



SUNNY TIMES DAILY NEWS PORTAL

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Daily News and Views Online TV & Cyber media. "Blunt and Sharp Daily News Portal" Tuesday 08-08-2017 Portal Website with online news daily at: sunnytimes.in Mobile: 9945116476

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JRCS PANDURANGA GARAG CARES TWO HOOTS TO KAT BY NOT PASSING AN ORDER IN TWO MONTHS "VRS SALARIES" NOT PAID BY LIQUIDATOR WITH 15 YEARS INTREST



"SUSPEND EX LIQUIDATOR" INSTITUTE DISCIPLINARY ACTON AGAINST M.D. NARSIMHAMURTHY WHO LIED IN RESPECT OF 'VOLUNTARY RETIREMENT SCHEME' RETIRAL BENEFITS

By: M.S.Yatnatti: Editor and Video Journalist Bengaluru : The officers are sitting on the files for 15 years by not passing orders despite several court orders citations and even KAT issued direct order to JRCS to dispose the application of decide to pay VRS salaries to 66 persons many of them are dying every day in two months but JRCS Panduranga states in his RTI Appeal order that I am not respecting their quasi judicial authority to pass an order .They say me that I should wait for order as they are courts .Many times I had told the hat SC and High court and KAT benches are bigger than their benches .Even the Registrar of co-operative societies passed an order to expedite the process but even then JRCS Panduranga care two hoots to Registrar himself. They are the officers doing injustice and they are judge to continue injustice .How many years it need JRCS Panduranga to decide to pay VRS salaries to 66 persons many of them are dying every day .Why they need so many days to decide about this simple issue .For the cases he gets bribe he decides on day today basis. Poor people who do not pay him he drags the cases like this one . Employees are dying and JRCS did nothing .He cares two hoot to CM orders and NHRC directions. The amount receivable on account of voluntary retirement of the employee does not exceed the amount equivalent to three months' salary for each completed year of service, or salary at the time of retirement multiplied by the balance months of service left before the date of retirement on superannuation of the employee. Voluntary retirement scheme is a method used by Government companies and co-operative societies to reduce surplus staff similarly 66 Employees of Malleshwaram Co-operative Society Limited are eligible for VRS scheme . This mode has come about in India as labour laws do not permit direct retrenchment of unionized employees .The amount receivable on account of voluntary retirement of the employee does not exceed the amount equivalent to three months' salary for each completed year of service, or salary at the time of retirement multiplied by the balance months of service left before the date of retirement on superannuation of the employee. It is the last salary drawn which is to form the basis for computing the amount of payment .Most public and private sector companies have implemented VRS in recent years. Wiegthage of 5 year service is given and consequently employee will get five years additional gratuity and other benefits and get five year additional bonus .A false statement made with deliberate intent to deceive 66 Employees of Malleshwaram Co-operative Society Limited in respect of their VRS The amount receivable on account of voluntary retirement of the employee does not exceed the amount equivalent to three months' salary for each completed year of service, or salary at the time of retirement multiplied by the balance months of service left before the date of retirement on superannuation of the employee and additional retirement benefits like Gratuity for five years Wiegthage , Additional leave encashment for five years Wiegthage , additional bonus for five years Wiegthage and Strike Period Salary and Balance salary as on retrenchment date with fifteen years interest .Suspend the liquidator and institute disciplinary Acton against Sri Narsimhamurthy liquidator or face lokayukta SIT enquiry as the liquidator of Malleshwaram Co-operative Society Limited has lied and provided false and fabricated documents to Government of Karnataka and KSHRC (HRC 1759/14 B-II) and Lokayukta and Co-operation Department stating that all retirement benefits have been paid in respect of 66 Employees of Malleshwaram Co-operative Society Limited whereas all VRS benefits were actually not paid. . But the fact and truth is different .As per the law these payments were due with interest for delayed payments as Liquidator has not made any payments of additional retirement benefits on account of VRS like Gratuity, leave encashment, bonus and Strike Period Salary and Balance salary as on retrenchment date or compulsory retirement or forced retirement date since 2000 as the records available with the department .Now liquidator has to pay dues as on 2000 plus interest payments for 15 years 10% compounding per year .Like National Human Rights Commission (NHRC) KSHRC also should take serious view of delay in disbursement of retirement benefits, including pension and gratuity, to an employees of Malleshwaram Co-operative Society Limited pass orders for payment of retiral benefits with 15 years of interest for delayed payments without further loss of time as among 66 employees all are old age and dying one by one without retiral benefits. VRS applies to an employee who has completed 10 years of service or is above 40 years of age. ?It should apply to all employees (by whatever name called), including workers and executives of a company or of an authority or of a co-operative society, excepting directors of a company or a co-operative society. Whereas Taking a serious view of delay in disbursement of retirement benefits, including pension and gratuity, to an employee of the Bharat Sanchar Nigam Limited (BSNL), the National Human Rights Commission (NHRC) has issued directions for an inquiry into the matter for fixing responsibility of the officials concerned. But Karnataka State Human Rights Commission has registered a case against liquidator and cooperation department for human right violations under HRC 1759/14 B-II But till today it has not passed orders against liquidator and cooperation department for human right violations and had not issued directions for an inquiry into the matter for fixing responsibility of the officials concerned for non payments of VRS retirement benefits like Gratuity, leave encashment, bonus and Srike Period Salary and Balance salary as on retrenchment or compulsory retirement or forced retirement benefits and any other benefit payable at the time of the retirement in the year 2000 and interest payments for 15 years of delay in paying Retrial Benefits since the years 2000 till date .Joint Registrar co-operative Societies and Liquidator has not paid Pension or retirement benefits like Gratuity, leave encashment, bonus and Srike Period Salary and Balance salary as on retrenchment or compulsory retirement or forced retirement benefits and any other benefit payable at the time of the retirement in the year 2000 to Malleshwaram Co-operative Society Limited. As Supreme Court orders interest is not paid since 2000 and Revised Gratuity payments is not paid as per Karnataka high court order (Three Benches) on 17-11-2003 in N.S. Srinivasamurthy And Ors. vs The Registrar Of Co-Operative ... on 17 November, 2003 in respect of Malleshwaram Co-operative Society Limited And Joint Registrar co-operative Societies and Liquidator need to pay interest for about 15 years on delayed payments as per Supreme Court of India H. Gangahanume Gowda vs Karnataka Agro Industries ... on 5 February, 2003 and The citations have been filed before Deputy Director court with separate memo on 13-05-2016 with citations and report of National Human Rights Commission of India in respect of "Retiral Benefits as a Human Right: NHRC Initiatives".

