

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

THURSDAY, THE 2ND DAY OF JULY 2015/11TH ASHADHA, 1937

OP(C) .No. 2277 of 2014 (O)

AGAINST THE ORDER/JUDGMENT IN A.NO. 94/2013 of KERALA CO-OP.TRIBUNAL,
THIRUVANANTHAPURAM. DATED 30-07-2014

PETITIONERS/APPELLANTS/RESPONDENTS:

1. THRISSUR PRIMARY CO-OPERATIVE SOCIETY
EMPLOYEE PENSIONER'S CO-OPERATIVE SOCIETY
LTD.NO.R-1253,POOTHOLE ROAD
POOTHOLE P.O.,THRISSUR - 680 004.
REPRESENTED BY IT'S SECRETARY.
2. T.K.SUGATHAN, PRESIDENT
THRISSUR PRIMARY CO-OPERATIVE SOCIETY
EMPLOYEES PENSIONERS
CO-OPERATIVE SOCIETY LTD.NO.R-1253
POOTHOLE ROAD,POOTHOLE P.O.,THRISSUR - 680 004.

BY ADV. SRI.P.K.SAJEEV

RESPONDENT/RESPONDENT/PETITIONER:

SREEJA, AGED 30 YEARS
D/O.MALAYATH VIJAYAN, KANIMANGALAM VILLAGE
PANAMUKKU DESOM, P.O.NEDUPUZHA, THRISSUR TALUK
PIN - 680 015.

R1 BY ADV. SRI.P.C.SASIDHARAN

THIS OP (CIVIL) HAVING BEEN FINALLY HEARD ON 02-07-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP(C).No. 2277 of 2014 (O)

APPENDIX

PETITIONERS' EXHIBITS

EXT.P-1: TRUE COPY OF AWARD DATED 7.8.2013 IN ARC 173/11 ON THE
FILES OF CO-OPERATIVE ARBITRATION COURT (NORTHERN),
KOZHIKODE.

EXT.P-2: TRUE COPY OF JUDGEMENT DATED 30.7.2014 IN APPEAL NO.94/13
ON THE FILES OF CO-OPERATIVE TRIBUNAL, THIRUVANANTHAPURAM.

RESPONDENT(S) ' EXHIBITS : NIL

//TRUE COPY//

P.A.TO JUDGE

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A.HARIPRASAD, J.

O.P.(C)No. 2277 of 2014

Dated this the 2nd day of July, 2015

JUDGMENT

Order under challenge is the one passed by the Co-operative Arbitration Court (Northern), Kozhikode in ARC 173 /2011.

2. Brief facts: The respondent was appointed as contract labourer, from June 2008 in the 1st petitioner Society. Subsequently she was appointed as Secretary on 08.01.2010 with a continuous period of two years of probation. While she was under going the probation period, it is alleged that the misbehavior towards the President necessitated to put her under suspension. There after a show cause notice was issued to the respondent to which she made a reply. As the reply was found to be unsatisfactory, a Sub Committee was constituted by the board of directors of the 1st petitioner

society. According to the petitioners, the Sub Committee submitted a report and the respondent was found guilty of all the charges. Therefore she was dismissed from service with effect from 08.06.2011. All these contentions are refuted by the respondent. According to her, there was no enquiry before taking the extreme step of dismissing her from service. However, against the order of dismissal the respondent filed the arbitration case. After taking evidence, both oral and documentary, and after hearing both sides, the arbitration court passed an order of reinstatement of the respondent back in service. Ext.P1 is the copy of the order. The order was challenged by the petitioners before the Co-operative Tribunal, Thiruvananthapuram in a statutory appeal. That appeal was also dismissed. The order passed by the appellate authority is Ext.P2. Both these orders are challenged in this proceedings.

3. I have heard the learned counsel for the

petitioners and respondent.

4. The arbitration court as well as the appellate authority, on facts, found that there was no enquiry conducted in respect of the alleged misconduct on the part of the respondent. Therefore both the fora found that there is a clear violation of the Rules 184(3) and 198 of the Kerala Co-operative Society Rules. This factual finding is based on sound reasoning and materials placed before the authorities. I do not find any valid reason to upset the finding by exercising the jurisdiction under Article 227 of the Constitution. Therefore I find no merit in the petition.

The petition is dismissed.

Sd/-
A.HARIPRASAD
JUDGE

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