

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

WEDNESDAY, THE 18TH DAY OF FEBRUARY 2015/29TH MAGHA, 1936

WA.No. 347 of 2015 () IN WP(C).3985/2015

AGAINST THE ORDER IN WP(C) 3985/2015 of HIGH COURT OF KERALA
DATED 9.2.2015

APPELLANT(S)/WRIT PETITIONER:

THE AYIROOPARA KSHEERA VYAVASAYA CO-OPERATIVE
SOCIETY LTD NO.T.120
REPRESENTED BY ITS SECRETARY, CHANTHAVILA
KATTAIKONAM (PO), THIRUVANANTHAPURAM.

BY ADVS.SRI.M.RAJAGOPALAN NAIR
SRI.G.BIJU

RESPONDENT(S)/RESPONDENTS IN THE WRIT PETITION:

1. STATE OF KERALA
REPRESENTED BY THE SECRETARY TO GOVERNMENT
AGRICULTURE AND DAIRY DEVELOPMENT DEPARTMENT
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM. 695001.
2. DIRECTOR
DAIRY DEVELOPMENT DEPARTMENT, PATTOM
THIRUVANANTHAPURAM. 695004.
3. DEPUTY DIRECTOR
OFFICE OF THE DEPUTY DIRECTOR OF DAIRY DEVELOPMENT
THIRUVANANTHAPURAM-695004.
4. SMT. S.JALAJAKUMARI
PUTHUVAL PUTHEN VEEDU, CHANTHAVILA, KATTAYIKONAM (P.O)
THIRUVANANTHAPURAM. 695584.

R1 TO R3 BY SR GOVT PLEADER SRI.M.K.ABOOBACKER

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 18-02-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC & ALEXANDER THOMAS, JJ.

W.A.No.347 of 2015

Dated this the 18th day of February, 2015

JUDGMENT

Antony Dominic, J.

1.Appellant filed w.P(C).3985/15 challenging Ext.P6 order passed by the Government exercising its power under section 101 of the Kerala Co-operative Societies Act, by relaxing the one year period prescribed in Rule 188A(c) of Kerala Co-operative Societies Rules. By this order, the Government have ordered that the 4th respondent be given appointment as dependent of a deceased employee of the society. While admitting the writ petition, learned single Judge passed order dated 9.2.2015 directing that compassionate appointment of the 4th respondent shall take place as directed and the same shall however be subject to the result of the writ petition. It is aggrieved by this order, the society has filed this appeal.

2.We heard learned counsel for the appellant and considered the submissions made before us.

3. According to the learned counsel for the appellant, this was not a case attracting section 101 and the remedy, if any, available to the 4th respondent against the order dated 11.1.2011 passed by the society rejecting her application was to move under section 69 of the Co-operative Societies Act. However, these are contentions on the merits of the matter which are yet to be gone into by the learned single Judge before whom the writ petition is pending. In such circumstances, it is premature for this Court to deal with those contentions and therefore, we refrain ourselves from examining these contentions now urged. As at present, the order dated 9.2.2015 passed by the learned single Judge is purely an interlocutory one and as the writ petition itself is pending, we do not think that the appellant has made out any case for interference by this Court.

writ appeal is dismissed.

Sd/-
ANTONY DOMINIC, Judge.

Sd/-
ALEXANDER THOMAS, Judge.

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PS to Judge