

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE V.G.ARUN

FRIDAY, THE 5TH DAY OF AUGUST 2022 / 14TH SRAVANA, 1944

WP(C) NO. 11306 OF 2015

PETITIONER/S:

- 1 ABHILASH KUMAR R.
AGED 30 YEARS
HELPER, KERALA BOOKS AND PUBLICATIONS SOCIETY,
KAKKANADU, ERNAKULAM DISTRICT.
- 2 AJITH P.B
ASSISTANT IN CHARGE, KERALA BOOKS AND PUBLICATIONS
SOCIETY, KAKKANADU, ERNAKULAM DISTRICT.
- 3 PAUL AJITH
HELPER, KERALA BOOKS AND PUBLICATIONS SOCIETY,
KAKKANADU, ERNAKULAM DISTRICT.
- 4 SANIL S.
ASSISTANT IN CHARGE, KERALA BOOKS AND PUBLICATIONS
SOCIETY, KAKKANADU, ERNAKULAM DISTRICT.
- 5 VIJI M.V.
ASSISTANT IN CHARGE, KERALA BOOKS AND PUBLICATIONS
SOCIETY, KAKKANADU, ERNAKULAM DISTRICT.
- 6 SABU K. VARGHESE
HELPER, KERALA BOOKS AND PUBLICATIONS SOCIETY,
KAKKANADU, ERNAKULAM DISTRICT.
- 7 SMITHA K.
HELPER, KERALA BOOKS AND PUBLICATIONS SOCIETY,
KAKKANADU, ERNAKULAM DISTRICT.
- 8 DARVIN N.
HELPER, KERALA BOOKS AND PUBLICATIONS SOCIETY,
KAKKANADU, ERNAKULAM DISTRICT.
- 9 RALSON C. JOY
ASSISTANT IN CHARGE, KERALA BOOKS AND PUBLICATIONS
SOCIETY, KAKKANADU, ERNAKULAM DISTRICT.
- 10 ANOOP C.R
HELPER, KERALA BOOKS AND PUBLICATIONS SOCIETY,
KAKKANADU, ERNAKULAM DISTRICT.
- 11 VASANTHI M.C
HELPER, KERALA BOOKS AND PUBLICATIONS SOCIETY,
KAKKANADU, ERNAKULAM DISTRICT.
- 12 K.V. HAREESH
ASSISTANT IN CHARGE, KERALA BOOKS AND PUBLICATIONS
SOCIETY, KAKKANADU, ERNAKULAM DISTRICT.
- 13 TINU K. THOMAS
ASSISTANT IN CHARGE, KERALA BOOKS AND PUBLICATIONS
SOCIETY, KAKKANADU, ERNAKULAM DISTRICT.
- 14 SAGITHA M.G
HELPER, KERALA BOOKS AND PUBLICATIONS SOCIETY,

- KAKKANADU, ERNAKULAM DISTRICT.
- 15 SANDHYA P.R.
HELPER, KERALA BOOKS AND PUBLICATIONS SOCIETY,
KAKKANADU, ERNAKULAM DISTRICT.
- 16 K.R. MANIKUTTAN
HELPER, KERALA BOOKS AND PUBLICATIONS SOCIETY,
KAKKANADU, ERNAKULAM DISTRICT.
BY ADV SRI.SHERRY J. THOMAS

RESPONDENT/S:

- 1 KERALA BOOKS AND PUBLICATION SOCIETY
REPRESENTED BY ITS MANAGING DIRECTOR, KAKKANADU,
ERNAKULAM DISTRICT.
- 2 SECRETARY
HIGHER EDUCATION DEPARTMENT, REPRESENTED BY
SECRETARY, GOVERNMENT OF KERALA, THIRUVANANTHAPURAM,
HOUSING BOARD BUILDING, SHANTHI NAGAR, CHENKALCHOLA
COLONY, THAMPANOR, THIRUVANANTHAPURAM - 695 001.
- 3 STATE OF KERALA
REPRESENTED BY CHIEF SECRETARY TO GOVERNMENT, CHIEF
SECRETARY TO GOVERNMENT OF KERALA, SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.
- 4 REGIONAL PROVIDENT FUND COMMISSIONER
EMPLOYEES PROVIDENT FUND OFFICE, KERALA REGION,
BHAVISHANIDHI BHAWAN, P.B. NO. 1016, PATTOM,
THIRUVANANTHAPURAM - 695 004.
BY ADVS.
SRI.K.ANAND (SR.)
SMT.LATHA KRISHNAN
SRI.N.N.SUGUNAPALAN SR.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
10.02.2022 ALONG WITH W.P.(C) NO.19570/2016 & CON.CASES, THE
COURT ON 05.08.2022 DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE V.G.ARUN

FRIDAY, THE 5TH DAY OF AUGUST 2022 / 14TH SRAVANA, 1944

WP(C) NO. 19570 OF 2016

PETITIONER/S:

C.P.RAJAN
AGED 60 YEARS
S/O PADMANABHAN, CHAMAKALAYIL HOUSE, MULAKULAM
NORTH.P.O, PIRAVOM-686660. (SENIOR
ASSISTANT (RETIRED), KERALA BOOKS & PUBLICATION
SOCIETY) .
BY ADVS.
SRI.T.M.RAMAN KARTHA
SMT.SYAMA MOHAN
SHRI.SREEHARI INDUKALADHARAN

RESPONDENT/S:

- 1 STATE OF KERALA
REPRESENTED BY SECRETARY TO GOVERNMENT, DEPARTMENT OF
HIGHER EDUCATION
DEPARTMENT, GOVT. SECRETARIAT, THIRUVANANTHAPURAM, PIN-
695001.
- 2 KERALA BOOKS PUBLICATION SOCIETY
(AN UNDERTAKING OF THE GOVERNMENT OF
KERALA), KAKKANAD.P.O, COCHIN-682030, REPRESENTED BY
ITS MANAGING DIRECTOR.
- 3 CHAIRMAN AND MANAGING DIRECTOR
KERALA BOOKS & PUBLICATION
SOCIETY, KAKKANAD.P.O, COCHIN-682030, ERNAKULAM.
- 4 KERALA BOOKS PUBLICATION SOCIETY PENSION PROVIDENT
FUND BOARD
REPRESENTED BY ITS CHAIRMAN (PRINCIPAL SECRETARY TO
GOVERNMENT, HIGHER EDUCATION DEPARTMENT, GOVERNMENT OF
KERALA, TRIVANDRUM) PIN-595001.
- 5 ARAVINDAN.K
RETIRED DEPUTY MANAGER (PRINTING) KBPS, KAKKANAD,
KOCHI, RESIDING AT "HARISREE" KALAPPURACKAL,
37/2833, AZAD ROAD, KALOOR PO, KOCHI-682017.

W.P.(C) Nos.11306/2015 & con.cases

-4-

ADDL.R5 IS IMPEADED VIDE ORDER DATED 13.03.2017 IN
I.A.NO.19673/2016

BY ADVS.
SMT.LATHA ANAND, SC, KERALA BOOKS PUBLICATIONS
SOCIETY
SRI.KALEESWARAM RAJ
KUM.A.ARUNA
SRI.VARUN C.VIJAY

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
10.02.2022 ALONG WITH W.P.(C) NO.11306/2016 & CON.CASES, THE
COURT ON 05.08.2022 DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE V.G.ARUN

FRIDAY, THE 5TH DAY OF AUGUST 2022 / 14TH SRAVANA, 1944

WP(C) NO. 22445 OF 2017

PETITIONER/S:

- 1 NISHAD P.S.
HELPER, PRINTING SECTION, KERALA BOOKS AND
PUBLICATION SOCIETY, KAKKANAD, KOCHI-682030
- 2 SANTHOSH T.M.
HELPER, PRINTING SECTION, KERALA BOOKS AND
PUBLICATION SOCIETY, KAKKANAD, KOCHI-682030
- 3 SHIBU P.K.
HELPER, PRINTING SECTION, KERALA BOOKS AND
PUBLICATION SOCIETY, KAKKANAD, KOCHI-682030
- 4 JOSEPH CLINT
HELPER, PRINTING SECTION, KERALA BOOKS AND
PUBLICATION SOCIETY, KAKKANAD, KOCHI-682030
- 5 SUNEESH A.H.
HELPER, PRINTING SECTION, KERALA BOOKS AND
PUBLICATION SOCIETY, KAKKANAD, KOCHI-682030
- 6 VIBIN M.M.
HELPER, PRINTING SECTION, KERALA BOOKS AND
PUBLICATION SOCIETY, KAKKANAD, KOCHI-682030
- 7 JOHNSON T.F.
HELPER, PRINTING SECTION, KERALA BOOKS AND
PUBLICATION SOCIETY, KAKKANAD, KOCHI-682030
- 8 BILSHAD K.A.
HELPER, PRINTING SECTION, KERALA BOOKS AND
PUBLICATION SOCIETY, KAKKANAD, KOCHI-682030
- 9 MANOJ E.
HELPER, PRINTING SECTION, KERALA BOOKS AND
PUBLICATION SOCIETY, KAKKANAD, KOCHI-682030
- 10 ANOOP V.S.
HELPER, PRINTING SECTION, KERALA BOOKS AND
PUBLICATION SOCIETY, KAKKANAD, KOCHI-682030
- 11 VISHAKH K.V.
HELPER, PRINTING SECTION, KERALA BOOKS AND
PUBLICATION SOCIETY, KAKKANAD, KOCHI-682030
- 12 JISHAKUMARY K.