The Supreme Court's influence in the socio-political sphere of our country is undeniable and almost hallowed in quality. It is predominantly with the tool of a broadened jurisprudence in enforcing the fundamental rights, guaranteed in the Constitution of India, that it has been able to uphold the ideals enumerated in the Indian Constitution The cardinal responsibility of the State to provide post-retirement benefits to the entitled employee or his family, in full and on time, has come under the scrutiny of the Supreme Court of India in many cases. The decisions of the Supreme Court of India has given the institutions in India an insight into the methods and means to uphold the sanctity of the right to receive pensionary benefits in India. It is with this spirit that the National Human Rights Commission reads the denial of retirement benefits as a violation of the right to life and dignity, thus leading the country's nodal agencies in the understanding that pension or the retiral benefits may be the only source of livelihood and means of survival for a family; hence nonpayment of these benefits has devastating effects on their lives. If these retirement benefits are not paid to them, the very survival of the retired employee or next-of-kin, and/or family members of the National Human Rights Commission deceased employees comes under question, in blatant violation of their human rights. The following are Pension or retirement benefits like Gratuity, leave encashment, provident fund or any other benefit payable at the time of the retirement is to be made on the day of retirement or within a stipulated time period, in case of termination of the contract of employment due to voluntary retirement, retrenchment, layoff etc., to the employees, and in case of death of the employees during the course of employment or in employment, to his nominee or next of kin, within a stipulated or reasonable time period, where it is not stipulated. If not provided within this time period, interest is to be paid on the delayed payments. Retirement benefits are the accumulated savings of a lifetime of service. Denial, non-payment or delayed payment of the same is not only tantamount to denial of an individual's rightful property, but is also a violation of the human rights of the victim and their next of kin wherein their livelihood is affected, often times resulting in untold misery, starvation and poverty. No respect to apex court orders by M.D.Narsimha Murthy Joint Registrar co-operative Societies and Liquidator. He need to be shunted out from the department as liquidator who has done continuous injustice to 66 sincere employees of Malleshwaram Co-operative Society Limited and these employees are dyeing one by one as they are of old age and department is not considering their demands sympathetically as er apex court orders and now CM should intervene the matter as co-operative minister has failed to act on their legitimate demands. .He has refused to honor the Supreme Court orders and Revised Gratuity payments as per Karnataka high court order (Three Benches) on 17-11-2003 in N.S. Srinivasamurthy And Ors. vs The Registrar Of Co-Operative ... on 17 November, 2003 in respect of Malleshwaram Co-operative Society Limited and pay interest for about 15 years on delayed payments as per Supreme Court of India H. Gangahanume Gowda vs Karnataka Agro Industries ... on 5 February, 2003 and The citations have been filed before Deputy Director court with separate memo. A full text of the reported judgments is placed on record along with separate memo which may was requested to be treated and read as part and parcel of this written arguments. But even Deputy director is suspected under pressure from M.D.Narsimha Murthy Joint Registrar co-operative Societies and Liquidator who is his superior officer in grade and not passing orders as per supreme court orders .After supreme court orders what else they need to pass again orders is the common man is asking the question. The 66 employees are demanding revision of their settlements as per Supreme court order and pay interest on it since 2000 for last 15 years or pay lump sum payments of of Rs 5 lakhs whichever is feasible and settle their dues as the of Malleshwaram Co-operative Society Limited has crores of rupees cash and properties . Malleshwaram Co-operative Society Limited is under liquidation. Entire employee package need to revised as on 2000 and need to be paid interest from 2000 for last 15 years. Despite apex court orders lokayukta closed the case in Loka No BCD/2930/2014 as it is suspected and reportedly it is alleged that M.D.Narsimha Murthy Joint Registrar co-operative Societies and Liquidator has bribed the lokayukta officials and got closed the case and started demolishing illegally head office building of Malleshwaram Co-operative Society Limited . One property worth 40 crore was transferred to RCS without any authority of law to RCS for Redeemable share amount/loan of 10.70 lakhs in gross violation of any law in operation. The sanction orders from 1-9 from the year 1962 to 1990 as per the list for total amount of Rs 10,70,000/- is very clear and it were given as loan for specific purpose and not as share amount . The orders sheet cleanly states that 10,70,000/- were supposed to be recovered from Malleshwaram Co-operative Society Limited from 30-03-1996 . The last line states that "repayment to be commenced from 30-03-1996 .Then it is redeemable share /loan given by government wherefore question of allotment of shares does not arise and another one property was still remains untouched. The deputy Director of co-operative audit Bangalore had made several observations on audited accounts submitted by the liquidator in respect of Malleshwaram Co-operative Society Limited which were not complied by liquidator. In one the observation it made it cleared that 10.70 lakhs it was not the share amount but it was redeemable share amount /loan but it need to be given back in ten installments as it was given from 1962 -to- 1990 with a condition that it will be returned after 15 years in 10 installments and audit observation was made to and directed liquidator to make arrangement to return 10.70 lakhs immediately out of accounts of Malleshwaram Co-operative Society Limited. Instead of remitting back amount of 10.70 lakhs which is available with the accounts of Malleshwaram Co-operative Society Limited liquidator did committed blunder and fraud of selling 40 crore rupees property to RCS in grave violation of observations of audit report.

