IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE D. K. SINGH

FRIDAY, THE 11TH DAY OF APRIL 2025 / 21ST CHAITHRA, 1947

WP(C) NO. 38686 OF 2024

PETITIONER/S:

USHA DEVI P. T.
AGED 59 YEARS
W/O PREMANATHAN K., SENIOR ASSISTANT(RETIRED), KOZHIKODE MAIN BRANCH, KERALA STATE CO-OPERATIVE BANK, KOZHIKODE- 673 002. RESIDING AT';DREAMS', MAILAMPADY, POST KUTHIRAVATTOM, KOZHIKODE., PIN - 673016

BY ADVS.
SASI M.R.
N.P.SILPA
DHARMYA M.S
KAVYA KRISHNAN
S.SAJIT SANAL
THARANATH R.
ARYA VALSAN

RESPONDENT/S:

1 STATE OF KERALA
REPRESENTED BY THE SECRETARY, CO-OPERATIVE DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM., PIN - 695001

2 KERALA STATE CO-OPERATIVE BANK
REPRESENTED BY THE CHIEF EXECUTIVE OFFICER POST BOX NO. 6515, CO-OPERATIVE BANK TOWERS, VIKAS BHAVAN, POST PALAYAM, THIRUVANANTHAPURAM., PIN - 695033

3 THE CHIEF GENERAL MANAGER
KERALA STATE CO-OPERATIVE BANK, POST BOX NO. 6515, CO-OPERATIVE BANK TOWERS, VIKASBHAVAN, POST PALAYAM, THIRUVANANTHAPURAM, PIN - 695033

4 THE SECRETARY
KERALA STATE CO-OPERATIVE PENSION BOARD, TC 25/357(4), GANDHARI AMMAN KOVIL ROAD, STATUE, TRIVANDRUM, PIN - 695001

5 THE BRANCH MANAGER
KOZHIKODE MAIN BRANCH, KERALA STATE CO-OPERATIVE BANK, KOZHIKODE, PIN - 673002

BY ADV M.SASINDRAN .

OTHER PRESENT:

P.C. SASIDHARAN-SC

THIS WRIT PETITION (CIVIL) HAVING FINALLY HEARD ON 11.04.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

The present writ petition has been filed by the petitioner who is an ex-employee of Kerala State Co-operative Bank claiming the following reliefs:

> "i. Issue a writ in the nature of mandamus or any other writ, order or direction to the respondents 2 to 4 to sanction provisional pension to the petitioner as provided under clause 11(2) of the Kerala State Co-Operative Bank and District Co-Operative Banks Self Financing Pension Scheme, 2005, within a time frame deem fit by this Hon'ble Court.
>
> ii. To dispense with the filing of English translations of Malayalam documents.
>
> iii. To issue such other writ, order or direction as this Honourable Court may deem fit and proper in the circumstances of the case."

2. The petitioner is facing disciplinary proceedings for misappropriating the Society's funds. Rule 198(7) of the Kerala Co-operative Societies Rules 1969 provided that in the event of any pendency of disciplinary proceedings against any employee of a Cooperative Society for grave misconduct, irregularity, corruption, or other charges involving moral turpitude, no retirement benefits are to

be sanctioned to such employee or retired employee.

2.1 Rule 198(7) of the Kerala Co-operative Societies Rules reads as under:

> “(7) In the event of any pendency of disciplinary proceedings against any employee of a cooperative, society or any co-operative institution pursuant to any charge of grave misconduct, irregularity, corruption or other charge involving moral turpitude, no retirement benefits shall be sanctioned to such employee or retired employee and in case of sanctioning of any retirement benefits to any such employee or retired employee, the name and designation of the sanctioning authority together with the reason for such sanctioning shall be recorded by the sanctioning authority by himself and such authority shall be held responsible for any loss to the society owing to such sanctioning of retirement benefits if found that such sanctioning was unwarranted."

3. As the petitioner is facing disciplinary proceedings for misappropriation, the petitioner is not entitled to the retirement dues. Hence, there is no substance in the writ petition which is hereby dismissed.

Sd/-

D. K. SINGH

JUDGE

jjj

APPENDIX OF WP(C) 38686/2024

PETITIONER EXHIBITS

Exhibit P1	A TRUE COPY OF THE ORDER DATED 24.11.2021 ISSUED BY THE 1ST RESPONDENT
Exhibit P2	A TRUE COPY OF FIR IN CRIME NO. 906/2021 DATED 15.12.2021 ON THE FILE OF KASABA POLICE STATION, KOZHIKODE
Exhibit P3	A TRUE COPY OF THE MEMO OF CHARGES ALONG WITH THE STATEMENT OF FACTS DATED 16.05.2022 ISSUED BY THE 1ST RESPONDENT AGAINST THE PETITIONER
Exhibit P4	A TRUE COPY OF THE EXPLANATION TO EXHIBIT P3 SENT BY THE PETITIONER DATED 27.01.2023
Exhibit P5	A TRUE COPY OF THE JUDGMENT IN WRIT PETITION NO. 22623/2023 DATED 15.11.2023
Exhibit P6	A TRUE COPY OF LETTER NUMBER KSCB/HR/4796/2023-24 DATED 04/11/2023, FROM THE GENERAL MANAGER, KERALA BANK
Exhibit P7	A TRUE COPY OF THE LETTER DATED 14/11/2023 ISSUED BY THE ENQUIRY OFFICER
Exhibit P8	A TRUE COPY OF THE LETTER DATED 08/06/2024 SUBMITTED BY THE PETITIONER TO THE ENQUIRY OFFICER
Exhibit P9	A TRUE COPY OF THE LETTER DATED 29/07/2024 SUBMITTED BY THE PETITIONER TO THE ENQUIRY OFFICER WITH THE POSTAL ACKNOWLEDGEMENT CARD
Exhibit P10	A TRUE COPY OF LETTER NUMBER KSCB/HR/4288/2024-25 DATED 06/08/2024 ISSUED BY THE ENQUIRY OFFICER
Exhibit P11	A TRUE COPY OF THE REPRESENTATION DATED 23.08.2024 SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT WITH THE POSTAL ACKNOWLEDGEMENT CARD
Exhibit P12	A TRUE COPY OF THE MRI LUMBAR SPINE REPORT DATED 23/11/2029 OF DR SHAJI'S MRI & MEDICAL RESEARCH CENTRE PVT LTD

Exhibit P12(a)	A TRUE COPY OF THE CERTIFICATE ISSUED BY THE SANTHIGIRI AYURVEDIC & SIDHA HOSPITAL, NADAKKAVU, KOZHIKODE
Exhibit P12(b)	A TRUE COPY OF THE CASE HISTORY OF THE PETITIONER'S TREATMENT AT CHETHANA, A CENTRE FOR NEUROPSYCHIATRY IN KOZHIKODE
Exhibit P2	True copy of English translation of Page Nos. 17,19,20,21
Exhibit P3	True copy of English translation of Page Nos. 22-25
Exhibit P6	True copy of English translation of Page No. 36
Exhibit P10	True copy of English translation of Page No. 42
Exhibit P11	True copy of English translation of Page No. 43