
(2018) 01 KL CK 0052
In the High Court Of Kerala
Case No : 34337 of 2017

THIRUVANANTHAPURAM SERVICE CO-OPERATIVE BANK LTD	APPELLANT
Vs	
THE ASSISTANT REGISTRAR (GENERAL) & ORS.	RESPONDENT

Date of Decision : 16-01-2018

Acts Referred:

[Constitution of India](#), [Article 226](#) -
Power of High Courts to Issue certain writs

Citation : (2018) 01 KL CK 0052

Hon'ble Judges : Anil K.Narendran

Bench : Single Bench

Advocate : D.SAJEEV, LIGEY ANTONY, BIMAL K. NATH

Final Decision : Disposed off

Judgement

1. The petitioner, which is a co-operative society registered under the Kerala Co-operative Societies Act, 1969, is before this Court in this writ

petition filed under Article 226 of the Constitution of India, seeking a writ of mandamus commanding respondents 1 and 2 to recover an amount of

Rs.2,00,566/- with future interest from the retirement benefits of the 3rd respondent, including his DCRG, in terms of the consent given in Ext.P5,

and to remit the same in respect of loan account No.OL13909. The petitioner has also sought for other consequential reliefs.

2. On 27.10.2017, when this writ petition came up for admission, the learned Government Pleader took notice for respondents 1 and 2. This

Court issued urgent notice by speed post to the third respondent, returnable within two weeks. This Court has also granted an interim order

directing the first respondent to retain an amount of Rs.2,00,566/- from the pensionary benefits payable to the third respondent (wrongly stated as

"petitioner" in that order) other than gratuity for a period of one month.

3. Despite service of notice, none appeared for the third respondent. On 04.01.2018, when the writ petition came up for consideration, the

learned Government Pleader was directed to get instructions as to whether the pensionary benefits including DCRG has already been disbursed to

the third respondent.

4. Today, when this case is taken up for further consideration, it is submitted by the learned Government Pleader that out of the pensionary benefits

payable to the third respondent, a sum of Rs.2,00,566/- is still retained by the second respondent.

In such circumstances, this writ petition is disposed of by directing the second respondent to disburse the said amount of Rs.2,00,566/- to the

petitioner towards the liability in respect of the loan account No.OL13909. The said amount shall be disbursed, as expeditiously as possible, at any

rate, within a period of two months from the date of production of a certified copy of this judgment.