Liquidator of Malleshwaram Co-operative Society Limited as per Law and Liquidation guidelines should have sold all properties belonging to Malleshwaram Co-operative Society Limited at Malleshwaram: 8 the cross Margoosa Road Malleshwaram-560003 and Shrirampuram: 7th main 7th cross shrirampuram Bangalore-560021 and Sheshadripuram : Govid Rao street 1st main road Bangalore-560020 and Yeshvantapur : No 19/2 2nd main Road RMC Yard Bangalore -560022 in Transparent Auction as all above properties worth several crore and paid to employees demand and share holders as per their share holding which liquidator has not done so far since 14 years and has committed fraud under 420 and tress pass under 448 and criminal intimidation under 505 of IPC. Instead of selling the properties in Auction it has been alleged that it were sold on mutual sales with huge undervaluation (Shrirampuram and Sheshadripuram) and by transferring the Malleshwaram: 8 the cross Margoosa Road Malleshwaram-560003 to RCS liquidator has committed fraud against Malleshwaram Co-operative Society Limited as liquidator has no authority to transfer the properties to anybody under the Act or Circulars' and guidelines. In the proposal sent to government by liquidator to transfer the Malleshwaram: 8 the cross Margoosa Road Malleshwaram-560003 to RCS (which is illegal) it said that Govt had 10.70 lakhs redeemable shares But fact is that total shares paid up capital from 6661 members total shares (including Government) were only 15 76 694.25 rupees .So question of Government having 10.70 lakhs shares does not arise .It is said that 10.70 lakhs was given as Redeemable share loan to society some time back before liquidation. Government cannot act like loan shark to usurp the property of Malleshwaram Co-operative Society Limited (in liquidation) .He has only authority to sell the assets and clear the liabilities at once. No law permits to transfer the assets to anybody let it be government or anybody. Assets have to be sold as per circular dated 13-07-1992 at market value and transparent auctions and clear liabilities at once. Money & assets totally about 40 Crore available does not belong to liquidator or the government. "it belongs to malleshwaram co-operative society limited and its 6661 share holders then why liquidators stomach is aching to give about Rs 3.3 Crore money to 66 employees (Rs 5 lakhs each as total onetime bonus for the year 1997 -1998 1998-1999 1999-2000 enhancement in gratuity and PF and PF Pension and salary) out of 40 crore assets/cash available as demanded by them. 66 employees were back boon in creating these assets. Joint Registrar co-operative Societies & Liquidator Malleshwaram Co-operative Society Limited is guilty of misconduct and committed grave irregularities and blatant violations in respect of liquidating Malleshwaram Co-operative Society Limited. Liquidator has not followed the one time process of liquidation as per Act and as per law and guidelines for liquidation. Liquidator does not require 14 years to liquidate a society; all the liquidators and registrar of societies need to tell reasons for this delay



