



2024:KER:26014

CR

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

TUESDAY, THE 2ND DAY OF APRIL 2024 / 13TH CHAITHRA, 1946

WP(C) NO. 10866 OF 2024

PETITIONER:

- 1 N.SWAMINATHAN, AGED 63 YEARS, S/O NARAYANAN,
PUZHAKKAL PARAMBU HOUSE, ANJUMOORTHY P.O.,
PALAKKAD DISTRICT-678001, (GENERAL SECRETARY,
KERALA PRIMARY CO-OPERATIVE- - SERVICE
PENSIONERS ASSOCIATION, REG. NO. TVM/TC/1368/2014),
PIN - 678001
- 2 M.K GEORGE, AGED 63 YEARS, S/O KURIAN, AGED 63 YEARS
MENACHERY HOUSE, KARUMALLOOR P.O, MANAKKAPADY,
ERNAKULAM DISTRICT-, PIN - 683511

BY ADVS.
CHITRA JOHNSON
PREEJA. P.VIJAYAN
SMITHA (EZHUPUNNA)

RESPONDENTS:

- 1 STATE OF KERALA, REPRESENTED BY ITS CHIEF SECRETARY,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-,
PIN - 695001
- 2 THE PRINCIPAL SECRETARY, REVENUE DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695001,
PIN - 695001
- 3 THE SECRETARY, CO-OPERATIVE DEPARTMENT, GOVERNMENT
SECRETARIAT, THIRUVANANTHAPURAM-, PIN - 695001
- 4 KERALA STATE CO-OPERATIVE EMPLOYEES PENSION BOARD,
THIRUVANANTHAPURAM, REPRESENTED BY ITS SECRETARY,
PIN - 695001

BY ADVS
SRI.M.SASINDRAN - SC, PENSION BOARD
SRI.P.P.THAJUDEEN - SPL GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
02.04.2024, ALONG WITH WP(C)NO.11120/2024, 11174/2024 & CONNECTED
CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

TUESDAY, THE 2ND DAY OF APRIL 2024 / 13TH CHAITHRA, 1946

WP(C) NO. 11120 OF 2024

PETITIONERS:

- 1 P.V. MOHAMMEDALI, AGED 71 YEARS, S/O. VEERAVU,
PULIKKAL HOUSE, SREEMOOLANAGARAM P.O, ALUVA,
ERNAKULAM, PIN - 683580**
- 2 NEELAKANDAN M.A., AGED 70 YEARS, S/O. NARAYANA
PILLAI MULLEPILLIL HOUSE, MARATTU LANE, DESOM
ROAD THAIKKTUUKKARA, ALUVA, PIN - 683108**
- 3 RAJESWARI K.M, AGED 68 YEARS, D/O. SOOLAPANI
WARRIER KURUPPAMPARAMBATH HOUSE, ALUVA WEST DESOM
P.O, ERNAKULAM DISTRICT-, PIN - 683580**
- 4 RAVEENDRAN NAIR, AGED 75 YEARS, S/O. PARAMESWARAN
NAIR PEECHOLIL HOUSE, DESOM P.O, ALUVA,
PIN - 683580**

**BY ADVS.
P.V.BABY
VINEETH P.BABY**

RESPONDENTS:

- 1 STATE OF KERALA, REPRESENTED BY CHIEF SECRETARY
TO GOVERNMENT, SECRETARIAT, THIRUVANANTHAPURAM,
PIN - 695001**
- 2 REGISTRAR OF CO-OPERATIVE SOCIETIES, JAWAHAR
SAHAKARANA BHAVAN, DPI JUNCTION, THYCADU P.O,
THIRUVANANTHAPURAM, PIN - 695014**
- 3 KERALA STATE CO-OPERATIVE EMPLOYEES PENSION BOARD
JAWAHAR SAHAKARANA BHAVAN, DPI JUNCTION, THYCADU
P.O, THIRUVANANTHAPURAM - REPRESENTED BY ITS
SECRETARY, PIN - 695014**



**4 CHAIRMAN, KERALA STATE CO-OPERATIVE EMPLOYEES
PENSION BOARD, JAWAHAR SAHAKARANA BHAVAN, DPI
JUNCTION, THYCADU P.O, THIRUVANANTHAPURAM,
PIN - 695014**

