

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

MONDAY, THE 30TH DAY OF NOVEMBER 2015/9TH AGRAHAYANA, 1937

WP(C).No. 29960 of 2015 (T)

PETITIONER : -

C.V.RAJAN, CHENGANKAL HOUSE,
ADIMALY P.O., (RETIRED SECRETARY,
DEVICOLAM TALUK CO-OPERATIVE AGRICULTURAL & RURAL
DEVELOPMENT BANK LTD.NO.1-136,
P.B.NO.4, ADIMALY 685 561, IDUKKI DISTRICT).

BY ADVS.SRI.BENNY MATHEW (ADIMALY)
SRI.ELDHO VARGHESE

RESPONDENTS : -

1. THE REGISTRAR OF CO-OPERATIVE SOCIETIES,
OFFICE OF THE REGISTRAR OF CO-OPERATIVE SOCIETIES,
THIRUVANANTHAPURAM-695 001.
2. DEVICOLAM TALUK CO-OPERATIVE AGRICULTURAL &
RURAL DEVELOPMENT BANK LTD NO.1-136, P.B.NO.4,
ADIMALY-685 561,
IDUKKI DISTRICT, REPRESENTED BY ITS SECRETARY.
3. LIFE INSURANCE CORPORATION OF INDIA,
ERNAKULAM DIVISIONAL OFFICE, P&GS DEPARTMENT,
JEEVAN PRAKASH, M.G.ROAD, ERNAKULAM-682 011,
REPRESENTED BY MANAGER.

R2 BY ADV.SRI.P.CHANDY JOSEPH
BY SR. GOVERNMENT PLEADER SRI. K.C. VINCENT

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
30-11-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS : -

- EXT.P1 : TRUE COPY OF THE CIRCULAR NO.25/99 DATED 22/6/99 ISSUED BY
THE 1ST RESPONDENT ALONG WITH ENGLISH TRANSLATION.
- EXT.P2 : TRUE COPY OF THE DISCHARGE RECEIPT DATED 15/12/2013
ISSUED BY THE 2ND RESPONDENT.
- EXT.P2(a) : TRUE COPY OF THE DISCHARGE RECEIPT DATED 09/02/2013
ISSUED BY THE 2ND RESPONDENT.
- EXT.P3 : TRUE COPY OF THE REPRESENTATION DATED 25.03.2014
SUBMITTED BEFORE THE 2ND RESPONDENT BANK ALONG WITH
ENGLISH TRANSLATION.
- EXT.P4 : TRUE COPY OF THE COMMUNICATION DATED 30.04.2014 ISSUED
BY THE 2ND RESPONDENT ALONG WITH ENGLISH TRANSLATION.
- EXT.P5 : TRUE COPY OF THE JUDGMENT DATED 11.06.2012 IN
W.P.C.NO.34260/2011 (F) PASSED BY THIS HON'BLE COURT.
- EXT.P6 : TRUE COPY OF THE JUDGMENT DATED 03/12/2012 IN
W.P.C.NO.18475/2010 (H) PASSED BY THIS HON'BLE COURT.

RESPONDENTS' EXHIBITS : - NIL.

// TRUE COPY //

P.A. TO JUDGE

DMR/-

DAMA SESHADRI NAIDU, J.

W.P.(c) No. 29960 of 2015

Dated this the 30th day of November, 2015

JUDGMENT

Heard the learned counsel for the petitioner, the learned counsel for the second respondent, as well as the learned Government Pleader, apart from perusing the record. Since the issue lies in a narrow compass, this Court proposes to dispose of the writ petition at the admission stage itself.

2. The petitioner, having retired from the service of the second respondent Bank on 31.12.2012, complains that he has not been paid the gratuity in full. Aggrieved, thus, he has filed the present writ petition.

3. The learned counsel for the petitioner has contended that though the petitioner is entitled to receive Rs.14,50,424/-, the second respondent has disbursed only Rs.10,00,000/-. According to him, despite repeated requests by the petitioner, the respondent Bank has so far not responded. In the end, he has submitted that the respondent Bank is liable to pay the balance amount of Rs.4,50,424/- with interest at 12% per annum from 01.01.2013.

4. The learned counsel for the second respondent, on his part, has submitted that indeed earlier this Court has directed

that similarly situated retired employees were entitled to the entire gratuity. He has, however, joined the issue insofar as the payment of interest is concerned.

5. As can be seen from the record, this Court through Exhibit P6 judgment dated 03.12.2012 has laid down the proposition, placing reliance on earlier pronouncements, that the employee is entitled to the entire accumulated amount in his gratuity account. I am in respectful agreement with the said proposition.

6. While allowing the writ petition in Exhibit P6 judgment, this Court has also ordered interest at 7.5% on the belated payment of the balance gratuity. Under these circumstances, I do not see any other ground to take a different stand.

In the facts and circumstances, the writ petition is allowed. As a result, the respondent Bank is directed to pay to the petitioner the balance gratuity along with interest at 7.5% per annum from the date of receipt of the policy amount from the third respondent.

DAMA SESHADRI NAIDU
JUDGE

DMR/-