- HELPER, PRINTING SECTION, KERALA BOOKS AND
PUBLICATION SOCIETY, KAKKANAD, KOCHI-682030
- 13 JYOTHI K.P.
HELPER, PRINTING SECTION, KERALA BOOKS AND
PUBLICATION SOCIETY, KAKKANAD, KOCHI-682030
- 14 ROOPESH C.R.
HELPER, PRINTING SECTION, KERALA BOOKS AND
PUBLICATION SOCIETY, KAKKANAD, KOCHI-682030
- 15 SUDHEESH K.
HELPER, PRINTING SECTION, KERALA BOOKS AND
PUBLICATION SOCIETY, KAKKANAD, KOCHI-682030
- 16 SAJEEB C.B.
HELPER, PRINTING SECTION, KERALA BOOKS AND
PUBLICATION SOCIETY, KAKKANAD, KOCHI-682030
- 17 ANAS MASOOD
HELPER, PRINTING SECTION, KERALA BOOKS AND
PUBLICATION SOCIETY, KAKKANAD, KOCHI-682030
- 18 NIZAMUDEEN A.
HELPER, PRINTING SECTION, KERALA BOOKS AND
PUBLICATION SOCIETY, KAKKANAD, KOCHI-682030
- BY ADVS.
SRI.P.RAMAKRISHNAN
SRI.C.ANIL KUMAR
SMT.ASHA K.SHENOY
SRI.T.C.KRISHNA
SMT.PREETHI RAMAKRISHNAN
SRI.PRATAP ABRAHAM VARGHESE

RESPONDENT/S:

- 1 KERALA BOOKS AND PUBLICATION SOCIETY
KAKKANAD, KOCHI-682030, REPRESENTED BY ITS MANAGING
DIRECTOR.
- 2 THE PENSION AND PROVIDENT FUND BOARD
KERALA BOOKS AND PUBLICATION SOCIETY, KAKKANAD,
KOCHI-682030, REPRESENTED BY ITS CHAIRMAN.
- 3 THE REGIONAL PROVIDENT FUND COMMISSIONER
EMPLOYEES PROVIDENT FUND ORGANIZATION,
BHAVISHYANIDHI BHAVAN, KALOOR, KOCHI-682017.
- 4 THE STATE OF KERALA
REPRESENTED BY THE SECRETARY, HIGH EDUCATION
DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695 001.
BY ADVS.
SRI.K.ANAND (SR.)

W.P.(C) Nos.11306/2015 & con.cases

-7-

DR.S.GOPAKUMARAN NAIR SR.
SMT.LATHA ANAND
SRI.S.PRASANTH, SC, EMPLOYEES PROVIDENT FUND
ORGANISATION

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
10.02.2022 ALONG WITH W.P.(C) NO.11306/2016 & CON.CASES, THE
COURT ON 05.08.2022 DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE V.G.ARUN

FRIDAY, THE 5TH DAY OF AUGUST 2022 / 14TH SRAVANA, 1944

WP(C) NO. 10438 OF 2020

PETITIONER/S:

- 1 K.ARAVINDAN, AGED YEARS
DEPUTY MANAGER-PRINTING (RETIRED), KERALA BOOKS AND
PUBLICATION SOCIETY, KAKKANAD, KOCHI-682030 RESIDING
AT HARISREE, KALAPPURACKAL, 237/2833, AZAD ROAD,
KALOOR, KOCHI-17
- 2 V.T.HARIDASAN
DRIVER(RETIRED), KERALA BOOK AND PUBLICATION
SOCIETY, KAKKANAD, KOCHI-682030, RESIDING AT
VAKODIYAL HOUSE, KAKKANAD, KOCHI-30.
- 3 P.P.GEORGE
PRINTING SUPERVISOR(RETIRED) KERALA BOOKS AND
PUBLICATION SOCIETY, KAKKANAD, KOCHI-682030 RESIDING
AT PALACKAPILLY HOUSE, INDIRA JUNCTION, PADAMUGHAL,
KAKKANAD.P.O, KOCHI-682030
- 4 K.S.NAUSHAD,
ASSISTANT MANAGER(RETIRED) KERALA BOOKS AND
PUBLICATION SOCIETY, KAKKANAD, KOCHI-682030,
RESIDING AT KOCHERI HOUSE, KANJIRAMATTOM.P.O,
ERNAKULAM-682315
- 5 SUKU J KURIAN,
JUNIOR SUPERINTENDENT (ACCOUNTS)(RETIRED) KERALA
BOOKS AND PUBLICATION SOCIETY, KAKKANAD, KOCHI-
682030 RESIDING AT 48/3040, KATTURETHU, VAYANASALA
ROAD, ELAMAKKARA.P.O, ERNAKULAM-682029
- 6 P.V.KURIAKOSE,
ASSISTANT MANAGER(RETIRED), KERALA BOOKS AND
PUBLICATION SOCIETY, KAKKANAD, KOCHI-682030 RESIDING
AT MATHECKAL HOUSE, THRIKKAKKARA.P.O,
KOLLAMKUDIMUGAL, KOCHI-682021
- 7 BASHEER.C.M
DEPUTY MANAGER(STORES) (RETIRED) KERALA BOOKS AND
PUBLICATION SOCIETY, KAKKANAD, KOCHI-682030 RESIDING
AT CHUNDAKKATTU HOUSE, THRIKKAKKARA.P.O, KOCHI-21
- 8 P.M.JOSEPH,
HEAD GARDENER (RETIRED) KERALA BOOKS AND PUBLICATION

- 9 SOCIETY, KAKKANAD, KOCHI-682030, RESIDING AT
PARAVARA HOUSE, THUTHIYOOR, KAKKANAD, KOCHI-682037
THOMAS ABRAHAM
HEAD DRIVER (RETIRED), KERALA BOOKS AND PUBLICATION
SOCEITY, KAKKANAD, KOCHI-682030, RESIDING AT SOUMYA
BHAVAN, KAKKANAD.P.O, KOCHI-30
- 10 K.VIDYARATHAN, DRIVER CUM CLEANER(RETIRED) KERALA
BOOKS AND PUBLICATION SOCEITY, KAKKANAD, KOCHI-
682030, RESIDING AT KEZHEKKEPAT HOUSE.P.O.CIVIL
STATION, KOZHIKODE-20
- 11 M.K.ROJA
JUNIOR SUPERINTENDENT (RETIRED) KERALA BOOKS AND
PUBLICATION SOCEITY, KAKKANAD, KOCHI-682030,
RESIDING AT LIBI 180, GCDA COLONY, SURABHA NAGAR,
KAKKANAD, KOCHI-682030
- 12 NINAN K EAPEN
JUNIOR SUPERINTENDENT (RETIRED) KERALA BOOKS AND
PUBLICATION SOCEITY, KAKKANAD, KOCHI-682030,
RESIDING AT KANICHUKATTU HOUSE, FLAIR WATER FACE
VILLA NO.206, MANAKKAKADAVU, THENCODE.P.O,
ERNAKULAM-682030
BY ADVS.
KALEESWARAM RAJ
SRI.VARUN C.VIJAY
KUM.A.ARUNA
KUM.THULASI K. RAJ
SMT.MAITREYI SACHIDANANDA HEGDE

RESPONDENT/S:

- 1 STATE OF KERALA, REPRESENTED BY SECRETARY TO
GOVERNMENT, DEPARTMENT OF HIGHER EDUCATION
SECRETARIAT, THIRUVANANTHAPURAM-695001
- 2 KERALA BOOKS AND PUBLICATION SOCIETY
REPRESENTED BY THE MANAGING DIRECTOR, KERALA BOOKS
AND PUBLICATION SOCIETY, KAKKANAD, KOCHI-682030
- 3 THE CHAIRMAN
KERALA BOOKS AND PUBLICATION SOCIETY, KAKKANAD,
KOCHI-682030
BY ADV SMT.LATHA ANAND

