

K.C.John vs Anappanthi Service Co-Operative Bank Ltd , Represented by the Secretary

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Court : Kerala

Decided On : Aug-02-2022

Judge : Honourable Mr. Justice Devan Ramachandran

Appeal No. : WP(C)/1320/2022

Appellant : K.C.John

Respondent : Anappanthi Service Co-Operative Bank Ltd , Represented by the Secretary

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE DEVAN
RAMACHANDRAN TUESDAY, THE 2ND DAY OF AUGUST 2022 /
11TH SRAVANA, 1944 PETITIONER: K.C.JOHN, AGED 73 YEARS,
KARIYANKAL HOUSE, KOLAYAD (P.O), KANNOTH,
CHITTARIPARAMBA KANNUR DISTRICT, , PIN - 670630
SRI.P.V.ANOOP SRI.PHIJO PRADEESH PHILIP
SRI.M.P.PRIYESHKUMAR SRI.K.V.SREERAJ RESPONDENTS:

1 ANAPPANTHI SERVICE CO-OPERATIVE BANK LTD ,
REPRESENTED BY THE SECRETARY, ANGADIKKADAVU
(PO),ANAPPANTHY, KANNUR DISTRICT, PIN - 670706 2 THE
SECRETARY, ANAPPANTHI SERVICE CO-OPERATIVE BANK LTD
ANGADIKKADAVU (PO) ANAPPANTHY, KANNUR 3 THE PRESIDENT,
ANAPPANTHI SERVICE CO-OPERATIVE BANK LTD.,
ANGADIKKADAVU (PO) ANAPPANTHY, KANNUR 4 THE BOARD OF
DIRECTORS, ANAPPANTHI SERVICE CO-OPERATIVE BANK LTD.,
ANGADIKKADAVU (PO), ANAPPANTHY, KANNUR 5 THE JOINT
REGISTRAR, CO OPERATIVE SOCIETIES (GENERAL)
THAVAKKARA, KANNUR, PIN - 670002 6 THE ASSISTANT
REGISTRAR, KOOTHUPARAMBA CO OPERATIVE SOCIETIES
(GENERAL), GOKUL STREET, KOOTHUPARAMBA,KANNUR, PIN -
670643 SRI.T.R.HARIKUMAR SRI.ARJUN RAGHAVAN ADV.JOSHY
THANIKAMATTA-GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 02.08.2022, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

JUDGMENT

The petitioner is stated to have retired as the Secretary of

the 1st respondent - Co-operative Bank and alleges that his retiral benefits have been unfairly held up, without being disbursed by the said Bank for no cogent or reliable reason. He thus prays that respondents 2 and 3 be directed to disburse to him the arrears of his revised salary, taking into account two Higher Grades; the surrender of Earned Leave benefits for 287 days; along with all other retiral benefits, within a time frame to be fixed by this Court.

2. The afore submissions of Sri.P.V.Anoop - learned

counsel for the petitioner, were answered by Sri.T.R.Harikumar - learned Standing Counsel for the Bank, saying that the petitioner, while working as the Secretary,

had granted certain loans which have now become difficult to recover. He submitted that the Bank has filed Arbitration cases in such matters against the defaulters and have obtained Awards which is now pending in execution. He submitted that, therefore, until such time as the amounts under the said Awards are recovered, the petitioner cannot be paid his retiral benefits.

3. I am afraid that I cannot find any favour with the afore

submissions of Sri.T.R.Harikumar because, if there are any allegations against the petitioner with respect to the loans in question, he ought to have been proceeded disciplinarily while he was in service, or through other legally acceptable methods subsequent to his retirement. Merely because he had granted certain bank loans - even if it is assumed to be true - it cannot be available to the Bank to deny him his retiral benefits, particularly when it is conceded that no action against him has ever been initiated even till date.

4. Sri.Joshy Thanikkamattom, learned Government

Pleader, submitted that the controversy in question is between the petitioner and the Society and that the official respondents will abide by any directions being issued by this Court.

5. As I have said above, it is indubitable that the

petitioner cannot be found at fault with respect to any loan liability except if he had been found guilty of the same through a legally sanctioned process of law. Since it is unequivocally admitted by the Society that no such proceedings have been initiated against the petitioner until date, I am certain that he is entitled to reliefs in this writ petition.

6. This is more so because the petitioner retired in the year 2006 and it has been over 16 years, since but without any action being initiated against him. Resultantly, I allow this writ petition; and consequentially

direct respondents 1 and 2 to disburse the aforementioned benefits to the petitioner as expeditiously as is possible, but not later than one month from the

date of receipt of a copy of this

judgment.

Sd/- DEVAN RAMACHANDRAN JUDGE stu APPENDIX OF WP(C) 1320/2022
PETITIONER EXHIBITS EXHIBIT P1 TRUE COPY OF THE APPOINTMENT
ORDER DATED 08.04.1974 ISSUED BY THE THIRD RESPONDENT. EXHIBIT
P2 TRUE COPY OF THE ORDER NO.CRP (1) THE FIFTH RESPONDENT.
EXHIBIT P3 TRUE COPY OF THE ORDER NO.1802/08/E/K.DIS DATED
05.01.2009 ISSUED BY THE SIXTH RESPONDENT. EXHIBIT P4 TRUE COPY
OF THE REPRESENTATION DATED 31.08.2021 FILED BY THE PETITIONER
BEFORE THE FIFTH RESPONDENT.

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