

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.SURENDRA MOHAN

FRIDAY, THE 30TH DAY OF JANUARY 2015/10TH MAGHA, 1936

WP(C).No. 2006 of 2007 (L)

PETITIONER:

ALPHONSA VARGHESE, AGED 45 YEARS
W/O. VARGHESE, PARANILAM HOUSE, MURIKKINGAL DESOM
VELLIKULANGARA, THRISSUR DIST.

BY ADV. SRI.RANJITH THAMPAN

RESPONDENTS:

1. PROJECT OFFICER,
KHADI VILLAGE INDUSTRIES OFFICE, TOWN HALL ROAD
THRISSUR.PIN 680001
(REGISTRAR, THRISSUR DISTRICT KHADI AND
VILLAGE INDUSTRIES CO-OPERATIVE SOCIETY) .

2. MATTATHUR PANCHAYAT COTTAGE MATCH
INDUSTRIES CO-OP. SOCIETY, PADY P.O., THRISSUR.680699

SRI.ABHIJETT LESSIL, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 30-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

RKC

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APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: TRUE COPY OF THE LETTER DT.29.3.02 ISSUED BY THE
PRESIDENT OF THE SOCEITY.

EXT.P2: TRUE COPY OF THE ORDER OF THE GOVERNMENT DT.25.11.15

EXT.P3: TRUE COPY OF THE REPRESENTATION FILED BY THE
PETITIONER DT.1.1.07.

RESPONDENTS' EXHIBITS: NIL

RKC

TRUE COPY

PA TO JUDGE

SURENDRA MOHAN, J.

W.P.(C).No.2006 of 2007

Dated this the 30th day of January, 2015

JUDGMENT

The petitioner has filed this writ petition seeking the following reliefs:

- i. Issue a writ in the nature of mandamus commanding the 1st respondent to consider Ext.P3 and direct the 2nd respondent society to reinstate the petitioner in service as per Ext.p2.*
- ii. Direct the 2nd respondent society to immediately reinstate the petitioner in accordance with Ext.P2 order.*
- iii. Issue such other orders, writs or directions as are deemed fit by this Hon'ble Court.*
- iv. Award cost of this proceeding to the petitioner.*

2. According to the petitioner, she was working as Secretary of the second respondent society from 1982 onwards. On 5.4.2002 she was taken ill and had to undergo a surgical procedure. She had submitted a leave application on 6.4.2002 along with a medical certificate. However, she was suspended from service alleging unauthorised absence from 6.4.2002 onwards. Though she submitted her explanation, the same was

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not considered and she was dismissed from service.

3. The petitioner challenged her dismissal from service before the first respondent. However, her dismissal was confirmed by the said respondent. The petitioner thereupon approached the Government by filing a revision under section 85 of the Kerala Co-operative Societies Act, 1969 (hereinafter referred to as the Act for short). The said representation was allowed and the petitioner was directed to be reinstated in service. However, the second respondent did not comply with the said direction. Therefore, the petitioner submitted Ext.P3 representation to the Registrar of Co-operative Societies. No orders have been passed thereon, till date.

4. The learned Government Pleader on instructions submits that, the second respondent is no longer in existence, having become defunct. I noticed that notice in this case has been served on the second respondent by Newspaper publication. Since all other reliefs sought for by the petitioner is to consider Ext.P3, it is sufficient that the same is directed to be considered. The Registrar of Co-operative Societies shall initiate appropriate

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action in the matter, for implementing direction of the Government.

This writ petition is, therefore, disposed of, directing the Registrar of Co-operative Societies to consider Ext.P3 representation submitted by the petitioner and to issue necessary directions for implementation of Ext.P2 order.

Sd/-

**K.SURENDRA MOHAN,
JUDGE.**

rkc.