and injustice. For this a lokayukta probe need be to conducted and Joint Registrar co-operative Societies & Liquidator need to be probed for lapses as he has committed blunders and done injustice to 66 employees of Malleshwaram Co-Operative Society Limited who were the root cause of spectacular growth and creating cash and assets of 40 crore today, Liquidator without doing his job of liquidating is sitting eating FAT salary out of money created by these 66 employees of Malleshwaram Co-Operative Society Limited. He did nothing except taking salary from Malleshwaram Co-Operative Society Limited in 14 years. Circumstances under which a cooperative society is wound up/liquidated: A cooperative society is considered for liquidation when it is established that the society is not functioning in accordance with the cooperative principle and is no longer working for achievement of the objects for which it was registered. The co-operative society ceases to exist on the date shown in the certificate of dissolution, which shall not be later than seven hundred and thirty days after the appointment of the liquidator. Subject to the provisions after paying or making adequate provision for all claims against the co-operative society, the liquidator shall apply to the Registrar for approval of his final accounts and for permission to distribute in cash or in kind, the remaining property of the co-operative society in accordance with the rules.

Bangalore police has one law for Private schools and another law for Government servants who are blatantly violating government guide lines . Book FIR for both for violating government guidelines. As Bangalore police are filing cases under IPC Section 188, which empowers the police commissioner or a public servant to enforce a government order on a person, institution or management .Non-compliance attracts up to one-month jail term or a fine which may extend to Rs 200 or both. The Karnataka government had issued the guidelines to schools following a spurt in assaults on children in the past couple of months. The Karnataka high court recently directed the government, city police and schools to strictly implement the safety measures. In the similar manner "Non-compliance of Karnataka Government Gazette Acts and guidelines and circulars in respect of liquidations attracts criminal provisions under section 188 & 166& 166A of IPC. Request is made to Malleshwaram Police to book criminal cases under IPC Section 188, and 166 and 166 A (Public servant disobeying directions under law) which empowers the police and public servant to enforce a government order on a person, institution or management against M.D.Narsimha Murthy Joint Registrar co-operative Societies and Liquidator Malleshwaram Co-operative Society Limited and Joint /Additional Registrar Co-operative Societies (Consumer and Marketing) Bangalore and Sri Chenappa Gowda IAS Registrar co-operative Societies in Karnataka. Case is registered before RCS .Case registered before Karnataka State Human Rights Commission Bangalore in No HRC 1759/14 B-II and Lokayukta case is registered under Loka No BCD/2930/2014 then why Malleshwaram Police is not registering the FIR against Liquidator of Malleshwaram Co-operative Society Limited and others as per complaint for fraud and abetting the crime and Human right violations of 66 employees and 6661 share holders. Police need to investigate the matter. The replies given by M.D.Narsimha Murthy Joint Registrar co-operative Societies and Liquidator Malleshwaram Co-operative Society Limited and others before lokayukta and human rights and police are incorrect and false and misleading as they have illegally transferred the cash / properties in the name of RCS without any authority of law with undue influence, fraud and misrepresentation, and belonging to Malleshwaram Co-operative Society Limited for other purposes and tress passing it and for criminal intimidation and Misappropriation of funds. Reportedly Malleshwaram Co-operative Society Limited (in liquidation) had following four properties in Bangalore. Malleshwaram: 8 the cross Margoosa Road Malleshwaram-560003 and Shrirampuram: 7th main 7th cross shrirampuram Bangalore-560021 and