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
10.02.2022 ALONG WITH W.P.(C) NO.11306/2016 & CON.CASES, THE
COURT ON 05.08.2022 DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE V.G.ARUN

FRIDAY, THE 5TH DAY OF AUGUST 2022 / 14TH SRAVANA, 1944

WP(C) NO. 29160 OF 2020

PETITIONER/S:

- 1 MANI T.K.,
AGED 65 YEARS
S/O.KOCHAPPU, BINDING MACHINE OPERATOR (RETIRED),
KERALA BOOKS AND PUBLICATION SOCIETY, KAKKANAD,
KOCHI - 682 030, RESIDING AT THUNDIPARAMBIL HOUSE,
CHUTTUPADUKKARA, EDAPALLY, KOCHI- 24.
- 2 JOSEPH SARTHU
AGED 65 YEARS
S/O.V.J.ALEXANDER, SUPERVISOR (BINDING) (RETIRED),
KERALA BOOKS AND PUBLICATION SOCIETY, KAKKANAD,
KOCHI - 682 030, RESIDING AT VARIATH,
KANNIAMPARAMBIL, CHERANALLORE, KOCHI - 682 034.
- 3 T.K.KAREEM
AGED 67 YEARS
S/O.T.C.KOCHO, OFFSET PRINTING MACHINE ASSISTANT
(RETIRED), KERALA BOOKS AND PUBLICATION SOCIETY,
KAKKANAD, KOCHI - 682 030, RESIDING AT THOPPIL
HOUSE, KUNNAMPURAM, THAIKATTUKARA P.O., ALUVA - 683
106.
- 4 E.K.VERONICA
AGED 65 YEARS
W/O.JOSEPH SANTHO, BINDING MACHINE OPERATOR
(RETIRED), KERALA BOOKS AND PUBLICATION SOCIETY,
KAKKANAD, KOCHI - 682 030, RESIDING AT VARIATH,
KANNIAMPARAMBIL, CHERANALLORE, KOCHI - 682 034.
- 5 P.S.DEVADAS
AGED 64 YEARS
S/O.N.SUBRAMANIAM, PRINTING MACHINE OPERATOR
(RETIRED), KERALA BOOKS AND PUBLICATION SOCIETY,
KAKKANAD, KOCHI - 682 030, RESIDING AT SABARI, C5E2,
KAKKANAD P.O., KOCHI - 686 027.
- 6 K.R.LALITHA
AGED 64 YEARS
W/O.P.K.SASHIDHARAN, SUPERVISOR (RETIRED), KERALA
BOOKS AND PUBLICATION SOCIETY, KAKKANAD, KOCHI - 682

- 030, RESIDING AT SREELAYAM PATTATHANATH HOUSE,
PATTANAM, VADAKKEKARA P.O., NORTH PARAVOOR,
ERNAKULAM -683 522.
- 7 P.A.SAROJINI
AGED 66 YEARS
W/O.A.JANARDHANAN, SENIOR COMPOSITOR (RETIRED),
KERALA BOOKS AND PUBLICATION SOCIETY, KAKKANAD,
KOCHI - 682 030, RESIDING AT SHREYAS, KUSUMAGIRI
P.O., KAKKANAD, KOCHI - 30.
- 8 K.MOMALAVALLI
AGED 66 YEARS
W/O.K.JAYAGOPAL, BINDING MACHINE OPERATOR (RETIRED),
KERALA BOOKS AND PUBLICATION SOCIETY, KAKKANAD,
KOCHI - 682 030, RESIDING AT KADAPARAMBATH HOUSE,
KUSUMAGIRI P.O., ATHANI, KAKKANAD, ERNAKULAM - 682
030.
- 9 K.A.SHEELA
AGED 64 YEARS
W/O.LATE VARGHESE PAUL, SENIOR COMPOSITOR (RETIRED),
KERALA BOOKS AND PUBLICATION SOCIETY, KAKKANAD,
KOCHI - 682 030, RESIDING AT 11BC, SFS CILICON
MEADOWS, OPP CSEZ, KAKKANAD - 682 037.
- 10 VISHNUDASAN P.K.
AGED 67 YEARS
S/O.P.K.VELAYUDHAN, BINDING MACHINE OPERATORY
(RETIRED) KERALA BOOKS AND PUBLICATION SOCIETY,
KAKKANAD, KOCHI - 682 030, RESIDING AT PARYAR
KUNNATH HOUSE, KUSUMAGIRI P.O., ATHANI, KAKKANAD,
ERNAKULAM - 682 030.
- 11 G.PRABHAKARAN NAIR
AGED 64 YEARS
S/O.GANGADARAN NAIR, PRINTING MLE OPERATOR
(RETIRED), KERALA BOOKS AND PUBLICATION SOCIETY,
KAKKANAD, KOCHI - 682 030, NIRMALIAM, 10/62-3,
RGRWA - 64, PAIPPINMOOD, SASTHAMANGALAM P.O.,
TRIVANDRUM -10.
- 12 K.RADHA
AGED 66 YEARS
W/O.LATE K.M.SUBASH, STORE KEEPER (RETIRED), KERALA
BOOKS AND PUBLICATION SOCIETY, KAKKANAD, KOCHI - 682
030, RESIDING AT AMRA-9, KADALADATH HOUSE,
AUTOMOBILE ROAD, MAMANGALAM, PALARIVATTOM, COCHIN
62025.
- 13 K.V.SAJEEVAN
AGED 60 YEARS
S/O.K.V.VELAYUDHAN, UNSKILLED (RETIRED), KERALA
BOOKS AND PUBLICATION SOCIETY, KAKKANAD, KOCHI - 682

- 030, RESIDING AT KALLADAYIL HOUSE, CSE2, KAKKANAD
P.O., COCHIN - 30.
- 14 MOHANAN K.K.
AGED 65 YEARS
S/O.K.K.KESAVAN, UNSKILLED (RETIRED), KERALA BOOKS
AND PUBLICATION SOCIETY, KAKKANAD, KOCHI - 682 030.
- 15 M.A.RAJU
AGED 61 YEARS
S/O.AMMUNNY, BIDDING MACHINE OPERATOR (RETIRED),
KERALA BOOKS AND PUBLICATION SOCIETY, KAKKANAD,
KOCHI - 682 030, MAITHALA HOUSE, PUNNAPARAMBIL,
KUSUMAGIRI P.O., ATHANI, KAKKANAD, ERNAKULAM - 682
030.
- 16 K.I.MARIAM
AGED 64 YEARS
W/O.A.K.THOMAS, BINDING MACHINE OPERATOR (RETIRED),
KERALA BOOKS AND PUBLICATION SOCIETY, KAKKANAD,
KOCHI - 682 030, RESIDING AT ARECKAL HOUSE, CHERAI
P.O., KARUTHALA, ERNAKULAM.
- 17 KOMALAVALLI PONATIL
AGED 64 YEARS
W/O.ARAVINDAKSHAN D.R., STORE KEEPER (RETIRED),
KERALA BOOKS AND PUBLICATION SOCIETY, KAKKANAD,
KOCHI - 682 030, RESIDING AT PAITTORA HOUSE, NEAR
CIVIL STATION, MASJID ROAD, KAKKANAD P.O., KOCHI -
682030.
- 18 N.G.JANARDHANAN
AGED 65 YEARS
S/O.O.K.NAMBIAR, BINDING M/C OPERATOR (RETIRED),
KERALA BOOKS AND PUBLICATION SOCIETY, KAKKANAD,
KOCHI - 682 030, RESIDING AT NAIRMALYAM, ELAYAVOOR,
MUNDAYAD P.O., KANNUR - 670 597.
- 19 K.S.OMANA
AGED 68 YEARS
W/O.N.M.GOPIDHASAN, BINDING M/C OPERATOR (RETIRED),
KERALA BOOKS AND PUBLICATION SOCIETY, KAKKANAD,
KOCHI - 682 030, NINAVATH HOUSE, KUSUMAGIRI P.O.,
KAKKANAD, ERNAKULAM - 682 030.
- 20 K.T.SASI
AGED 59 YEARS
S/O.THAI, BINDING MACHINE OPERATOR, KERALA BOOKS AND
PUBLICATION SOCIETY, KAKKANAD, KOCHI - 682 030,
RESIDING AT KALANGATTU HOUSE, KUSUMAGIRI P.O., KOCHI
- 30.
- 21 ABDUL KAREEM
AGED 59 YEARS
S/O.KUTTY, BIDDING MACHINE OPERATOR (RETIRED), KERALA

