

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 5TH DAY OF MARCH 2015/14TH PHALGUNA, 1936

WP(C).No. 34437 of 2006 (Y)

PETITIONER:

ERNAD TALUK CO-OPERATIVE EDUCATIONAL
SOCIETY LTD.NO.311, MANJERI P.O., MALAPPURAM DIST.
REPRESENTED BY ITS SECRETARY.

BY ADV. SRI.P.C.SASIDHARAN

RESPONDENTS:

1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT
CO-OPERATION DEPARTMENT, SECRETARIAT
THIRUVANANTHAPURAM.

2. THE ASSISTANT PROVIDENT FUND
COMMISSIONER, EMPLOYEES' PROVIDENT FUND ORGANISATION
SUB REGIONAL OFFICE, BHAVISHYANIDHI BHAVAN
ERANHIPALAM P.O., CALICUT-673 006.

3. KERALA CO-OPERATIVE EMPLOYEES' PENSION
FUND BOARD, REPRESENTED BY ITS SECRETARY
HOUSING BOARD BUILDINGS, THIRUVANANTHAPURAM.

BY ADV. SRI.T.R.HARIKUMAR

R2 BY ADV. SRI.THOMAS MATHEW NELLIMOOTTIL,SC, P.F.
BY GOVERNMENT PLEADER SRI.BIJU MEENATTOOR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
05-03-2015, ALONG WITH WPC. 765/2007, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER's EXHIBITS:

P1 : TRUE COPY OF THE ORDER ISSUED BY THE ASST. PROVIDENT FUND COMMISSIONER DATED 22.11.2006.

P2 : TRUE COPY OF THE ORDER ISSUED BY THE GOVERNMENT NO.G.O.(MS) NO.44/2006/LBR DATED 19.6.2006.

P3 : TRUE COPY OF THE LIST OF EMPLOYEES SUBMITTED BY THE SOCIETY TO THE 2ND RESPONDENT.

P4 : TRUE COPY OF THE OBJECTION SUBMITTED BY THE SOCIETY TO THE 2ND RESPONDENT.

P5 : TRUE COPY OF THE ORDER SANCTIONING HONOURARIUM TO THE HONOURARY SECRETARY OF THE SOCIETY.

P6 : TRUE COPYU OF THE MINUTES SUBMITTED BY THE SOCIETY TO THE PENSION BOARD.

P7 : TRUE COPY OF THE COVERING LETTER OF THE SOCIETY FORWARDING THE APPLICATION TO THE PENSION BOARD.

P8 : TRUE COPY OF THE NOTICE ISSUED BY THE ASSISTANT PROVIDENT FUND COMMISSIONER DATED 08.05.2007.

P9 : TRUE COPY OF THE LETTER ADDRESSED BY THE SOCIETY TO THE ASSISTANT PROVIDENT FUND COMMISSIONER DATED 21.05.07.

P10 : TRUE COPY OF THE NOTICE ISSUED BY THE ASSISTANT PROVIDENT FUND COMMISSIONER DATED 28.05.2007.

RESPONDENTS' EXHIBITS:

R2(a) : TRUE COPY OF THE ENQUIRY REPORT WITH MONTH WISE EMPLOYMENT STRENGTH SUBMITTED BY THE ENFORCEMENT OFFICER.

//TRUE COPY//

P.A. TO JUDGE

smv

K. VINOD CHANDRAN, J.

W.P.(C) No.34437 of 2006

and

W.P.(C) No.765 of 2007

Dated this the 5th day of March, 2015

JUDGMENT

The issue raised in the above writ petitions is with respect to the coverage of the employees of the Co-operative Societies under the Employees' Provident Funds and Miscellaneous Provisions Act, 1952. Admittedly they were covered earlier under the EPF and MP Act. But however the same was deemed to be exempted by SRO No. 486/2006 which was on account of the introduction of the Co-operative Employees' Pension Scheme. The issue stands resolved by a Division Bench decision reported in **Kerala State Co-operative Employees' Pension Board v. Udayakumar** [2012(3) KLT 820].

2. The learned standing counsel for the respondent-organisation submits that there is a review pending. However this Court would be bound by the said precedent of a Division Bench and the writ petition would stand allowed on the terms of

the decision of the Division Bench. Definitely this judgment would be subject to any review of the aforesaid judgment.

smv

Sd/-
K. VINOD CHANDRAN,
JUDGE