

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

WEDNESDAY, THE 18TH DAY OF NOVEMBER 2015/27TH KARTHIKA, 1937

WP(C).No. 8471 of 2014 (H)

PETITIONER(S):

**K. KOOLIKAN,
BRANCH MANAGER-IN-CHARGE,
PALAKKAD DISTRICT CO-OPERATIVE BANK,
MANNARKKAD BRANCH, PALAKKAD P.O., PALAKKAD.**

**BY ADVS.SRI.P.N.MOHANAN
SMT.J.VINAYAKUMARI
SRI.K.S.ARUNDAS
SRI.C.P.SABARI**

RESPONDENT(S):

- 1. THE REGISTRAR OF CO-OPERATIVE SOCIETIES,
THIRUVANANTHAPURAM-695 001.**
- 2. PALAKKAD DISTRICT CO-OPERATIVE BANK,
REPRESENTED BY GENERAL MANAGER, PALAKKAD-678 001.**

**R1 BY GOVERNMENT PLEADER SRI.P.M.JOSEPH
R2 BY ADV. SRI.M.SASINDRAN, SC**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
18-11-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1: A TRUE COPY OF THE ORDER DATED 10.5.2008 OF THE SECOND RESPONDENT.

EXHIBIT P2: A TRUE COPY OF THE ORDER DATED 22.5.2008 OF THE SECOND RESPONDENT.

EXHIBIT P3: A TRUE COPY OF THE ORDER DATED 11.6.2009 OF THE SECOND RESPONDENT.

EXHIBIT P4: A TRUE COPY OF THE ORDER DATED 26.5.2011 OF THE SECOND RESPONDENT.

EXHIBIT P5: A TRUE COPY OF THE ORDER DATED 12.6.2013 OF THE FIRST RESPONDENT.

EXHIBIT P6: A TRUE COPY OF THE JUDGMENT DATED 9.12.2013 IN WPC NO.18999/2013.

EXHIBIT P7: A TRUE COPY OF THE JUDGMENT DATED 11.12.2013 IN WPC NO.13940/13.

EXHIBIT P8: A TRUE COPY OF THE JUDGMENT DATED 3.12.2013 IN WPC NO.25804/13.

EXHIBIT P9: A TRUE COPY OF THE JUDGMENT DATED 28.1.14 IN WPC NO.773/14.

EXHIBIT P10: A TRUE COPY OF THE EXEMPTION ORDER DATED 24.2.2014 OF THE FIRST RESPONDENT.

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

A.M. SHAFFIQUE, J.

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W.P. (C) No. 8471 of 2014

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Dated this, the 18th day of November, 2015

J U D G M E N T

Petitioner had approached this Court seeking to challenge Ext.P5 by which the request for approving his appointment as Branch Manager has been rejected by the Joint Registrar of Co-operative Societies.

2. During the pendency of this writ petition, an interim order was passed by this Court directing the Government to consider the claim of the petitioner as to whether any exemption could be granted in respect of his qualification. Registrar granted exemption as per order dated 31/3/2015 and the Managing Committee by proceedings dated 4/8/2015 has promoted the petitioner as Branch Manager. The order of appointment reads as under;

"Sri.K.Koolikkan, Senior Accountant in-charge of Branch Manager, Alanallur Branch is temporarily promoted as Branch Manager in the scale of pay of Rs.19670-55090 and allowed to continue at Alanallur Branch. He is directed to join duty and submit report.

-:2:-

Promotion of Sri.K.Koolikkan, Senior Accountant in-charge of Branch Manager as Branch Manager is purely temporary and subject to the following conditions.

- 1) It will be subject to further orders from the Hon'ble Supreme Court of India in the SLP (c) CC No.5708-5709 of 2008 and connected cases and in other cases which may be further considered by the Supreme Court and any other cases which may be considered by Hon'ble High Court & Supreme Court.*
- 2) It will be subject to the order of the Registrar of Co-operative Societies and the Government of Kerala in this regard.*
- 3) The promotion is purely temporarily and he will be reverted as and when Public Service Commission hands joints duty as Branch Manager.*
- 4) It will be subject to the undertaking by them that he will refund the amounts so paid to his and authorising the bank to recover the said amount from his salary or from any other benefits due to his including Gratuity, Provident Fund etc., on reversal of the promotion on any circumstance.*

He should submit an undertaking as to the above along with joining report."

3. Learned counsel also relied upon the judgment in **C.K.Narayanan v. The Mathil Service Co-op. Bank Ltd. & Ors** (2014 (2) KLJ 703) for the proposition that once exemption is granted, the employee will be entitled for all the benefits of the

-:3:-

promotion from the date of resolution granting permission.

4. Now the only subsisting grievance of the petitioner is that he was not paid salary in the post of Branch Manager for the period with effect from the date of Ext.P1. Having regard to the fact that such an issue was not germane for consideration in the present writ petition, it shall be open for the petitioner to approach the Bank seeking appropriate reliefs claiming salary.

With the above observation, this writ petition is closed.

Sd/-

A.M. SHAFFIQUE, JUDGE

Rp

18/11/2015

//True Copy//

PS to Judge