- BOOKS AND PUBLICATION SOCIETY, KAKKANAD, KOCHI - 682 030, RESIDING AT MURIYANKARA HOUSE, CSEZ, KAKKANAD, ERNAKULAM - 37.
- 22 V.T.VELAYUDHAN
AGED 60 YEARS
S/O.THAVAN, BINDING MACHINE OPERATOR (RETIRED),
KERALA BOOKS AND PUBLICATION SOCIETY, KAKKANAD,
KOCHI - 682 030, RESIDING AT VADACHIRA, RAJAGIRI
VALLEY P.O., KOCHI - 682 030.
- 23 M.K.SHAJI
AGED 61 YEARS
S/O.M.K.KUNJUNNI, BINDING MACHINE OPERATOR
(RETIRED), KERALA BOOKS AND PUBLICATION SOCIETY,
KAKKANAD, KOCHI - 682 030, RESIDING AT MAITHALA
HOUSE, KAKKANAD P.O., KOCHI - 682 030.
- 24 K.A.THAMPI
AGED 60 YEARS
S/O.AYYAPANKUTTY, PRINTING ASSISTANT (RETIRED),
KERALA BOOKS AND PUBLICATION SOCIETY, KAKKANAD,
KOCHI - 682 030, RESIDING AT KALANGATTA HOUSE,
KUSUMAGIRI P.O., KAKKANAD - 682030.
- 25 P.V.KAMALADHARAN
AGED 65 YEARS
S/O.VASUDEVAN, BINDING MACHINE OPERATOR (RETIRED),
KERALA BOOKS AND PUBLICATION SOCIETY, KAKKANAD,
KOCHI - 682 030, RESIDING AT KARTHIKA HOUSE, NO.16,
SANTHINAGAR LANE-I, KAKKANAD, KUSUMAGIRI P.O., KOCHI
- 682 030.
- 26 T.G.SATHEESHAN
AGED 60 YEARS
S/O.GANGADHARAN, BINDING MACHINE OPERATOR, KERALA
BOOKS AND PUBLICATION SOCIETY, KAKKANAD, KOCHI - 682
030, RESIDING AT THAIPARAMBIL HOUSE, CHARATHRIKOVIL
LANE, AZAD ROAD, KOCHI - 682 017.
- 27 A.K.THOMAS
AGED 67 YEARS
S/O.A.K.KITHO, BINDING MACHINE OPERATOR (RETIRED),
KERALA BOOKS AND PUBLICATION SOCIETY, KAKKANAD,
KOCHI - 682 030, RESIDING AT ARACKAL HOUSE,
KARUTHALA CHERAI P.O., ERNAKULAM - 683 514.
- 28 P.M.RAJU
AGED 60 YEARS
S/O.NANAPPAN P.K., BINDING MACHINE OPERATOR
(RETIRED), KERALA BOOKS AND PUBLICATION SOCIETY,
KAKKANAD, KOCHI - 682 030, PADATHARA HOUSE,
EDAVANAKAD P.O.
- 29 M.P.RAMAKRISHNAN

- AGED 65 YEARS
S/O.MANGHAT RAMAN NAIR, RESIDING AT RAMANILAYAM,
KADATHI, MARKET P.O., MUVATTUPUZHA, ERNAKULAM.
- 30 P.V.PHILOMINA
AGED 65 YEARS
W/O.THOMAS K.J., SENIOR COMPOSITOR (RETIRED), KERALA
BOOKS AND PUBLICATION SOCIETY, KAKKANAD, KOCHI - 682
030, RESIDING AT KALAMBUKATTU HOUSE, B-1016 SATELITE
TOWNSHIP, PADAMUGAL, KAKKANAD, ERNAKULAM.
- 31 C.K.SAJEEVAN
AGED 63 YEARS
S/O.LATE KANNU KUTTY, BINDING MACHINE OPERATOR,
KERALA BOOKS AND PUBLICATION SOCIETY, KAKKANAD,
KOCHI - 682 030, RESIDING AT CHAKKANTHARA HOUSE,
ELAMKUNNAPUZHA VILLAGE, MALIPURAM P.O., ERNAKULAM -
682 511.
- 32 M.BABUKUTTY
AGED 65 YEARS
S/O.MATHAI YOHANAN, PRINTING MACHINE OPERATOR,
KERALA BOOKS AND PUBLICATION SOCIETY, KAKKANAD,
KOCHI - 682 030, RESIDING AT KUREEKATTIL HOUSE,
KAKKANAD P.O., ERNAKULAM - 682030.
- 33 M.M.BALAKRISHNAN
AGED 64 YEARS
S/O.MADHAVAN, PRINTING HELPER (RETIRED), KERALA
BOOKS AND PUBLICATION SOCIETY, KAKKANAD, KOCHI - 682
030, RESIDING AT MANIKULANGARA HOUSE, KAKKANAD P.O.,
KOCHI - 682 030.
- 34 T.C.UTHAMAN
AGED 64 YEARS
S/O.CHATHAN, BINDING MACHINE OPERATOR (RETIRED),
KERALA BOOKS AND PUBLICATION SOCIETY, KAKKANAD,
KOCHI - 682 030, RESIDING AT THAIPARAMBIL HOUSE,
THEKUMPURAM, CHANNAMANGALAM P.O., NORTH PARAVUR -
683 512.
- 35 JACOB T.F.
AGED 66 YEARS
S/O.LATE FRENCHU JOSEPH, JUNIOR SUPERINTENDENT
(RETIRED), KERALA BOOKS AND PUBLICATION SOCIETY,
KAKKANAD, KOCHI - 682 030, RESIDING AT THOTTUPURAM,
POONITHURA P.O., CHAMBAKARA, ERNAKULAM - 682 038.
- 36 CLEETUS D.COUTH
AGED 60 YEARS
S/O.IGNATIUS D COUTH, BINDING MACHINE OPERATOR
(RETIRED), KERALA BOOKS AND PUBLICATION SOCIETY,
KAKKANAD, KOCHI - 682 030, RESIDING AT KANDANGHATT
HOUSE, ERATTAKULANGARA ROAD,

- PACHALAM, KOCHI - 682 012.
- 37 K.K.LATHIKA
AGED 68 YEARS
W/O.M.K.NARAYANAN, SENIOR COMPOSITOR (RETIRED),
KERALA BOOKS AND PUBLICATION SOCIETY, KAKKANAD,
KOCHI - 682 030, RESIDING AT DEEPTHI HOUSE, LAL
SALAM ROAD, LRA-114, VYTTILA, KOCHI - 19.
- 38 ADDL P38 RADHAMANI T.K
AGED 64 YEARS, RESIDING AT PANAKKAL, KARTHIKA HOUSE,
SANTHI NAGAR LANE-1, KUSUMAGIRI P.O, KAKKANAD,
ERNAKULAM DISTRICT -682030
- 39 ADDL P39 NIKHIL P.K
AGED 30 YEARS, RESIDING AT PANAKKAL, KARTHIKA HOUSE,
SANTHI NAGAR LANE-1, KUSUMAGIRI.P.O, KAKKANAD,
ERNAKULAM DISTRICT-682030.
- 40 ADDL P40 NEETHU P.K
AGED 34 YEARS, D/O.LATE KAMALADHARAN,
PANAKKAL, KARTHIKA (H), SANTHI NAGAR LANE-I,
KUSUMAGIRI P.O, KAKKANAD, ERNAKULAM DISTRICT-682030.

