

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 10TH DAY OF NOVEMBER 2016/19TH KARTHIKA, 1938

WP(C).No. 1001 of 2011 (A)

PETITIONER(S) :

1. DHARMADAM SERVICE CO-OPERATIVE BANK LTD.
C.NO.1379, PALAYAD P.O., PIN-670 661,
THALASSERY, REPRESENTED BY ITS SECRETARY
(C.MOHANAN, AGED 54,, S/O.NANU, 'SNEHA',
P.O.NETTUR, 670 105,, THALASSERY).
2. PRESIDENT,DHARMADAM SERVICE CO-OPERATIVE
BANK LTD., C.NO.1379, PALAYAD P.O., PIN-670 661,
THALASSERY (PRASAD, AGED 50, S/O.RAMAN, PRAVAS,
ANDALUR, P.O.PALAYAD 670 661, THALASSERY).

BY ADVS.SRI.K.S.MADHUSOODANAN
SRI.T.V.JAYAKUMAR NAMBOODIRI
SRI.P.K.RAKESH KUMAR
SRI.THUSHAR NIRMAL SARATHY
SRI.M.M.VINOD KUMAR

RESPONDENT(S) :

1. JOINT REGISTRAR (GENERAL) IN CHARGE OF
CO-OPERATIVE SOCIETIES, KANNUR DISTRICT-670 001.
2. ASSISTANT REGISTRAR (GENERAL) OF
CO-OPERATIVE SOCIETIES, THALASSERY, PIN-670 101.
3. K. SURENDRAN, SENIOR CLERK, DHARMADAM
SERVICE CO-OPERATIVE BANK DHARMADAM,
THALASSERY, 670 106.

R1 & R2 BY GOVERNMENT PLEADER SMT.POOJA SURENDRAN
R3 BY ADV. SRI.P.C.SASIDHARAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 10-11-2016, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

bp

WP(C).No. 1001 of 2011 (A)

APPENDIX

PETITIONER'S EXHIBITS :

- P1: COPY OF THE JUDGMENT IN WPC 21556/09 DT 10/12/2009.
- P2: COPY OF THE PUNISHMENT ORDER DT 13/1/2010.
- P3: COPY OF THE PROCEEDINGS OF BARD OF DIRECTORS DT 14/1/2010.
- P4: COPY OF THE SUMMONS IN ARC NO. 55/10 DT 14/6/2010.
- P5: COPY OF THE ORDER BEARING NO.CRP(2)1101/10 DT 18/9/2010.
- P6: COPY OF THE NOTICE OF THE R2 BEARING NO. 294/10/DT 21/12/2010.
- P7: COPY OF THE BOARD DECISION NO. 8 DT 28/12/2010.

RESPONDENT'S EXHIBITS :

- EXT.R3(a) : COPY OF THE RESOLUTION DT 28/12/2010.
- EXT.R3(b) : COPY OF THE APPEAL MEMORANDUM
- EXT.R3(c) : COPY OF THE ORDER DT 10/5/2012 IN ARC 140/2011.

//TRUE COPY//

P.A. TO JUDGE

bp

A. MUHAMED MUSTAQUE, J.

W.P.(C) No. 1001 of 2011

Dated this the 10th day of November, 2016

J U D G M E N T

- 1.The issue in this writ petition is arising out of Ext.P5 order of the Joint Registrar (General) in charge of Co-operative Societies, Kannur, the 1st respondent. The 1st petitioner is the society and the 2nd petitioner is its president.
- 2.The 3rd respondent, an employee of the society, was suspended alleging financial misappropriation. Thereafter, a domestic enquiry was conducted and the 3rd respondent was found guilty. Accordingly, punishment was imposed by barring one increment with cumulative effect. Aggrieved by the above, the 3rd respondent approached the 1st respondent; and the 1st respondent, by Ext.P5, interfered with the punishment and also imposed a cost of ₹6,000/- to be recovered from the 2nd petitioner. It is challenging this order, the

..2..

petitioners have come up before this Court.

3.The learned counsel for the petitioners now admits that the managing committee of the respondent bank has taken a decision to revoke the punishment imposed on the 3rd respondent. Ext.P7 is the resolution.

4.In the light of the above, this Court is of the view that that Ext.P5 has become redundant. Accordingly, the writ petition is disposed of as follows;

- Ext.P5 is set aside.
- It is made clear that no action shall be taken against the 3rd respondent in the light of Ext.P7.

Sd/-
A. MUHAMED MUSTAQUE
JUDGE

bka/-