**BY ADVS
SRI.M.SASINDRAN - SC, PENSION BOARD
SRI.P.P.THAJUDHEEN - SPL GP**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 02.04.2024, ALONG WITH WP(C)NO.10866/2024 AND CONNECTED
CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

TUESDAY, THE 2ND DAY OF APRIL 2024 / 13TH CHAITHRA, 1946

WP(C) NO. 11174 OF 2024

PETITIONERS:

- 1 KERALA STATE CO-OPERATIVE BANK (KERALA BANK)
RETIREEES FEDERRATION (KBRF), AGED 71 YEARS
DOOR NO 61/3685 MANIKIRI ROAD, PALLIMUKKU
COCHIN, ERNAKULAM, REPRESENTED BY ITS GENERAL
SECRETARY K.V JOY, PIN - 682016**
- 2 P J CHACKO, AGED 78 YEARS, S/O.JOSEPH,
PARASSERIL PARALOICAL ATHIRAMPUZHA P.O
KOTTAYAM, PIN - 686562**
- 3 THOMAS M.J, AGED 72 YEARS, S/O.JOSEPH, KALAYIL
HOUSE VANACHIRA KADUTHURUTHI P.O, KOTTAYAM,
PIN - 686604**

BY ADV C.S.AJITH PRAKASH

RESPONDENTS:

- 1 STATE OF KERALA, REPRESENTED BY CHIEF SECRETARY
TO GOVERNMENT SECRETARIAT THIRUVANANTHAPURAM,
PIN - 695001**
- 2 THE SECRETARY TO GOVERNMENT, COOPERATIVE
DEPARTMENT GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM, PIN - 695001**
- 3 REGISTRAR OF COOPERATIVE SOCIETIES, OFFICE OF
THE REGISTRAR OF CO-OPERATIVE SOCIETIES
JAWAHAR SAHAKARANA BHAVAN DPI JUNCTION,
THYCAUD THIRUVANANTHAPURAM, PIN - 695014**
- 4 THE SECRETARY, KERALA STATE COOPERATIVE
EMPLOYEES PENSION BOARD 7TH FLOOR JAWAHAR
SAHAKARANA BHAVAN DPI JUNCTION THYCAD
THIRUVANATHAPURAM, PIN - 695014**



2024:KER:26014

WPC 10866/24 & connected

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**BY ADVS
SRI.M.SASINDRAN - SC, PENSION BOARD
SRI.P.P.THAJUDHEEN - SPL. GP**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 02.04.2024, ALONG WITH WP(C)NO.10866/2024 AND CONNECTED
CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

TUESDAY, THE 2ND DAY OF APRIL 2024 / 13TH CHAITHRA, 1946

WP(C) NO. 11621 OF 2024

PETITIONERS:

- 1 K.RAJEEVAN, AGED 71 YEARS, S/O.KESAVAN, CHANDRA BHAVANAM, KALLIKKAD, ARATTUPUZHA P.O, ALAPPUZHA DISTRICT., PIN - 690535
- 2 SASEENDRAN K., AGED 68 YEARS, S/O.KOCHUKRISHNAN, AMBADY HOUSE, MANGALAM P.O, THRIKKUNNAPUZHA, ALAPPUZHA DISTRICT., PIN - 690515

BY ADVS.
T.R.HARIKUMAR
ARJUN RAGHAVAN

RESPONDENTS:

- 1 STATE OF KERALA, REPRESENTED BY THE SECRETARY TO GOVERNMENT, CO-OPERATION DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM., PIN - 695001
- 2 THE KERALA STATE CO-OPERATIVE EMPLOYEES' PENSION BOARD, REPRESENTED BY ITS SECRETARY, JAWAHAR SAHAKARANA BHAVAN, 7TH FLOOR, DPI JUNCTION, THYCAUD, THIRUVANANTHAPURAM., PIN - 695014
- 3 THE CHAIRMAN, KERALA STATE CO-OPERATIVE EMPLOYEES' PENSION BOARD, JAWAHAR SAHAKARANA BHAVAN, 7TH FLOOR, DPI JUNCTION, THYCAUD, THIRUVANANTHAPURAM., PIN - 695014
- 4 THE SECRETARY, KERALA STATE CO-OPERATIVE EMPLOYEES' PENSION BOARD, JAWAHAR SAHAKARANA BHAVAN, 7TH FLOOR, DPI JUNCTION, THYCAUD, THIRUVANANTHAPURAM., PIN - 695014



