

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

THURSDAY, THE 23<sup>RD</sup> DAY OF JUNE 2022 / 2ND ASHADHA, 1944

WP (C) NO. 15956 OF 2022

PETITIONER:

MATHEW M J., MADAPALLIKUNEL HOUSE,  
KELAKAM P.O.KANNUR-670 674

BY ADV P.N.MOHANAN

RESPONDENTS:

- 1 MANAGING COMMITTEE OF KELAKAM MILK PRODUCERS' CO-OPERATIVE SOCIETY LTD NO.C.180 (D), REPRESENTED BY ITS PRESIDENT, KELAKAM P.O., KANNUR-670 674
- 2 THE KELAKAM MILK PRODUCERS' CO-OPERATIVE SOCIETY LTD NO.C.180 (D), REPRESENTED BY ITS SECRETARY, KELAKAM P.O., KANNUR-670 674
- 3 KERALA STATE CO-OPERATIVE EMPLOYEES' PENSION BOARD, REPRESENTED BY ITS SECRETARY, JAWAHAR SAHAKARANA BHAVAN, 7TH FLOOR, DPI JUNCTION, THYCAUD P.O., THIRUVANANTHAPURAM-695 014
- 4 DEPUTY DIRECTOR,  
DIARY DEVELOPMENT DEPARTMENT, KANNUR-670 001

ANOOP JOSEPH  
M.SASINDRAN  
K.B.ARUNKUMAR  
ZERENE LINDA MITCHEL  
ASWANI THUVVAKKADAN  
PAUL P. ABRAHAM

SRI JOSHY THANNICKKAMATTAM-GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 23.06.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**JUDGMENT**

All that the petitioner requires in this case is a direction to the first respondent to implement Exts.P1 and P2 Pay Revisions and make available the eligible benefits to him, without any further delay.

2. The afore request of the petitioner, as made by his learned counsel Sri.P.N.Mohanan, was responded to by Sri.K.B.Arun Kumar - learned counsel for respondents 1 and 2, submitting that the petitioner had earlier approached the District Legal Service Authority, Kannur and the said dispute was settled through conciliation, as is evident from Ext.R2(b), resultant to which the petitioner withdrew his complaint through R2(c). He argued that, therefore, the petitioner cannot seek any further amounts than what has been already paid to him, because he was given the benefit of much higher Dearness Allowance, than what was entitled; and therefore, that if Exts.P1 and P2 are to be now implemented, it may even cause detriment to him. The learned counsel, therefore, prayed that this writ petition be dismissed.

3. Sri.M.Sasindran, learned standing counsel for the Pension Board, submitted that the petitioner has already been

sanctioned pension, based on the contribution made by the Society and therefore, that his client has nothing to offer in answer to the various issues impelled by him which is between him and the Society.

4. The learned Government Pleader, Sri.Joshy Thannickamattom, added that the disputes projected in this writ petition appear to be between the petitioner and the Society and therefore, that the fourth respondent does not obtain any role to play at this stage. He added that, however, if this Court is so inclined, the said Authority can initiate appropriate action under the Statutory scheme.

5. When I evaluate the afore submissions, it is evident that, on one hand, the petitioner says that Exts.P1 and P2 Pay Revisions have not been yet implemented; while, on the other, the Society says that he has been given much more than what was entitled to him under the said Schemes, because the Dearness Allowance was escalated.

6. Be that as it may, legally, the Society is bound to implement the Pay Revisions, unless there are orders or Circulars which exempt them from doing so. I am not aware of any such exemption being offered, though Sri.K.B.Arun Kumar says that there are certain proceedings to the effect

that his client need not implement these Pay Revisions.

7. I am, therefore, of the firm view that this matter should be considered by the competent Authority of the first respondent immediately, leading to an appropriate order, after hearing the petitioner. On such proceedings being issued, if any amounts are found due to the petitioner, the same shall be disbursed without any further delay; but, on the contrary, if they are to reject the petitioner's claim, then he will be at liberty to invoke his remedies before the fourth respondent or any other Forum under the Kerala Co-operative Societies Act and Rules, for which purpose, all his contentions are left open.

8. At this time, Sri.P.N.Mohanan intervened to make an adscititious plea that the Pension Board be directed to consider the additional contribution made by the Bank, as is evident through Ext.R2(e).

9. If, as stated by Sri.P.N.Mohanan, additional amounts have already been paid by the Bank to the Pension Board through Ext.R2(e), certainly, its competent Authority must consider revision of the petitioner's pension; and I, therefore, direct the third respondent to consider the same again, after hearing the petitioner, thus culminating in an appropriate order thereon, within a period of two months from the date

of receipt of a copy of this judgment. It goes without saying that all eligible amounts shall be disbursed, along with its arrears, without any avoidable delay thereafter.

This writ petition is thus ordered.

**Sd/- DEVAN RAMACHANDRAN**  
**JUDGE**

stu

**APPENDIX OF WP(C) 15956/2022**

PETITIONER EXHIBITS

- Exhibit P1            A TRUE COPY OF THE GO (P) NO.2/2016 DATED  
14.01.2016 OF THE AGRICULTURAL (DAIRY  
DEVELOPMENT) DEPARTMENT
- Exhibit P2            A TRUE COPY OF THE GO (P) NO.11/2021 DATED  
26.02.2021 OF THE AGRICULTURAL (DAIRY  
DEVELOPMENT) DEPARTMENT
- Exhibit P3            A TRUE COPY OF THE PAY FIXATION STATEMENT  
DATED 16.08.2010 OF THE THIRD RESPONDENT
- Exhibit P4            A TRUE COPY OF THE PENSION PAYMENT ORDER  
DATED 20.11.2021 OF THE PETITIONER
- Exhibit P5            A TRUE COPY OF THE ORDER DATED 03.01.2022  
OF THE THIRD RESPONDENT
- Exhibit P6            A TRUE COPY OF THE JUDGMENT AS REPORTED IN  
2012 (3) KHC 518 (DB)

RESPONDENT EXHIBITS

- Exhibit R2 A        TRUE COPY OF THE COMPLAINT DATED 17.2.2020  
SUBMITTED BEFORE THE DISTRICT LEGAL  
SERVICE AUTHORITY, KANNUR NUMBERED AS  
P.L.P. 1685/2020
- Exhibit R2 B        TRUE COPY OF THE MINUTES OF THE  
CONCILIATION MEETING HELD ON 22/7/2020
- Exhibit R2 C        TRUE COPY OF THE LETTER DATED 29-7-20  
ALONG WITH THE ACKNOWLEDGMENT CARD  
EVIDENCING THE RECEIPT OF THE REQUEST FOR  
WITHDRAWAL OF THE COMPLAINT.
- Exhibit R2 D        TRUE COPY OF THE DEMAND NOTICE DATED  
29.10.2021 ISSUED BY THE PENSION BOARD.
- Exhibit R2E        TRUE COPY OF THE CHALLAN DATED 8.11.2021  
EVIDENCING PAYMENT IN COMPLIANCE OF DEMAND

NOTICE.

Exhibit R2 F      TABULATED STATEMENT SHOWING THE AMOUNT  
ENTITLED AS PER EXHIBIT P1 AND P2 G.O.s  
AND THE AMOUNT DISPERSED TO THE PETITIONER  
WITHOUT THE IMPLEMENTATION OF G.O.S