ADDL.P38 TO P40 ARE IMPEADED AS PER ORDER DATED
5.8.2022 IN I.A NO.2 OF 2022

BY ADVS.
KALEESWARAM RAJ
SRI.VARUN C.VIJAY
KUM.A.ARUNA
THULASI K. RAJ

RESPONDENT/S:

- 1 STATE OF KERALA
REPRESENTED BY SECRETARY TO GOVERNMENT, DEPARTMENT
OF HIGHER EDUCATION, SECRETARIAT, THIRUVANANTHAPURAM
- 695 001.
- 2 KERALA BOOKS AND PUBLICATION SOCIETY
REPRESENTED BY THE MANAGING DIRECTOR, KERALA BOOKS
AND PUBLICATION SOCIETY, KAKKANAD, KOCHI - 682 030.
- 3 THE CHAIRMAN, KERALA BOOKS AND PUBLICATION SOCIETY
KAKKANAD, KOCHI - 682 030.
BY ADV SMT.LATHA ANAND

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
10.02.2022 ALONG WITH W.P.(C) NO.11306/2016 & CON.CASES, THE
COURT ON 05.08.2022 DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE V.G.ARUN

FRIDAY, THE 5TH DAY OF AUGUST 2022 / 14TH SRAVANA, 1944

WP(C) NO. 20801 OF 2021

PETITIONER/S:

- 1 K.S.LASITH KUMAR
AGED 58 YEARS
S/O.K.R.SUKUMARAN, JUNIOR SUPERINTENDENT (RETIRED),
KERALA BOOKS & PUBLICATION SOCIETY,KAKKANAD, KOCHI-
682030.
RESIDING AT KOTHAPARAMBIL HOUSE, THATHAPALLY.P.O,
MANNAM, ERNAKULAM-683520.
- 2 UNNIKRISHNAN.P.P,
AGED 59 YEARS
S/O.P.V.PADMANABHAN, SUPERVISOR(BINDING) (RETIRED),
KERALA BOOKS AND PUBLICATION SOCIETY, KAKKANAD,
KOCHI-682030,RESIDING AT USHUS, INFOR PARK ROAD,
KUSUMAGIRI.P.O,
KAKKANAD, KOCHI-30.
- 3 N.K.VELAYUDHAN,
AGED 59 YEARS
S/O.KANNAN.N.V, BINDING MACHINE
OPERATOR(RETIRED),KERAL BOOKS AND PUBLICATION
SOCIETY,
KAKKANAD, KOCHI-682030.
RESIDING AT NJATTUMMALAYIL HOUSE, THENGODE.P.O,
KAKKANAD-682030.
- 4 O.BHASKARAN,
AGED 59 YEARS
S/O.MUKUNDAN, SUPERVISOR(BINDING), KERALA BOOKS AND
PUBLICATION SOCEITY,
KAKKANAD, KOCHI-682030.
RESIDING AT SREE VIBHANJIKA, VALAMKOTTEL ROAD,
ERİYAKATTU MOOLA,
KOLLAMKUDI MUGAL, KAKKANAD, THRIKKAKARA.P.O,
ERNAKULAM-682021.
BY ADV KALEESWARAM RAJ

RESPONDENT/S:

- 1 STATE OF KERALA
REPRESENTED BY SECRETARY TO GOVERNMENT, DEPARTMENT
OF HIGHER EDUCATION, SECRETARIAT,
THIRUVANANTHAPURAM-695001.
- 2 KERALA BOOKS AND PUBLICATIONS SOCIETY
REPRESENTED BY ITS MANAGING DIRECTOR, KERALA BOOKS &
PUBLICATION SOCIETY,
KAKKANAD, KOCHI-682030.
- 3 THE CHAIRMAN,
KERALA BOOKS & PUBLICATION SOCIETY, KAKKANAD, KOCHI-
682030.
BY ADV LATHA ANAND

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
10.02.2022 ALONG WITH W.P.(C) NO.11306/2016 & CON.CASES, THE
COURT ON 05.08.2022 DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE V.G.ARUN

FRIDAY, THE 5TH DAY OF AUGUST 2022 / 14TH SRAVANA, 1944

CON.CASE(C) NO. 1719 OF 2021

AGAINST THE JUDGMENT in WP(C) 19009/2012 OF HIGH COURT OF

KERALA

PETITIONER/S:

T.K.KAREEM
AGED 64 YEARS
S/O.T.C. KOCHO, THOPPIL HOUSE, KUNNUMPURAM,
THAIKATTUKARA P.O, ALUVA - 683106, (PRINTING MACHINE
ASSISTANT (RETIRED), KERALA BOOKS AND PUBLICATION
SOCIETY, KAKKANAD, KOCHI - 682030)
BY ADVS.
T.M.RAMAN KARTHA
M.S.SOUJATH
REMYA POULOSE

RESPONDENT/S:

- 1 SMT.SURYA THANKAPPAN
AGED 48 YEARS
IPS, MANAGING DIRECTOR, KERALA BOOKS AND
PUBLICATIONS SOCIETY, KAKKANAD, KOCHI - 682030.
- 2 DR. USHA TITUS, IAS.,
PRINCIPAL SECRETARY, DEPARTMENT OF PRINTING &
STATIONARY), ANNEX II, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695001.
- 3 ADDL.R3.RAJU NARAYANA SWAMY, IAS
PRINCIPAL SECRETARY, DEPARTMENT OF PRINTING &
STATIONARY), ANNEX II, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695001.

ADDL.R3 IMPEADED AS PER ORDER DATED 12/01/2022 IN
IA/01/2021 IN COC 1728/2021

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING BEEN FINALLY
HEARD ON 10.02.2022 ALONG WITH W.P.(C) NO.11306/2016 &
CON.CASES, THE COURT ON 05.08.2022 DELIVERED THE FOLLOWING:

JUDGMENT

Dated this the 05th day of August, 2022

*(W.P. (C) Nos.11306/2015, 19570/2016, 22445/2017,
10438, 29160/2020, 20801/2021 & Cont. Case
No.1719/2021)*

Petitioners are retired employees of the Kerala Books and Publications Society (KBPS). The KBPS is a Society registered under the Travancore-Cochin Literary Scientific and Charitable Societies Registration Act, 1955, wholly owned by the Government of Kerala. The main object of the Society is to print and supply textbooks to the Education Department, its allied institutions and other prescribed authorities for the advancement of general and technical education and reading habits among the general public. The society's employees were brought under the Employees Provident Fund and

Miscellaneous Provisions Act, 1952, from 01.04.1981. The Employees Pension Scheme was also made applicable, after it was launched in the year 1995. While so, the labour unions demanded that the provisions of the Kerala Service Rules should be made applicable to the employees of the Society, as regards their salary and pension. The Government referred the dispute to the Labour Court and an award was passed on 15.03.2005, directing the management of the Society to consider the demand for making the Kerala Service Rules applicable to the workers of KPBS or to convert KPBS as a Government-run-printing Unit under the Education Department, and to take appropriate decision within four months. This resulted in the KPBS appointing a two-men expert Committee for studying and reporting the possibility of implementing a pension scheme for the employees of the Society. Accordingly, the Committee submitted a report, suggesting service

based pension under KSR Part III with budgetary support from the Government. After discussing the suggestion in detail, the Government issued G.O. (MS) No.66/11/G.Edn dated 18.05.2011, permitting the Society to give effect to a contributory pension scheme and family pension scheme. Alleging delay on the part of the Society in implementing the Order, W.P.(C) No.19009 of 2012 was filed by two retired employees. Later, the Government issued G.O.(MS) No.194/13/H.Edn dated 18.05.2013, according sanction for implementing a self sustainable and financially viable pension scheme with effect from 01.04.2011, without any liability to the Government. In view of this development, W.P.(C) No.19009 of 2012 was disposed of directing the respondents to take appropriate steps for implementing the decision in Ext.P3 expeditiously. Thereafter, the Government issued G.O.(P) No.588/2014/H.Edn dated 23.07.2014, according sanction for publishing the

Kerala Books and Publications Society Employees Contributory Pension and General Provident Fund Regulations, 2014 ('the Pension Regulations, 2014'). Accordingly, the Pension Regulations, 2014 was notified on 14.08.2014, providing for grant of pension to the employees of the Society. In the meanwhile, the Society, as per it's order dated 07.06.2014, decided to sanction 25% of pension to the pensioners/family pensioners with effect from June, 2014.

2. Even after publication of the Regulations, the eligible pension amount was not disbursed to the retired employees. This resulted in some of the employees filing W.P.(C) No.23055 of 2015, praying for a writ of mandamus, directing respondents 2 to 4 to disburse monthly pension to the retired employees as provided in the Pension Regulations, 2014. In that writ petition, the Society adopted the stand that it does not have the funds for disbursing pension,

since the Employees Provident Fund Organisation had refused to refund the contribution remitted to its pension scheme. The Government resolved the stalemate temporarily by issuing G.O.(MS) No.62/16/H.Edn dated 01.03.2016, according sanction to the Society to raise funds for payment of pension from the profit of the KBPS as a one time measure, subject to a maximum of the amount receivable from the EPF account and subject to approval of the governing body. In view of this development, W.P.(C) No.23055 of 2015 was disposed of as per judgment dated 15.03.2016.

3. W.P.(C) Nos.19570 of 2016, 10438 of 2020 and 29160 of 2020 are filed for a declaration that the petitioners are entitled to get full pension with effect from the date of their retirement, based on the Government orders and in accordance with the Pension Regulations, 2014. W.P.(C) Nos.11306 of 2015 and 22445 of 2017 are

filed by employees in service, seeking to quash the Government order notifying the Pension Regulations, 2014 and for a declaration that the petitioners therein are entitled to continue as members of Employees Provident Fund Scheme, the Employees Pension Scheme and the Employees Deposit Linked Insurance Scheme under the Employees Provident Fund and Miscellaneous Provisions Act, 1952. Contempt of Court Case No.1719 of 2021 is filed by one of the petitioners in W.P.(C) No.19009 of 2012, alleging non-compliance with the directions contained in the judgment in that writ petition.