Sheshadripuram : Govind Rao street 1st main road Bangalore-560020 and Yeshvantapur : No 19/2 2nd main Road RMC Yard Bangalore - 560022. One property was sold by Bank in action and balance amount was remitted back to Malleshwaram Co-operative Society Limited (in liquidation) and another one property was sold without auction and amount was transferred to Malleshwaram Co-operative Society Limited (in liquidation). The property should have been sold in auction .Grave violation of liquidation law and another One property worth 40 crore was transferred to RCS without any authority of law to RCS for Reddebale share amount/loan of 10.70 lakhs in gross violation of any law in operation. The sanction orders from 1-9 from the year 1962 to 1990 as per the list enclosed for total amount of Rs 10,70,000/- are very clear and it were given as loan for specific purpose and not as share amount .. Piece meal approach as has been done in the past is illegal and null and void. There are allegation that Liquidator has undervalued the properties sold and he has illegally registered the properties in the name of department when department does not own these properties. 1999 priorities cannot be implemented in 2014. liquidator shall apply to the frsh after preparing 2014 final account after selling all properties to Registrar for approval of his final accounts and for permission to distribute in cash or in kind, the remaining property of the co-operative society in accordance with the rules as on 2014.

Conclusion: They are the officers doing injustice and they are judge to continue injustice .How many years it need to JRCS Panduranga pass an order to decide to pay VRS salaries to 66 persons many of them are dying every day. Employees are dying and JRCS did nothing .He cares two hoot to CM orders and NHRC directions. The amount receivable on account of voluntary retirement of the employee does not exceed the amount equivalent to three months' salary for each completed year of service, or salary at the time of retirement multiplied by the balance months of service left before the date of retirement on superannuation of the employee. How many years it need to JRCS Panduranga to decide to pay VRS salaries to 66 persons many of them are dying every day. Employees are dying and JRCS did nothing .He cares two hoot to CM orders and NHRC directions KSHRC (HRC 1759/14 B-II) is sleeping in respect of Malleshwaram Co-operative Society Limited for non payments of VRS retirement benefits like Additional Gratuity, leave encashment, bonus and Strike Period Salary and Balance salary as on retrenchment or compulsory retirement or forced retirement benefits The amount receivable on account of voluntary retirement of the employee does not exceed the amount equivalent to three months' salary for each completed year of service, or salary at the time of retirement multiplied by the balance months of service left before the date of retirement on superannuation of the employee. It is the last salary drawn which is to form the basis for computing the amount of payment .Most public and private sector companies have implemented VRS in recent years. Wightage of 5 year service is given and consequently employee will get five years additional gratuity and other benefits and get five year additional bonus and any other benefit payable at the time of the retirement in the year 2000 and interest payments for 15 years of delay in paying VRS Retrial Benefits since the years 2000 till date .Like National Human Rights Commission (NHRC) KSHRC also should take serious view of delay in disbursement of retirement benefits, including pension and gratuity, to an employees of Malleshwaram Co-operative Society Limited pass orders for payment of retiral benefits with 15 years of interest for delayed payments without further loss of time as among 66 employees all are old age and dying one by one without retiral benefits.

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Online Portal Edited Printed Published and Owned By M.S YATNATTI No.107 , Ground Floor "Royal Residency" Apartment Complex "Enkay Farms Valagerahalli, Dubasiplaya Kengeri Bangalore – 560 059
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