OF THE APPLICATION DATED 23.3.2007 FILED BY THE 1st PETITIONER BEFORE THE 1st RESPONDENT TOGETHER WITH CONNECTED DOCUMENTS, POSTAL RECEIPT AND ACKNOWLEDGEMENT CARD.

EXHIBIT P6 : COPY OF THE APPLICATION DATED 23.3.2007 FILED BY THE 2nd PETITIONER BEFORE THE 1st RESPONDENT TOGETHER WITH CONNECTED DOCUMENTS, POSTAL RECEIPT AND ACKNOWLEDGEMENT CARD.

EXHIBIT P7 : COPY OF THE APPLICATION DATED 23.3.2007 FILED BY THE 3rd PETITIONER BEFORE THE 1st RESPONDENT TOGETHER WITH CONNECTED DOCUMENTS, POSTAL RECEIPT AND ACKNOWLEDGEMENT CARD.

EXHIBIT P8 : COPY OF THE APPLICATION DATED 23.3.2007 FILED BY THE 4th PETITIONER BEFORE THE 1st RESPONDENT TOGETHER WITH CONNECTED DOCUMENTS, POSTAL RECEIPT AND ACKNOWLEDGEMENT CARD.

EXHIBIT P9 : COPY OF THE REPRESENTATION DATED 27.11.2006 FILED BY KERALA CO-OP. EMPLOYEES EPF PENSIONS ASSOCIATION BEFORE HON'BLE MINISTER FOR CO-OPERATION.

EXHIBIT P10: COPY OF THE ORDER DATED 20.12.2006 IN W.P. (C) 19127/2006.

EXHIBIT P11 : COPY OF THE JUDGMENT DATED 26.09.2008 IN WP (C) No. 31517/2007(B).

EXHIBIT P12 : COPY OF THE COVERING LETTER DATED 18.3.2011.

RESPONDENTS' EXHIBITS : NIL.

// TRUE COPY //

P.A. TO JUDGE

DMR/-

DAMA SESHADRI NAIDU, J.

W.P.(c) No. 21303 of 2007

Dated this the 07th day of August, 2015

JUDGMENT

The petitioners, who retired from the service of the fourth respondent Society, filed the writ petition ventilating their grievance that they have not been paid the pensionary benefits. The matter has been pending for the past eight years.

2. Today, the learned Standing Counsel for the first respondent Pension Board has submitted that the petitioners are being paid the pension and the writ petition has become infructuous.

3. The learned counsel for the petitioners has, however, submitted that the petitioners have been paid pension only from 2011, but not from the date of their retirement. In response to which, the learned Standing

Counsel for the first respondent has submitted that the Pension Board is statutorily obligated to pay the pension from the date of receipt of the entire contribution from the respondent Society. As such, the first respondent, according to the learned Standing Counsel, cannot be found fault with, if the petitioners claim concerning the period beyond the date of remittance of the pension contribution by the respondent Society could not be met.

4. Nevertheless, the learned counsel for the petitioners has submitted that liberty may be given to the petitioners to agitate the issue of arrears of pension from the date of their retirement to the date when the first respondent Pension Board started disbursing the monthly pension.

In the facts and circumstances, the grievance of the petitioners concerning the non payment of their pensionary benefits having been substantially redressed, this Court closes the writ petition as having not survived for further consideration, with liberty to the petitioners to approach appropriate authorities or forum concerning the arrears of pension, if any. If such a representation is made before the

fourth respondent, it shall pass appropriate orders thereon, as expeditiously as possible, at any rate, within two months from the date of application.

With the above observation, this writ petition is closed.

**DAMA SESHADRI NAIDU
JUDGE**

DMR/-