4. Heard Advocates Kaleeswaram Raj and T.M.Raman Kartha appearing for the retired employees, Advs.P.Ramakrishan and Sherry J.Thomas for the existing employees, Latha Anand for the KBPS, Government Pleader, V.Venugopal for the State and S.Prasanth for the Employees Provident Fund Organisation.

5. Learned Counsel appearing for the retired employees contended that the Pension Regulations, 2014 was issued after due consideration of the recommendations made by the two-men Committee at various levels. While disposing of W.P.(C) No.19009 of 2012, this Court had noted that the Government had sanctioned a pension scheme as per G.O.(MS) No.194/13/H.Edn dated 18.05.2013 subject to the conditions therein. It is contended that as per the conditions in the Government order and Regulation 8(3) of the Pension Regulations, 2014, the Society is bound to discharge full pension to the petitioners by utilising the fund/profit obtained by the Society. It is submitted that the Society has been running on profit for many years, as would be evident from a reading of the report submitted by the two-men Committee. As such, the non-transfer of the employer's share from the EPF account to the pension fund constituted as per

the Pension Regulations, 2014, cannot stand in the way of disbursement of full pension. Adv.Kaleeswaram Raj contended that disbursement of pension to retired employees is a social security measure and a reward for their blemishless service. Further, the right to receive pension is a fundamental right, and the pension has even been recognised as property under Article 300A of the Constitution of India. In support of the contention, learned Counsel relied on the decision in **D.S Nakara and others v. Union of India [(1983) 1 SCC 3005]** and **Sudhir Chandra Sarkar v. Tata Iron and Steel Co. Ltd [(1984) 3 SCC 369]**. It is contended that, pension no longer being a bounty to be disbursed at the whims and fancies of the employer, it is for the Society to find out ways and means for disbursing pension, rather than putting up a lame excuse that the corpus for payment can be created only

on the remittances made to the EPF fund being refunded.

6. Adv.P.Ramakrishnan and Sherry J Thomas appearing for the existing employees made the following submissions;

The employees of the KBPS are covered under the EPF and MP Act, 1952. All the employees had been contributing towards the Employees Provident Fund. The corpus for the fund under the Pension Regulations, 2014 is created, to a large extent, by utilising the amount to be refunded by the EPF organisation. However, the EPF organisation has refused to transfer the fund in the absence of any exemption under Section 17 of the EPF and MP Act. This had resulted in delay in settling the pensionary benefits of the employees who had retired from service during the period 2011-2016. Clause 8(1)(a)(2) of the Pension Regulations, 2014 requires the society to contribute 3% of its profit earned each year to the fund. Considering

the delay and disbursement of the pensionary benefits, the Government had issued G.O.(MS) No.62/16/H.Edn dated 01.03.2016 according sanction for raising the required amount from the profit of the Society as a one time measure. Based on the Government order, the society appropriated the entire amount available in its pension fund for paying retirement benefits to 106 employees who had already retired between 31.05.2011 and 28.02.2017, leaving very little amount in balance to meet the future commitments. The EPF Act is more beneficial to the employees than the Pension Regulations, 2014. Under the EPF pension scheme, payment of pension is assured while under the Pension Regulations, 2014, it is only a remote possibility. In any event, unless exemption is granted under Section 17 of the EPF Act, the conduct of pension schemes under the Pension Regulations, 2014, is illegal. Hence, the petitioners do not want to be shifted from the

EPF Pension Scheme to the Scheme under the Pension Regulations, 2014.

7. Learned Counsel appearing for the Society made the following submissions;

The Government had sanctioned permission for formulating a pension scheme. The Pension Regulations, 2014 was accordingly formulated under the belief that the contribution in the Employees Provident Fund will be returned. Unfortunately, in spite of repeated requests, the Regional Provident Fund Commissioner refused to return the amount. On the other hand, it was informed that the EPFO is initiating proceedings under Section 7A of EPF and MP Act to recover the defaulted payments due towards the EPF account. The stand taken by the EPF is that the State Government has no authority to exclude any establishment from the purview of the EPF Act and such power is exclusively vested with the Central Government under Section 16(2). As the major

contribution to the corpus of the pension fund is thus denied, the Society is not in a position to pay a full pension in accordance with the Regulations. In spite of this adverse financial situation, 26% of the basic pension was disbursed to the retired employees from December, 2014 onwards and 32% of the basic pension, from July, 2016. Adding to the woes of the society, the EPF organisation issued notices threatening action under Section 7Q and 14B of the EPF and MP Act and initiated steps for recovery of the amounts from the Society's Bank accounts. Therefore, the Society filed an appeal before the Central Industrial Tribunal-cum-Labour Court and the Tribunal has issued a conditional stay order subject to the Society remitting 20% of the assessed dues. The governing body of the Society and the Pension Board have opined that the pension scheme needs further clarity and consensus of all stakeholders. While the retired

employees are seeking pension in accordance with the Pension Regulations, 2014, majority of the existing employees want to continue under the EPF scheme. In order to resolve the issue, the Government has issued G.O.(MS) No.417/2019/H.Edn. dated 24.12.2019, directing to pay pension to the retired employees as per the Pension Regulations, 2014 and to continue the existing employees under the EPF Pension Scheme. Accordingly, the Society has remitted an amount of Rs.3.80 Crores towards arrears of contribution of the existing employees. To find a permanent solution to the issue, an external pension committee has been entrusted with the work of preparing a detailed report regarding all aspects related to the pension scheme for the existing and retired employees of the society. The submission that the society is running under huge profit is factually incorrect and in any event, under the prevailing circumstances, the revenue generated by the

society cannot be utilised for payment of pension to retired employees. Therefore, full pension can be paid only if the contribution already made is refunded by the Employees Provident Fund Organisation or the huge amounts due from the Government, for the works executed by the Society, are paid at the earliest.

8. The Standing Counsel for the EPF Organisation submitted that in the beginning of 2014, the Society had sought exemption from the provisions of the Employees Pension Scheme, 1995 and submitted a letter informing that an alternative provident fund and pension scheme had been implemented after notification in the official gazette. Exemption from the employees pension scheme can be granted only in accordance with Section 17(1C) of the EPF and MP Act, r/w paragraph 39 of the Employees Pension Scheme 1995. The provision for exclusion from the purview of the Act is laid down in Section 16(2),

as per which the competent authority is the Central Government. The Government of Kerala is hence not empowered to grant exclusion. The Society having not been exempted or excluded from the provisions of the Act, the implementation of the Pension Regulations, 2014 is of no avail and the Society is bound to remit contribution of the employees. Having failed to do so, proceedings having initiated for recovery of the dues under Sections 7A and 7Q of the Act.

9. The following facts are not in dispute. The Society, after due discussion with the Government, had decided to constitute a two-member committee for conducting enquiry and submitting report regarding the possibility of forming a separate pension fund for its employees. The decision in that regard was taken in the wake of demand from the labour unions, pointing out the huge disparity in salary and pension between Government employees and

employees of the Society, despite KBPS being fully owned by the Government. The committee had suggested payment of pension in the manner provided under Part III of KSR. This aspect was also discussed and deliberated upon before the Government granted permission to enforce the Pension Regulations, 2014. The Government order in this regard was duly considered and accepted by this Court as evidenced by the judgment in W.P.(C) No.19009 of 2012.

10. In this context, it is essential to consider some of the salient features of the Pension Regulations, 2014 extracted hereunder;

The pension fund is to be constituted as per Clause 6 consisting of;

"6. Constitution of the pension fund.

(1) There shall be constituted a fund called "The Kerala Books and Publications Society Employees Contributory Pension Fund." The said Fund shall consist of. (i) all amounts received from the Employees' Provident Fund Commissioner representing the contributions made by the society to the Employees' Provident Fund together

with interest thereon in respect of employees who elect to come over to the pension scheme;

(ii) the contributions payable by the employees and the society;

(iii) the income of the fund from deposits, investments and the like; (iv) other sums that may be transferred to the fund with the approval of the Board;

(2) The pension fund shall vest in the society and be administered by the Board."

The contribution to the Pension Fund are dealt with Clause 8 and the contextually relevant portion reads as under;

"8. Contribution to the Pension Fund.