- 5 THE REGISTRAR OF CO-OPERATIVE SOCIETIES, JAWAHAR SAHAKARANA BHAVAN, DPI JUNCTION, THYCAUD P.O, THIRUVANANTHAPURAM., PIN - 695014

- 6 THE KERALA STATE CO-OPERATIVE BANK, REPRESENTED BY ITS CHIEF EXECUTIVE OFFICER, P.B NO.6515, CO-BANK TOWERS, PALAYAM, THIRUVANATHAPURAM., PIN - 695033

BY ADVS
SRI.M.SASINDRAN - SC, PENSION BOARD
SRI.P.P.THAJUDHEEN - SPL GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 02.04.2024, ALONG WITH WP(C)NO.10866/2024 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

TUESDAY, THE 2ND DAY OF APRIL 2024 / 13TH CHAITHRA, 1946

WP(C) NO. 11996 OF 2024

PETITIONER:

**KERALA CO-OPERATIVE PENSIONERS' ORGANISATION
REGISTERED VIDE SOCIETY REGISTRATION CERTIFICATE
NO.MPM/CA/2043/2014 OF MALAPPURAM DISTRICT
REGISTRAR OF SOCIETIES, REPRESENTED BY ITS
GENERAL SECRETARY P. MUSTHAFA, AGED 70 YEARS,
S/O KUNJIMHAMMED, NEAR MUNICIPAL BUS STAND,
OPP. HDFC BANK, MALAPPURAM POST, MALAPPURAM,
PIN - 676505**

**BY ADVS.
THAREEQ ANVER K.
K.SALMA JENNATH
K.C.KHAMARUNNISA
ARUN CHAND
RASSAL JANARDHANAN A.
MOYIN K.P.**

RESPONDENTS:

- 1 STATE OF KERALA, REPRESENTED BY ITS SECRETARY,
DEPARTMENT OF CO-OPERATION, SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695001**
- 2 ADDITIONAL SECRETARY, DEPARTMENT OF CO-OPERATION
SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001**
- 3 KERALA STATE CO-OPERATIVE EMPLOYEES' PENSION BOARD
REPRESENTED BY ITS SECRETARY, THIRUVANANTHAPURAM,
PIN - 695014**
- 4 ADDITIONAL REGISTRAR OF CO-OPERATIVE SOCIETIES
AND SECRETARY, KERALA STATE CO-OPERATIVE EMPLOYEES'
PENSION BOARD, THIRUVANANTHAPURAM, PIN - 695014**



**5 KERALA STATE CO-OPERATIVE BANK REP. BY ITS GENERAL
MANAGER, COBANK TOWERS, PALAYAM,
THIRUVANANTHAPURAM, PIN - 695033**

**BY ADVS
SRI.M.SASINDRAN - SC, PENSION BOARD
SRI.P.P.THAJUDHEEN - SPL GP**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 02.04.2024, ALONG WITH WP(C)NO.10866/2024 AND CONNECTED
CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**CR****JUDGMENT**

**[WP(C) Nos.10866/2024, 11120/2024, 11174/2024, 11621/2024,
11996/2024]**

The petitioners in these Writ Petitions apprehend that the corpus of the Pension Fund, under the provisions of the Kerala Co-operative Societies Employees Self-Financing Pension Scheme, 1994, as also that of the year 2005 (hereinafter referred to as ‘1994 Scheme and ‘2005 Scheme’ for short, respectively), is likely to be transferred to the State Treasury, as per the instructions of the Government of Kerala. They, therefore, pray that the Kerala State Co-operative Employees Pension Board (‘Pension Board’ for short), which administers the afore Corpus, be directed not to use it for any purpose, other than disbursement of pension.

2. Interestingly, in response to the afore submissions of the petitioners, as made by their respective counsel in the various Writ Petitions, Sri.P.P.Thajudheen – learned Special Government Pleader, submitted that the cause projected in these Writ Petitions appears to be edified on certain Newspaper reports, which are not



accurate or true. He argued that, even though Clause 32 of the ‘1994 Scheme’ and Clause 22 of the ‘2005 Scheme’ permits and authorizes the Government to invest the ‘Corpus Fund’ in such manner as is statutorily enumerated, no decision in that regard has been taken by the Government as of now. He, therefore, prayed that these Writ Petitions be dismissed, as being filed based on conjectures and surmises.

