

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE V. CHITAMBARESH

WEDNESDAY, THE 28TH DAY OF JANUARY 2015/8TH MAGHA, 1936

WP(C).No. 2380 of 2015 (V)

PETITIONER:

J. RADHAKRISHNA KURUP, ACCOUNTANT,
THE ELAMKULAM SERVICE CO-OPERATIVE
BANK LTD. NO. 1878, KALLUVATHUKKAL BRANCH,
KALLUVATHUKKAL, KOLLAM.

BY ADV. SRI. M. TRIPTEN

RESPONDENTS:

1. BAIJU R., S/O. LATE RAMACHANDRA KURUP,
ACCOUNTANT, THE ELAMKULAM SERVICE
CO-OPERATIVE BANK LTD. NO. 1878, KALLUVATHUKKAL
BRANCH, KALLUVATHUKKAL, KOLLAM - 691 013.
2. ADMINISTRATIVE COMMITTEE, THE ELAMKULAM
SERVICE CO-OPERATIVE BANK LTD. NO. 1878
KALLUVATHUKKAL BRANCH, KALLUVATHUKKAL
KOLLAM - 691 578, REPRESENTED BY ITS PRESIDENT.
3. THE ELAMKULAM SERVICE CO-OPERATIVE BANK LTD. NO. 1878,
KALLUVATHUKKAL BRANCH, KALLUVATHUKKAL
KOLLAM - 691 578, REPRESENTED BY ITS SECRETARY.
4. THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL),
COLLECTORATE, KOLLAM - 691 013.

BY GOVERNMENT PLEADER SRI. T. R. RAJESH

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28-01-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1 TRUE PHOTOCOPY OF THE ORDER DATED 26.02.2014 OF THE 4TH
RESPONDENT.
- EXHIBIT P2 TRUE PHOTOCOPY OF THE JUDGMENT DATED 13.11.2014 IN W.P.(C)
NO.20746/2014.
- EXHIBIT P3 TRUE PHOTOCOPY OF THE ORDER DATED 15.12.2014 OF THE 4TH
RESPONDENT.
- EXHIBIT P4 TRUE PHOTOCOPY OF THE ORDER IN I.A.NO.71/2014 IN ARC NO.86/2014
OF THE ARBITRATION COURT, THIRUVANANTHAPURAM.

RESPONDENT(S)' EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

WP(C) NO. 2380 OF 2015

Dated this the 28th day of January, 2015

JUDGMENT

The petitioner apprehends that the first respondent will be posted as an Internal Auditor overlooking his seniority. The remedy if any is to move the arbitration court under Section 69 (2)(d) of the Kerala Co-operative Societies Act, 1969. The petitioner is also free to apply for interim reliefs in the arbitration case if any filed. The invocation of the jurisdiction under Article 226 of the Constitution of India under the circumstances is misconceived.

The Writ Petition is dismissed without prejudice to the right of the petitioner as above.

**V. CHITAMBARESH
JUDGE**

ncd