

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE V. CHITAMBARESH

FRIDAY, THE 20TH DAY OF FEBRUARY 2015/1ST PHALGUNA, 1936

WP(C).No. 5343 of 2015 (P)

PETITIONER:

PRINCY SAMUEL, AGED 25 YEARS,
D/O. SAMUELKUTTY C.G.
SECRETARY (UNDER TERMINATION)
KSHEERA ULPADAKA CO-OPERATIVE
SOCIETY (KUCS), P.T. 136 (D), APCOS
THULAPPALLY P.O., PIN 686 510
PATHANAMTHITTA DISTRICT.

RESIDING AT CHARIVUKALAYIL, THULAPPALLY P.O.
PATHANAMTHITTA DISTRICT PIN 686 510.

BY ADV. SRI. NOBLE MATHEW

RESPONDENTS:

1. THE CHAIRMAN, SUB COMMITTEE,
KSHEERA ULPADAKA CO-OPERATIVE SOCIETY (KUCS),
P.T. 136 (D), APCOS, THULAPPALLY P.O. PIN 686 510
PATHANAMTHITTA DISTRICT.
2. KSHEERA ULPADAKA CO-OPERATIVE SOCIETY (KUCS)
P.T. 136(D), APCOS, THULAPPALLY P.O. PIN 686 510,
PATHANAMTHITTA DISTRICT, REPRESENTED BY ITS PRESIDENT.
3. THE DEPUTY DIRECTOR, DAIRY DEVELOPMENT
DEPARTMENT, PATHANAMTHITTA 689 645.
4. DAIRY FARM INSTRUCTOR, DAIRY
EXTENSION SERVICE UNIT, RANNI 689 672.
5. THE DIRECTOR, DAIRY DEVELOPMENT
DEPARTMENT, THIRUVANANTHAPURAM 695 001.
6. THE CONCURRENT AUDITOR,
MILMA BHAVAN, PATTOM,
THIRUVANANTHAPURAM 695 004.
7. THE REGISTRAR OF CO-OPERATIVE SOCIETIES,
THIRUVANANTHAPURAM 695 001.

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8. SHRI. K.K. KOCHUKUNJU, ADVOCATE,
REVENUE TOWER, THIRUVALLA P.O.,
ENQUIRY OFFICER 689 101.
9. STATE OF KERALA REPRESENTED BY
THE SECRETARY, DEPARTMENT OF
DAIRY DEVELOPMENT DEPARTMENT,
THIRUVANANTHAPURAM PIN 695 001.

BY GOVERNMENT PLEADER SRI. GIKKU JACOB N

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 20-02-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) EXHIBITS

- EXHIBIT P1 : TRUE COPY OF THE SHOWCAUSE NOTICE ISSUED BY THE FIRST RESPONDENT DATED 15.02.2014 TO THE PETITIONER.
- EXHIBIT P2 : TRUE COPY OF THE PRELIMINARY REPORT DATED NIL OF THE 4TH RESPONDENT
- EXHIBIT P3 : TRUE COPY OF THE REPLY DATED 17.02.2014 SUBMITTED BY THE PETITIONER TO EXHIBIT P1 SHOW CAUSE NOTICE.
- EXHIBIT P4 : PHOTOSTAT COPY OF THE PROCEEDINGS OF THE 3RD RESPONDENT DATED 24.03.2014.
- EXHIBIT P5 : PHOTOSTAT COPY OF THE ILLEGAL IRREGULAR AND ABINITIO VOID SUSPENSION ORDER ISSUED BY THE FIRST RESPONDENT TO SUSPEND THE PETITIONER.
- EXHIBIT P6 : PHOTOSTAT COPY OF THE COUNTER AFFIDAVIT FILED ON BEHALF OF THE RESPONDENTS 1 AND 2.
- EXHIBIT P7 : PHOTOSTAT COPY OF THE JUDGMENT OF THIS HONOURABLE COURT DATED 14.07.2014.
- EXHIBIT P8 : PHOTOSTAT COPY OF THE LETTER ISSUED ALONG WITH EXHIBIT P7.
- EXHIBIT P9 : PHOTOSTAT COPY OF THE LETTER RECEIVED BY THE COUNSEL OF THE PETITIONER ON 25.07.2014.
- EXHIBIT P10 : PHOTOSTAT COPY OF THE SECOND ILLEGAL SUSPENSION ORDER DATED 24.07.2014.
- EXHIBIT P11 : PHOTOSTAT COPY OF THE COUNTER AFFIDAVIT FILED BY RESPONDENT NO. 3 IN WP(C) NO. 19626 OF 2014.
- EXHIBIT P12 : PHOTOSTAT COPY OF THE AUDIT REPORT SUBMITTED BY RESPONDENT NO. 6.
- EXHIBIT P13 : PHOTOSTAT COPY OF THE REPLY FILED BY THE PETITIONER ON 05.01.2015.
- EXHIBIT P14 : PHOTOSTAT COPY OF THE LETTER ISSUED BY THE 1ST RESPONDENT TO THE PETITIONER ON 10.07.2014.
- EXHIBIT P15 : PHOTOSTAT COPY OF THE REPORT OF THE DOMESTIC ENQUIRY OFFICER DATED 07.07.2014.
- EXHIBIT P16 : PHOTOSTAT COPY OF THE REPLY SENT TO THE 1ST RESPONDENT DATED 12.07.2014.
- EXHIBIT P17 : PHOTOSTAT COPY OF THE LETTER INTIMATING TERMINATION TO THE PETITIONER DATED 17.01.2015.

RESPONDENT(S) EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

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Dated this the 20th day of February, 2015

JUDGMENT

Ext.P17 order terminating the services of the petitioner as the Secretary of the second respondent Society is impugned. The petitioner is at liberty to challenge Ext.P17 order in appeal to the Board of Management under Rule 198(4) of the Kerala Co-operative Societies Rules. The petitioner can also raise a dispute in connection with his employment in terms of Section 69(2)(d) of the Kerala Co-operative Societies Act. I fortified in this view by the Full Bench decision of this court in **The Pallichal Farmers Service Co-operative Bank Ltd. Vs. State of Kerala [2015(1)KLT 347 (FB)]**.

It will be inappropriate to entertain this writ petition under Article 226 of the Constitution of India at this juncture. The writ petition is dismissed without prejudice to the right of the petitioner as indicated above.

**V. CHITAMBARESH
JUDGE**