3. Pertinently, Sri.M.Sasindran – learned Standing Counsel for the ‘Pension Board’, also affirmed that his client has not received any instruction from the Government as feared by the petitioners and that all such are merely speculative. He reiterated that the Pension Board has not taken any decision to transfer the Corpus to any investment and that all such assertions are without basis.

4. No doubt, the afore submissions of the learned Special Government Pleader and the learned Standing Counsel settle the apprehensions of the petitioners fully.

5. *Prima facie*, I cannot find favour with the petitioners for



another reason, namely that it is incomprehensible how an investment of the ‘Corpus Fund’ can be made by its transfer into the ‘State Treasury’, since this does not appear to be authorised by the Schemes; nor can it be normally seen to be ‘investment’, to obtain growth. However, this is not an issue I intend to answer affirmatively, it being not required at this stage.

In the afore circumstances, these Writ Petitions are disposed of, recording the afore submissions of the learned Special Government Pleader; however, leaving open every contention, so as to enable the petitioners to impel in future, should the Government or the ‘Pension Board’ take any decision as apprehended by them.

RR

Sd/-

DEVAN RAMACHANDRAN
JUDGE



APPENDIX OF WP(C) 11120/2024

PETITIONER EXHIBITS

- Exhibit P1 A TRUE PHOTOCOPY OF THE PENSION PAYMENT ORDER NO. 800/EKM ISSUED BY THE 3RD RESPONDENT TO THE 1ST PETITIONER
- Exhibit P2 A TRUE PHOTOCOPY OF THE PENSION PAYMENT ORDER NO. 798/EKM ISSUED BY THE 3RD RESPONDENT TO THE 2ND PETITIONER
- Exhibit P3 A TRUE PHOTOCOPY OF THE PENSION PAYMENT ORDER NO. 1037/EKM ISSUED BY THE 3RD RESPONDENT TO THE 3RD PETITIONER
- Exhibit P4 A TRUE PHOTOCOPY OF THE PENSION PAYMENT ORDER NO. 456/EKM ISSUED BY THE 3RD RESPONDENT TO THE 4TH PETITIONER
- Exhibit P5 A TRUE PHOTOCOPY OF THE NEWS ITEM PUBLISHED IN THE MATHRUBUMI DAILY DATED 8/3/2024
- Exhibit P6 A TRUE PHOTOCOPY OF THE APPLICATION DATED 14/3/2024 SUBMITTED BY THE 1ST PETITIONER TO THE PUBLIC INFORMATION OFFICER OF THE 3RD RESPONDENT
- Exhibit P7 A TRUE PHOTOCOPY OF THE REPLY RECEIVED BY THE 1ST PETITIONER FROM THE PUBLIC RELATION OFFICER OF THE 3RD RESPONDENT IN REPLY TO EXT. P6
- Exhibit P8 A TRUE PHOTOCOPY OF THE NEWS ITEM PUBLISHED IN THE MATHRUBHUMI DAILY DATED 14/3/2024
- Exhibit P9 A TRUE PHOTOCOPY OF THE LEGAL OPINION DATED 12/12/2023 ISSUED BY THE CHARTERED ACCOUNTANT

**APPENDIX OF WP(C) 11174/2024****PETITIONER EXHIBITS**

- Exhibit P1 TRUE COPY OF THE REGISTRATION CERTIFICATE ISSUED TO THE FEDERATION (KBRF) BY THE REGISTRAR OF SOCIETIES ERNAKULAM COCHIN DATED 19.10.2022
- Exhibit P2 TRUE COPY OF THE RELEVANT PAGE OF THE PENSION PAYMENT ORDER OF THE 2ND PETITIONER
- Exhibit P3 TRUE COPY OF THE RELEVANT PAGE OF THE PENSION PAYMENT ORDER OF THE 3RD PETITIONER
- Exhibit P4 TRUE COPY OF THE ADMINISTRATIVE REPORT OF THE PENSION BOARD FOR THE YEAR 2022 -2023
- Exhibit P5 TRUE COPY OF THE COMPLAINT SUBMITTED BY BOARD MEMBER MR. K S SYAMKUMAR DATED 13.03.2024
- Exhibit P6 TRUE COPY OF THE NEWS REPORT APPEARED IN THE MALAYA MANORAMA DAILY DATED 14.03.2024
- Exhibit P7 TRUE COPY OF THE NEWS REPORT APPEARED IN THE MATHRUBHOOMI DAILY DATED 14.03.2024
- Exhibit P8 TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE 1ST PETITIONER FEDERATION TO THE SECRETARY OF THE PENSION BOARD DATED 14.03.2024
- Exhibit P9 TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE 1ST PETITIONER FEDERATION TO THE REGISTRAR OF CO OPERATIVE SOCIETY DATED 15.03.2024
- Exhibit P10 TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE 1ST PETITIONER FEDERATION TO THE CHAIRMAN OF THE PENSION BOARD DATED 14.03.2024

