

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

MONDAY, THE 23RD DAY OF FEBRUARY 2015/4TH PHALGUNA, 1936

WP(C).No. 2806 of 2015 (A)

PETITIONER:

**KODAMTHURUTH KSHEEROLPADAKA SAHAKARANA SANGHAM LTD.
NO.A285(D) APCOS, REPRESENTED BY ITS PRESIDENT
KODAMTHURUTH, KUTHIATHODE P.O., PIN- 688 533**

BY ADVS.SRI.S.P.ARAVINDAKSHAN PILLAY

**SMT.N.SANTHA
SRI.K.A.BALAN
SRI.V.VARGHESE
SRI.PETER JOSE CHRISTO
SRI.S.A.ANAND
SRI.SAJU JOHN
SMT.L.ANNAPOORNA**

RESPONDENTS:

- 1. DEPUTY DIRECTOR, DAIRY DEVELOPMENT DEPARTMENT
ALAPPUZHA, PIN - 688 001**
- 2. SMITHA S., W/O.BAIJU, KURAVAMPURATH,
KODAMTHURUTH, KUTHIATHODE P.O., PIN - 688 533**
- 3. REMYAPRIYA R., SNEHASSERRY, OLAVAIPU P.O.,
ALAPPUZHA DISTRICT, PIN - 688 526**

**R1 BY GOVERNMENT PLEADER SRI. T. R. RAJESH
R2 BY ADVS. SRI.V.GARUN
SRI.T.R.HARIKUMAR**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
23-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

DCS

APPENDIX

PETITIONER(S)' EXHIBITS

- P1- TRUE COPY OF THE CIRCULAR NO.H-16350/94 DATED 24.04.1998**
- P2- TRUE COPY OF THE ORDER NO.E/542/2014 DATED 15.3.2014**
- P3- TRUE COPY OF THE NOTIFICATION IN THE 'DESHABHIMANI' DAILY DATED 30.10.2014**
- P4- TRUE COPY OF THE JUDGMENT DATED 12.1.2015 IN WP(C) NO.30150/2014-P OF THIS HONOURABLE COURT**
- P5- TRUE COPY OF THE APPOINTMENT ORDER OF SMT.AMBILI M**
- P6- TRUE COPY OF THE APPOINTMENT ORDER OF SRI.JAYESH T.**
- P7- TRUE COPY OF THE JOINING REPORT OF THE SMT.AMBILI M AS SECRETARY**
- P8- TRUE COPY OF THE JOINING REPORT OF SRI.JAYESH T. AS PROCUREMENT ASSISTANT**
- P9- TRUE COPY OF THE ORDER NO.C/2524/13 DATED 21.1.2015 OF THE 1ST RESPONDENT**
- P10- TRUE COPY OF THE ORDER DATED 21.1.2015 OF THE PRESIDENT OF THE SOCIETY**
- P11- TRUE COPY OF THE REPRESENTATION DATED 12.11.2013 OF THE 2ND RESPONDENT**
- P12- TRUE COPY OF THE LETTER DATED 22.1.2015 SENT TO THE 1ST RESPONDENT BY THE PRESIDENT OF THE SOCIETY**

RESPONDENT(S)' EXHIBITS:-

- R2(a) A TRUE COPY OF THE RELEVANT PORTION OF THE MINUTES OF THE MANAGING COMMITTEE MEETING OF THE PETITIONER SOCIETY HELD ON 15.07.2012, CONTAINING RESOLUTION NO. 2**
- R2(b) A TRUE COPY OF THE RELEVANT PORTION OF THE MINUTES OF THE MANAGING COMMITTEE MEETING OF THE PETITIONER SOCIETY HELD ON 09.09.2013, CONTAINING RESOLUTION NO. 9**

WP(C).No. 2806 of 2015 (A)

R2(c) A TRUE COPY OF THE RELEVANT PAGES OF THE MUSTER ROLL OF THE PETITIONER SOCIETY

R2(d) A TRUE COPY OF THE RELEVANT PAGES OF THE ACQUITTANCE REGISTER OF THE PETITIONER SOCIETY

R2(e) A TRUE COPY OF THE COMPLAINT FILE BY THE 2ND RESPONDENT BEFORE THE 1ST RESPONDENT DATED 21.01.2015

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). NO. 2806 OF 2015

Dated this the 23rd day of February, 2015

JUDGMENT

Ext. P10 decision of the petitioner society could not have been cancelled behind its back by the first respondent. This is so even if the power under Rule 176 of the Kerala Co-operative Societies Rules, 1969 is invoked. The petitioner society has not been heard before the first respondent issued Ext. P9 order in the instant case. Ext. P9 order is passed in violation of the principles of natural justice and hence I quash the same.

2. The first respondent can reconsider the issue with notice to the petitioner as well as respondents 2 and 3. The question whether the second respondent was a permanent appointee whose services can be terminated only after disciplinary action shall be probed into. Similarly the case as to whether the present incumbent was appointed at a time when her husband was in the Managing Committee shall be gone into. Also the impact of the pendency of the arbitration dispute pending before the Co-operative Arbitration Court shall be adverted to.

3. Needless to say that the present appointee by name Ambili M. shall also be put on notice and heard in the exercise. Fresh orders shall be passed within a period of one month from the date of production of a copy of this judgment. It is clarified that the jurisdiction of the first respondent can also be questioned by the petitioner society at the time of hearing. The petitioner society shall be permitted to operate the bank accounts as before till orders are passed anew by the first respondent.

The writ petition is disposed of.

**V. CHITAMBARESH
JUDGE**

DCS