(1) Employer's share of the contributions made already to the E.P.F Fund and Pension Fund under the Employees Provident Fund/ Pension Fund, together with interest thereon as on the date of transfer to the Society's Fund.

(i) An amount equal to 12% of emoluments (Basic Pay +DA) of all employees who are in service will be paid by the employer towards employer's contribution to the pension scheme to be credited to the Pension Fund created for the purpose.

(ii) Employer's annual contribution @3% of the profit earned by the society each year under

the provisions of Rule 10 (13) (b) of KBPS Rules and Regulations. This amount has to be met by the society from Its own fund.

(iii) Contributions@5% of Basic pay and DA by the employees entering into service on or after 1st April, 2011.

(b) Pension including Family Pension payable will be under the general provisions of the guidelines formulated by the society as per annexure A' forming part of the regulations as amended or modified by the society or the Government from time to time.

(c) For those who enter into service on or after 1st April, 2013, the 'National Pension Scheme as admissible to Government Employees shall be made applicable and contribution will be made to the KBPS Pension Fund.

(2) The contributions to be credited to the accounts of the pension scheme as well as to the provident fund scheme should initially be credited to two separate savings bank accounts to be opened in scheduled banks/treasury as is followed in the case of other transactions of the society now. The funds credited in the Savings Bank accounts of the Bank Treasury over and above the normal annual requirements reasonably expected for payment of pension and provident fund disbursements should be invested in Fixed Deposits / Bonds/ Debentures/Securities or Mutual Funds which

ensure reasonable returns, after due consideration by the board taking into account the risk attached to the Investments.

(3) Funds some other way (Includes employer's share, employer's annual contribution @3% of the profit earned by the Society, employees share) shall be formed, if necessary, to meet the pension liabilities of those who retired or are retiring from service on or after 1st April, 2011 until transfer credit of the accounts from the Employees Provident Fund/Pension Funds."

In the handbook of pensionary benefits/guidelines appended to the Regulations, it is stated as follows;

"2. Claim to a pension is a right to which an officer is entitled in recognition of the satisfactory discharge of the duties and responsibilities entrusted to him while in service. It is an obligatory monthly payment made from the day he retires and it is not a reward. Continued payment of Pension and Family Pension depends on future good conduct of the pensioner. No Pension Family pension will be paid if management staff/work men resigns or is dismissed or removed from service. If a pensioner is convicted of a serious crime,

pension will be withheld."

Going by the Regulations, an employee will become entitled for pension from the next day of his retirement. There is no provision, enabling the employer to pay any amount lesser than what is legitimately due to the pensioner. It may be true that a significant portion of the corpus of the pension fund consists of the amount to be refunded by the EPF Organisation. The fact that no amount has so far been repaid is also not disputed. Even then, the question is whether the retired employees can be denied pension on that ground. In this regard, the decisions cited by Adv.Kaleeswaram Raj assumes relevance.

11. In **D.S.Nakara** (*supra*), after detailed consideration of this aspect, the Apex Court held as under;

"31. From the discussion three things emerge: (i) that pension is neither a bounty nor a matter of grace depending upon the sweet will of the employer and that it

creates a vested right subject to 1972 Rules which are statutory in character because they are enacted in exercise of powers conferred by the proviso to Article 309 and clause (5) of Article 148 of the Constitution; (ii) that the pension is not an ex gratia payment but it is a payment for the past service rendered; and (iii) it is a social welfare measure rendering socio-economic justice to those who in the hey-day of their life ceaselessly toiled for the employer on an assurance that in their old age they would not be left in lurch. It must also be noticed that the quantum of pension is a certain percentage correlated to the average emoluments drawn during last three years of service reduced to 10 months under liberalised pension scheme. Its payment is dependent upon an additional condition of impeccable behaviour even subsequent to retirement, that is, since the cessation of the contract of service and that it can be reduced or withdrawn as a disciplinary measure.

12. In **Sudhir Chandra Sarkar** (supra), it was reiterated that pension is a right, the payment of which does not depend upon the discretion of

the employer. The contextually relevant portion of the judgment is extracted hereunder;

"18. For centuries the courts swung in favour of the view that pension is either a bounty or a gratuitous payment for loyal service rendered depending upon the sweet will or grace of the employer not claimable as a right and therefore, no right to pension can be enforced through court. This view held the field and a suit to recover pension was held not maintainable. With the modern notions of social justice and social security, concept of pension underwent a radical change and it is now well-settled that pension is a right and payment of it does not depend upon the discretion of the employer, nor can it be denied at the sweet will or fancy of the employer. *Deokinandan Prasad v. State of Bihar* [(1971) 2 SCC 330 : AIR 1971 SC 1409 : 1971 Supp SCR 634 : (1971) 1 LLJ 557] , *State of Punjab v. Iqbal Singh* [(1976) 2 SCC 1 : 1976 SCC (L&S) 172 : AIR 1976 SC 667 : (1976) 3 SCR 360] and *D.S. Nakara v. Union of India* [(1983) 1 SCC 305 : 1983 SCC (L&S) 145 : (1983) 2 SCR 165 : (1983) UPSC 263 : (1983) 1 LLJ 104] . If pension which is the retiral benefit as a measure of social security can be recovered through civil suit, we see no justification in treating gratuity on a different footing.

Pension and gratuity in the matter of retiral benefits and for recovering the same must be put on par."

13. It is pertinent to note that in **State of Jharkhand v. Jitendra Kumar Srivastava [(2013) 12 SCC 210]**, the Apex Court declared the right to receive pension as akin to a right in property. The contextually relevant portion of that judgment reads as under;

"The fact remains that there is an imprimatur to the legal principle that the right to receive pension is recognised as a right in "property". Article 300-A of the Constitution of India reads as under:

300-A. Persons not to be deprived of property save by authority of law.—No person shall be deprived of his property save by authority of law.

Once we proceed on that premise, the answer to the question posed by us in the beginning of this judgment becomes too obvious. A person cannot be deprived of this pension without the authority of law, which is the constitutional mandate enshrined in Article 300-A of the Constitution. It

follows that the attempt of the appellant to take away a part of pension or gratuity or even leave encashment without any statutory provision and under the umbrage of administrative instruction cannot be countenanced."

The legal position emanating from the above precedents is that, pension is no longer a bounty to be paid at the whims and fancies of the employer. On the other hand, pension is deferred salary, akin to property under Article 300A. The right to pension, if not a fundamental right, is definitely a constitutional right. A retired employee cannot be deprived of this right, save by authority of law. Applying the above principles to the instant case, I have no doubt that, having formulated the pension regulations and having stopped payment of contribution to the EPF pension fund, the society cannot wriggle out of its responsibility by pleading paucity of funds. It is for the society to stimulate the

required funds, either from its profit or revenue. The dispute with the EPF Organisation and the delay in receiving back the EPF contribution, are not acceptable as an excuse for non-payment of eligible pension to the retired employees. Based on the above discussion, I find the petitioners in W.P.(C) Nos.19570 of 2016, 10438 of 2020 and 29160 of 2020 to be entitled for the relief sought. As far as the petitioners in W.P.(C) Nos.11306 of 2015 and 22445 of 2017 are concerned, their grievance stands substantially redressed by the issuance of G.O.No.417/2019/H.Edn dated 24.12.2019, which stipulates that the existing regular employees are exempted from the Pension Regulations, 2014 and reinstated to the EPF pension scheme.

The writ petitions are therefore disposed of as under;

(i) The employees superannuated/retired before 24.12.2019 are declared to be entitled for

pension in accordance with the Pension Regulations of 2014. They shall be paid full pension with effect from 01.10.2022.

(ii) The arrears of pension due to the above group of employees shall be paid in four stages, viz; 25% of the arrears on or before 01.01.2023, and 25% each on or before 01.04.2023, 01.07.2023 and 01.10.2023.

(iii) The employees in service as on 24.12.2019, like the petitioners in W.P.(C) Nos.11306 of 2015 and 22445 of 2017, shall be governed by the EPF Pension Scheme, as provided in G.O.(MS) No.417/2019 dated 24.12.2019 or the National Pension Scheme, as the case may be.

(iv) The funds necessary for payment of pension and arrears shall be drawn/raised from the society's profit and revenue.

(v) The Government shall take earnest and sincere efforts to pay the amounts due to the

Society for the works executed.

(vi) In view of the directions above, COC
No.1719 of 2021 is closed.

Sd/-

V.G.ARUN
JUDGE

Scl/

APPENDIX OF WP (C) 11306/2015

PETITIONER EXHIBITS

EXHIBIT-P1-TRUE COPY OF THE G.O(P) 588/2014/H.EDN.
DATED 23/07/2014 WHICH CONTAINS THE REGULATIONS.

