

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC
&
THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

MONDAY, THE 2ND DAY OF FEBRUARY 2015/13TH MAGHA, 1936

WA.No. 72 of 2015 () IN WP(C).6483/2010

AGAINST THE JUDGMENT IN WP(C) 6483/2010 of HIGH COURT OF KERALA
DATED 23-10-2014

APPELLANT(S)/1ST RESPONDENT:

TIKKOTI SERVICE CO-OPERATIVE BANK LTD NO.D 1950
TIKKOTI, KOZHIKODE, REPRESENTED BY ITS SECRETARY

BY ADVS. SRI.B.S.SWATHY KUMAR
SRI.REMYA MURALI
SRI.A.K.RAJESH
SRI.VENKATESH GOPI

RESPONDENT(S)/PETITIONER & RESPONDENTS 2 AND 3:

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1. P.ANOOP
PUNATHIL HOUSE, VILLIAPPALLY, KOZHIKODE
PIN. 673 542
 2. THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES (G)
KOZHIKODE 673 002
 3. P.T.SANTHA
SWEEPER-CUM-PEON
TIKKOTI SERVICE CO-OPERATIVE BANK LTD. NO. D.1950
TIKKOTI, KOZHIKODE-673 528
- R1 BY ADV. SRI.P.P.JACOB
R3 BY SRI.BINOY VASUDEVAN
R2 BY SR GOVERNMENT PLEADER SRI.M.K.ABOOBACKER

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 02-02-2015, ALONG
WITH W.A.84 OF 2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC & ALEXANDER THOMAS, JJ.

W.A.Nos.72 & 84 of 2015

Dated this the 2nd day of February, 2015

JUDGMENT

Antony Dominic, J.

1. These appeals are filed by respondents 1 and 3 in W.P (C).6483/10, which was filed by the first respondent in these appeals.

2. Briefly stated, case of the first respondent was that Ext.P1 in the writ petition was the ranked list prepared by the bank for appointment to the post of Attender. That ranked list was valid for a period of three years and expired on 27.2.2002. Subsequent to the appointment of rank No.1 from the list to the post of Attender, the appointee left the post on getting appointed as Junior Clerk. The appellant in W.A.84/15 was working in the bank for several years and was promoted to the post of Attender on 4.2.2010. It was challenging that appointment, the first respondent in these appeals filed the writ petition, claiming that he, being No.2 in the list, ought to have been appointed as Attender in the vacancy to which appointment was made on 4.2.2010. This was

accepted by the learned single Judge in the judgment under appeal, mainly placing reliance on Ext.P4 circular providing that vacancies during the currency of the list should be filled up from the list itself. It is aggrieved by this judgment, the bank and the affected employee had filed these appeals.

3. We heard the learned counsel for the appellants and learned counsel for the first respondent, apart from the Government Pleader appearing for the official respondents.

4. Irrespective of the questions that are raised, the factual position prevailing now is that the appellant in W.A.84/15, who was working in the post of Attender since 4.2.2010, had retired from service on 30.11.2014. In such circumstances, we feel that the controversy can be given a quietus by directing that the first respondent be given appointment as directed by the learned single Judge with prospective effect and also directing that the bank shall settle the terminal dues of the appellant in W.A.84/15, treating her as having retired from the post of Attender.

The bank shall appoint the first respondent to the post of Attender at any rate within 30 days of receipt of a copy of this judgment. Appeals are disposed of accordingly.

Sd/-
ANTONY DOMINIC, Judge.

Sd/-
ALEXANDER THOMAS, Judge.

k kb.

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PS TO JUDGE