

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

TUESDAY, THE 13TH DAY OF OCTOBER 2015/21ST ASWINA, 1937

WP(C).No. 14249 of 2007 (U)

PETITIONER :

**K.P.ANILKUMAR, JUNIOR CLERK,
MATTANCHERRY MAHAJANIK CO-OPERATIVE BANK LIMITED
PALLIARAKKAVU ROAD, KOCHI-2.**

BY ADV. SRI. P. RAMAKRISHNAN

RESPONDENT(S) :

- 1. MATTANCHERRY MAHAJANIK CO-OPERATIVE BANK LIMITED,
PALLIARAKKAVU ROAD, KOCHI-2
REPRESENTED BY ITS GENERAL MANAGER.**
- 2. THE DISTRICT OFFICER,
KERALA PUBLIC SERVICE COMMISSION,
DISTRICT OFFICE, ERNAKULAM.**
- 3. THE ASSISTANT REGISTRAR (GENERAL),
OFFICE OF THE ASSISTANT REGISTRAR (GENERAL),
KOCHI-1.**

**R2 BY ADV. SRI.ALEXANDER THOMAS, SC
R3 BY GOVT. PLEADER SRI.SOJAN JAMES**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13-10-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

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APPENDIX

PETITIONER'S EXHIBITS :

- EXT.P1 : COPY OF NOTIFICATION DATED 01/02/99 PUBLISHED IN MATHRUBHOOMI DAILY OF 4/2/99.
- EXT.P2 COPY OF PROCEEDINGS OF THE 1ST RESPONDENT DATED 5/5/99.
- EXT.P3 COPY OF LETTER DATED 14/6/99 ISSUED BY THE 1ST RESPONDENT.
- EXT.P4 COPY OF JUDGMENT DATED 6/2/04 IN OP NO. 14624/99.
- EXT.P5 COPY OF REPRESENTATION DATED 28/4/05 SUBMITTED BY THE PETITIONER TO THE 1ST RESPONDENT.
- EXT.P6 COPY OF JUDGMENT DATED 3/9/06 IN WP(C) NO. 16249/06.
- EXT.P7 COPY OF NOTIFICATION PUBLISHED IN MATHRUBHOOMI THOZHIL VARTHA DATED 13/5/06.
- EXT.P8 COPY OF LETTER DATED 11/4/07 FROM THE 2ND RESPONDENT TO THE PETITIONER.
- EXT.P9 COPY OF LETTER DATED 19/4/07 FROM THE PETITIONER TO THE 1ST RESPONDENT.
- EXT.P10 COPY OF INTERIM ORDER DATED 24/4/07 IN WP(C) NO. 13772/07.
- EXT.P11 COPY OF REPRESENTATION DATED 26/4/07 SUBMITTED BY THE PETITIONER TO THE 3RD RESPONDENT.

RESPONDENT'S EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 14249 of 2007

Dated this the 13th day of October, 2015

J U D G M E N T

The petitioner alleges that he was selected and appointed as Junior Clerk in the 1st respondent bank pursuant to a regular method of selection. His appointment with effect from 06.05.1999 was initially made provisional on account of the Joint Registrar's intervention. However, the proceedings of the Joint Registrar was held to be unsustainable and quashed as per Ext.P4 judgment dated 06.02.2004. Subsequently, as per Ext.P6 judgment, this Court directed the bank to grant the benefit of confirmation in service with effect from 06.05.1999 sought in Ext.P5. However, when the petitioner sought a service certificate reckoning his service from 06.05.1999 for the purpose of selection to the post of Clerk/Cashier in the District Co-operative Bank, the Assistant Registrar refused the same on the

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ground that the bank has given confirmation only with effect from 06.02.2004, viz., the date of Ext.P4 judgment. According to the petitioner, the stand taken by the 1st respondent is arbitrary, illegal and against Exts.P4 & P6 judgments. It is with this background, the petitioner has come up before this Court.

2. This Court, as per interim order dated 11.05.2007, directed the respondent to issue service certificate as sought for in Ext.P8.

As the very purpose sought to be achieved by the filing of this writ petition has been served, the writ petition is closed making the interim order absolute.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

bka/-