**APPENDIX OF WP(C) 11621/2024****PETITIONER EXHIBITS**

- Exhibit-P1 A TRUE COPY OF THE TABULATION OF DETAILS PREPARED WITH RESPECT TO THE 2ND RESPONDENT
- Exhibit-P2 A TRUE COPY OF THE REPLY DATED 13-02-2024 FOR THE UN-STARRED QUESTION NUMBER 2873, RAISED IN THE LEGISLATIVE ASSEMBLY
- Exhibit-P3 A TRUE COPY OF THE COMMUNICATION NO.A3/234/2023/CO-OP DATED 01-02-2024 ISSUED BY THE 1ST RESPONDENT
- Exhibit-P4 A TRUE COPY OF THE COMMUNICATION NO.7651/A3/15/CO-OP DATED 02-02-2016 ISSUED BY THE 1ST RESPONDENT
- Exhibit-P5 A TRUE COPY OF THE NEWS ITEM PUBLISHED IN MALAYALA MANORAMA DAILY DATED 14-03-2024
- Exhibit-P6 A TRUE COPY OF THE NEWS ITEM PUBLISHED IN MATHRUBHOOMI DAILY DATED 14-03-2024
- Exhibit-P7 A TRUE COPY OF THE NEWS ITEM PUBLISHED IN VEEKSHANAM DAILY DATED 14-03-2024
- Exhibit-P8 A TRUE COPY OF REPRESENTATION DATED 14-03-2024 SUBMITTED BY KERALA BANK RETIREES FEDERATION TO THE 3RD RESPONDENT
- Exhibit-P9 A TRUE COPY OF REPRESENTATION DATED 15-03-2024 SUBMITTED BY KERALA BANK RETIREES FEDERATION TO THE 1ST RESPONDENT
- Exhibit-P10 A TRUE COPY OF THE OBJECTION DATED 13-03-2024 SUBMITTED BY ONE OF THE DIRECTORS OF 2ND RESPONDENT BEFORE THE 3RD RESPONDENT
- Exhibit-P11 A TRUE COPY OF THE REPRESENTATION DATED 13-03-2024 SUBMITTED BEFORE THE 5TH RESPONDENT



APPENDIX OF WP(C) 11996/2024

PETITIONER EXHIBITS

- Exhibit P1 THE TRUE COPY OF THE CERTIFICATE OF REGISTRATION OF THE PETITIONER SOCIETY BEARING NO. MPM/CA/2043/2014 AND DATED 24/12/2014
- Exhibit P2 THE TRUE COPY OF CIRCULAR NO.3/2024 DATED 04/03/2024 ISSUED BY THE 4TH RESPONDENT
- Exhibit P3 THE TRUE COPY OF NEWS PUBLISHED IN MATHRIBHUMI DAILY AND MANORAMA DAILY ON 08/03/2024 AND 14/03/2024 RESPECTIVELY



APPENDIX OF WP(C) 10866/2024

PETITIONER EXHIBITS

Exhibit P1 A TRUE COPY OF THE REPRESENTATION
SUBMITTED TO THE 1ST RESPONDENT DATED
09.03.2024

Exhibit P2 A TRUE COPY OF THE REPRESENTATION
SUBMITTED TO THE 4TH RESPONDENT DATED
09.03.2024

Exhibit P3 TRUE COPY OF THE NEWSPAPER REPORT
PUBLISHED IN MATHRUBHUMI DAILY DATED
08.03.2024

Exhibit P4 TRUE COPY OF THE NEWSPAPER REPORT
PUBLISHED IN MATHRUBHUMI DAILY DATED
14.03.2024