

(2013) 12 KL CK 0049

In the High Court Of Kerala

Case No : Writ Petition (C) . No's. 24850 of 2012 and 16387 of 2013 (E)

C. Radhakrishna Pillai

APPELLANT

Vs

Administrative Committee, Kerala State Co-Operative
Employees Pension Board and Tahsildar, Pathanapuram

RESPONDENT

Date of Decision : 02-12-2013

Acts Referred:

Citation : (2013) 12 KL CK 0049

Hon'ble Judges : K. Vinod Chandran, J

Bench : Single Bench

Advocate : G.D. Panicker and Smt. Jeena Joseph, for the Appellant;
Ligeyantony, for R1, Sri. K.R. Sunil, SC, Co-Operative Employees Pension Board
for R2 and Sri. Noushad Thottathil, Government Pleader, for the Respondent

Final Decision : Disposed Off

Judgement

K. Vinod Chandran, J.—Both the writ petitions are filed by a former employee of the respondent Bank, which Bank has become practically defunct now. The petitioner after retirement from the service was aggrieved by the non disbursal of pension by the Kerala State Co-operative Employees Pension Board. The petitioner hence filed the writ petition numbered as W.P. (C) No. 30263/2010. By Exhibit. P1 judgment, there was a direction to the Secretary of the respondent Society to forward the application for pension to the Board within one month and the Board was directed to quantify and disburse pension within one month thereafter. The contributions towards the pension fund not having been received, the Board issued a demand notice Exhibit. P3, produced in W.P. (C). No. 24850/2012. Later, revenue recovery proceedings were taken and the property of the respondent Society was sold in public auction. After adjusting the amounts due against the contribution towards the pension payable to the petitioner, the balance amounts were deposited before the Kollam District Co-operative Bank, which is the fifth respondent in W.P. (C) No. 16387/2013. The second writ petition of the year 2013 has been filed to realise the gratuity amount from the

amounts so deposited with the Kollam District Co-operative Bank. The sale consideration received in public auction was first adjusted towards the pension contribution, with respect to the petitioner's pension and the balance amounts were credited by the Tahsildar in the Savings Bank Account maintained by the respondent Society before the District Co-operative Bank. An amount of Rs. 3,16,243/- has been credited to the account maintained by the fifth respondent Bank. It is to be noticed, that the sale proceedings, were initiated by the respondent Board, to satisfy the demand raised by the Board with respect to the contributions payable by the first respondent Bank as against the pension of the petitioner. Such amounts have been satisfied from the sale proceedings and the balance amounts have been deposited to the District Co-operative Bank. The said balance amounts are the property of the Bank and it cannot be said to be amounts recovered from the second respondent Bank, towards gratuity due to the petitioner.

2. The Government has filed a counter affidavit claiming that the respondent Society has dues to be satisfied to the Government to the tune of more than rupees one lakh. However, no purpose will be served by keeping the money in deposit in the District Co-operative Bank without satisfying the amounts due from the Bank to the Government as also to the petitioner. In such circumstances, there shall be a direction to the second respondent, Joint Registrar, to consider as to how the amounts kept in deposit in the Kollam District Co-operative Bank, in the account maintained by the Achan Kovil Service Co-operative Bank, is to be disbursed. The petitioner as also the representative of the Achan Kovil Service Co-operative Bank shall present themselves before the Joint Registrar of Co-operative Societies (General) Kollam, the second respondent, on 17.12.2013. The Joint Registrar shall determine the dues to the Government as also that of the petitioner and shall adjust the same proportionately from the amounts deposited in the fifth respondent Bank. The Joint Registrar shall pass appropriate orders within a period of one month from 17.12.2013. The fifth respondent Bank shall comply with the orders passed by the Joint Registrar. It is submitted by the learned counsel for the petitioner that the respondent Pension Board has not disbursed the full amount of pension due to the petitioner. The entire contribution as computed against the total service of the petitioner with the respondent Society has been satisfied from the sale of the property of the respondent Society. However, the petitioner claims pension for the period of deputation spent in another Society. That, however, would be a separate cause of action and the disposal of the above writ petitions shall not prejudice such claim of the petitioner.

The writ petitions are disposed of with the above directions, leaving open the petitioner's claim to any further pension.