EXHIBIT-P2-TRUE COPY OF THE G.O DATED 18/05/2013.

EXHIBIT-P3-TRUE COPY OF THE CITIZENS CHART OF EPF.

EXHIBIT-P4-TRUE COPY OF THE REPRESENTATION SUBMITTED BY
EMPLOYEES OF KERALA BOOKS AND PUBLICATIONS SOCIETY.

EXHIBIT-P4A-TRUE COPY OF THE POSTAL RECEIPT OF EXHIBIT-
P4

APPENDIX OF WP(C) 19570/2016

PETITIONER EXHIBITS

- P1 A TRUE COPY OF THE REPORT OF THE 'SUKUMARA PILLAI COMMISSION'DT.1.1.2011
- P2 A TRUE COPY OF THE MINUTES OF THE 123RD MEETING OF THE GOVERNING BODY OF THE 2ND RESPONDENT HELD ON 29.3.2012
- P3 A TRUE COPY OF GO(MS)NO.66/11 DT.18.5.2011 ISSUED BY THE 1ST RESPONDENT
- P4 A TRUE COPY OF THE NOTICE DATED 26.3.2012 ISSUED BY THE MANAGING DIRECTOR OF THE 2ND RESPONDENT
- P5 A TRUE COPY OF THE MINUTES OF THE 4TH RESPONDENT BOARD HELD ON 29.3.2012
- P6 A TRUE COPY OF THE G.O(MS),NO.194/13/H.EDN.DATED 18.5.2013
- P7 A TRUE COPY OF THE JUDGMENT IN W.P.9084/2013 DATED 12.6.2013
- P8 A TRUE COPY OF THE MINUTES OF THE MEETING HELD ON 11.2.2014
- P9 A TRUE COPY OF G.O(P)NO.588/2014/H.EDN.DATED 23.7.2014P
- P10 A TRUE COPY OF THE COUNTER AFFIDAVIT 2ND RESPONDENT HEREIN (KPBS)DTAED 24.5.2013
- P11 A TRUE COPY OF THE LETTER NO.P&A2/689/2015 DATED 12.12.2015 ISSUED BY THE CHAIRMAN AND MANAGING DIRECTOR OF KPBS
- P12 A TRUE COPY OF THE ORDER NO.G.O.(MS)NO.62/16/H.EDN.DT.1.3.2016
- P13 A TRUE COPY OF THE JUDGMENT IN WP(C)N9.23055/2015 DATED 15.3.2016.

APPENDIX OF WP(C) 22445/2017

PETITIONER EXHIBITS

- EXHIBIT P1 : TRUE COPY OF GOVERNMENT ORDER DATED
18-5-2011.
- EXHIBIT P2 : TRUE COPY OF GOVERNMENT ORDER DATED
18-5-2013.
- EXHIBIT P3 : TRUE COPY OF NOTIFICATION DATED 14-8-
2014 PUBLISHED BY THE 1ST RESPONDENT.
- EXHIBIT P4 : TRUE COPY OF GOVERNMENT ORDER DATED 1-
3-2016.

RESPONDENT EXHIBITS

- EXHIBIT R1 (A) TRUE COPY OF THE GOVERNMENT ORDER
DATED 17.03.2017.

APPENDIX OF WP(C) 10438/2020

PETITIONER EXHIBITS

EXHIBIT P1	TRUE COPY OF GO(MS) NO.66/11 DATED 18.05.2011
EXHIBIT P2	TRUE COPY OF GO(MS) NO.194/13/H.EDN, DATED 18.05.2013
EXHIBIT P3	TRUE COPY OF THE JUDGMENT DATED 26.07.2014 IN WP(C)NO.19009/2012
EXHIBIT P4	TRUE COPY OF THE LAWYER NOTICE DATED 17.01.2014 ISSUED TO THE RESPONDENTS
EXHIBIT P5	TRUE COPY OF THE INTERIM ORDER DATED 08.04.2014 IN IA NO.5003/2014 IN WP(C)NO.19009/2012
EXHIBIT P6	TRUE COPY OF THE MINUTES OF THE 7TH MEETING OF THE KBPS PENSION AND PROVIDENT FUND BOARD HELD ON 15.04.2014
EXHIBIT P7	TRUE COPY OF GO(P)588/2014/H.EDN DATED 23.07.2014 ALONG WITH THE REGULATIONS APPENDED
EXHIBIT P8	TRUE TABLE SHOWING THE CALCULATION OF PENSION FOR THE PERIOD FROM JUNE 2014 TO NOVEMBER, 2014, ALLOWED TO THE PARTIES.
EXHIBIT P9	TRUE COPY OF THE ORDER DATED 07.06.2014 ISSUED BY THE 3RD RESPONDENT
EXHIBIT P10	TRUE COPY OF G.O. (MS) No.417/2019/H.EDN. DATED 24.12.2019
EXHIBIT-P11	TRUE COPY OF THE LETTER NO.H.3/71/2019/H.EDN DATED 14.02.2020.

RESPONDENT EXHIBITS

EXHIBIT R2 A	TRUE COPY OF ORDER NO-P&A2/689/2014/2194 DATED 7.6.2014
EXHIBIT R2 B	TRUE COPY OF THE MINUTES OF THE 135TH GOVERNMENT BODY OF THE KBPS
EXHIBIT R2 C	TRUE COPY OF LETTER NO P&A2/689/2014/3890 DATED 17.9.2014

EXHIBIT R2 D	TRUE COPY OF LETTER NO- 33292/H3/14/H.EDN DATED 21.12.2015
EXHIBIT R2 E	TRUE COPY OF MINUTES OF THE PENSION BOARD MEETING DATED 29.1.2020
EXHIBIT R2 F	TRUE COPY OF LETTER DATED P&A2-/761/2020/829 DATED 11.2.2020
EXHIBIT R2 G	TRUE COPY OF LETTER NO P&A2- 689/2020/1709 DATED 16.5.2020

APPENDIX OF WP(C) 29160/2020

PETITIONER EXHIBITS

EXHIBIT P1	TRUE COPY OF THE G.O.(MS) NO.66/11 DATED 18/05/2011.
EXHIBIT P2	TRUE COPY OF G.O.(MS) NO.194/13/H.EDN. DATED 18/05/2013.
EXHIBIT P3	TRUE COPY OF THE JUDGMENT DATED 26/07/2013 IN WP(C) NO.19009/2012.
EXHIBIT P4	TRUE COPY OF G.O.(P) NO.588/2014/H.EDN. DATED 23/07/2014 ALONG WITH THE REGULATIONS APPENDED.
EXHIBIT P5	TRUE COPY OF THE TABLE SHOWING THE CALCULATION OF PENSION FOR THE PERIOD FROM JUNE, 2014 TO NOVEMBER, 2014, ALLOWED TO THE PARTIES.
EXHIBIT P6	TRUE COPY OF THE ORDER DATED 07/06/2014 ISSUED BY THE 2ND RESPONDENT.
EXHIBIT P7	TRUE COPY OF THE G.O.(MS) NO.417/2019/H.EDN. DATED 24/12/2019.
EXHIBIT P8	TRUE COPY OF THE INTERIM ORDER DATED 20/08/2020 IN WP(C) 10438/2020 PASSED BY THIS HON'BLE COURT.

APPENDIX OF WP(C) 20801/2021

PETITIONER EXHIBITS

Exhibit P1	COPY OF THE G.O. (MS)NO.66/11/H/EDN.DATED 18.05.2011
Exhibit P2	COPY OF THE G.O(MS)NO.194/13H.EDN.DATED 18.05.2013.
Exhibit P3	COPY OF THE JUDGMENT IN W.P(C)NO.19009/2012 DATED 26.07.2013.
Exhibit P4	COPY OF G.O(P)NO.588/2014/H.EDN DATED 23.07.2014 ALONG WITH THE REGULATIONS APPENDED.
Exhibit P5	COPY OF THE G.O.MS 417/2019.H.EDN DATED 24.12.2019 WITH TYPED COPY.
Exhibit P6	COPY OF THE LETTER NO.P&A.2.689/2020/3716 DATED 14.11.2020.
Exhibit P7	COPY OF THE COMMITTEE REPORT.

APPENDIX OF CON.CASE(C) 1719/2021

PETITIONER ANNEXURES

Annexure A1	CERTIFIED COPY OF JUDGMENT DATED 26.07.2013 IN WP(C) NO. 19009 OF 2012 OF THIS HON'BLE COURT.
Annexure A2	TRUE COPY OF GO(MS) NO.194/13/H.EDN DATED 18.05.2013.