

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

TUESDAY, THE 3RD DAY OF MARCH 2015/12TH PHALGUNA, 1936

WP(C).No. 20649 of 2010 (E)

PETITIONER(S):

THE UDUMBANNOOR SERVICE CO-OPERATIVE
BANK LTD.NO.E.93, UDUMBANNOOR P.O., THODUPUZZHA
IDUKKI DISTRICT, PIN-685 595
REPRESENTED BY ITS PRESIDENT RAJEEV RAJAN.

BY ADVS.SRI.P.V.BABY
SRI.A.N.SANTHOSH

RESPONDENT(S):

1. KERALA STATE CO-OPERATIVE EMPLOYEES'
PENSION BOARD, P.B.NO.85, KALA NIVAS
T.C.NO.27/156, 157, CHINMAYA LANE
KUNNUMPURAM, NEAR AYURVEDA COLLEGE
THIRUVANANTHAPURAM-1, REPRESENTED BY ITS SECRETARY.

2. THE REGISTRAR OF CO-OPERATIVE
SOCIETIES, THIRUVANANTHAPURAM.

R1 BY ADV. SRI.K.R.SUNIL
R BY GOVERNMENT PLEADER SRI.GIKKU JACOB
R BY SRI.P.V.MOHANAN,SC,K.ST.CO.OP.EMP.PENSI

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

APPENDIX IN W.P.(C) NO.20649 OF 2010

PETITIONER'S EXTS:

- EXT.P1 TRUE PHOTOCOPY OF THE CALCULATION STATEMENT ACCEPTED BY THE FIRST RESPONDENT IN RESPECT OF THE PETITIONER'S EMPLOYEES
- EXT.P2 TRUE PHOTOCOPY OF THE CIRCULAR NO.2/2009 DATED 12.2.2009 ISSUED BY THE SECOND RESPONDENT.
- EXT.P3 TRUE PHOTOCOPY OF THE CALCULATION STATEMENT ISSUED BY THE FIRST RESPONDENT.
- EXT.P4 TRUE PHOTOCOPY OF THE NOTICE DATED 1.9.2009 ALONG WITH CALCULATION STATEMENT ISSUED BY THE FIRST RESPONDENT.
- EXT.P5 TRUE PHOTOCOPY OF THE NOTICE DATED 21.12.2009 ALONG WITH CALCULATION STATEMENT ISSUED BY THE FIRST RESPONDENT.
- EXT.P6 TRUE PHOTOCOPY OF THE COMMUNICATION DATED 7.1.2010 SENT BY THE PETITIONER TO THE FIRST RESPONDENT.
- EXT.P7 TRUE PHOTOCOPY OF THE COMMUNICATION DATED 2.2.2010 ISSUED BY THE FIRST RESPONDENT TO THE PETITIONER.
- EXT.P8 TRUE PHOTOCOPY OF THE NOTICE DATED 26.4.2010 ALONG WITH CALCULATION STATEMENT ISSUED BY THE FIRST RESPONDENT.
- EXT.P9 A TRUE COPY OF THE DEMAND NOTICE BY THE FIRST RESPONDENT DATED 22.10.2010 ALONG WITH STATEMENT.
- EXT.P10 A TRUE PHOTOCOPY OF THE NOTICE DATED 28.6.2011 ISSUED BY THE FIRST RESPONDENT.
- EXT.P11 A PHOTOCOPY OF THE DEMAND NOTICE ISSUED BY THE PENSION BOARD DATED 16.7.2011.

//TRUE COPY//

P.S. TO JUDGE.

V.CHITAMBARESH, J.

W.P (C) No.20649 of 2010

Dated this the 3rd day of March, 2015

J U D G M E N T

The subsequent demands evidenced by Exts.P5, P7 and P8 notices cannot survive in view of the payment made pursuant to Exts.P3 and P4 calculations on the basis of Ext.P2 Circular. The issue is covered by the judgment dated 22.5.2012 in W.P.(C) No.8495/2010 on the file of this Court.

2. Exts.P5, P7 and P8 notices demanding further sum from the petitioner are accordingly quashed.

The writ Petition is disposed of.

Sd/-
V.CHITAMBARESH,
Judge.

nj.