

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE**

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

**WP(C).No. 8709 of 2014 (K)**

**RP. NO.31/2013 OF KERALA CO-OPERATIVE TRIBUNAL,  
THIRUVANANTHAPURAM.**

**.....**

**PETITIONER(S):**

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**MOLY C.I., W/O.FR.GEORGE MATTAM,  
AGED 63 YEARS, MATTATHIL VEEDU,  
CHUVANNAMANNU, THRISSUR - 680 652.**

**BY ADVS.SRI.BIJU ABRAHAM,  
SMT.ASHA B.MATHEW.**

**RESPONDENT(S):**

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- 1. THE PANANCHERY SERVICE CO-OPERATIVE BANK,  
PANANCHERRY, PATTIKADU, THRISSUR,  
REPRESENTED BY ITS SECRETARY, PIN- 680 652.**
- 2. THE JOINT REGISTRAR (GENERAL),  
CO-OPERATIVE SOCIETIES, AYYANTHOL,  
THRISSUR -680 003.**
- 3. THE KERALA CO-OPERATIVE TRIBUNAL,  
THIRUVANANTHAPURAM,  
REPRESENTED BY ITS SECRETARY,  
THIRUVANANTHAPURAM-695 001.**

**R1 BY ADV. SRI.M.SASINDRAN  
R2 BY GOVT. PLEADER SMT.ROSE MICHAEL.**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD  
ON 28-01-2015, THE COURT ON THE SAME DAY DELIVERED  
THE FOLLOWING:**

**rs.**

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P-1: A TRUE COPY OF THE JUDGMENT IN W.A.NO.1022/2010 DATED 23.07.2010 OF THIS HON'BLE COURT.
- EXT.P-2: A TRUE COPY OF THE JUDGMENT CON.CASE (C) NO.1176/10 DATED 20.12.2010 OF THIS HON'BLE COURT.
- EXT.P-3: A TRUE COPY OF THE PLAINT IN ARC NO.1721/2009 BEFORE THE ARBITRATOR CO-OPERATIVE, THRISSUR.
- EXT.P-4: A TRUE COPY OF THE COUNTER AFFIDAVIT FILED IN ARC. 1721/2009 BEFORE THE ARBITRATOR CO-OPERATIVE, THRISSUR DATED 02.03.2011.
- EXT.P-5: A TRUE COPY OF THE ORDER DATED 23.01.2013 OF THE 2ND RESPONDENT.
- EXT.P-6: A TRUE COPY OF THE RESOLUTION NO.11 DATED 10.08.2009 OF THE 1ST RESPONDENT SOCIETY.
- EXT.P-7: A TRUE COPY OF THE RELEVANT PORTION OF THE BYE LAW OF THE 1ST RESPONDENT SOCIETY.
- EXT.P-8: A TRUE COPY OF THE ORDER IN REVISION PETITION NO.31/2013 ON THE FILES OF KERALA CO-OPERATIVE TRIBUNAL, THIRUVANANTHAPURAM DATED 24.02.2014.

RESPONDENT'S EXHIBITS:-

NIL.

//TRUE COPY//

P.A TO JUDGE

rs.

**A.M.SHAFFIQUE, J**

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W.P.C.No.8709 of 2014

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Dated this the 28<sup>th</sup> day of January 2015

**J U D G M E N T**

Petitioner has approached this Court seeking the following reliefs:

*“A. An order setting aside Ext.P8 order by restoring Ext.P5 order of the 2<sup>nd</sup> respondent by holding that the Secretary in-charge of the 1<sup>st</sup> respondent is not authorized to file the arbitration proceedings as against the petitioner.*

*B. Any other appropriate order or direction as this Hon'ble Court deem fit and proper on the facts and in the circumstances of the case and allow this original petition with cost for the ends of justice.”*

2. The facts involved in the writ petition would disclose that the petitioner retired from the service of the 1<sup>st</sup> respondent Service Co-operative Bank on 31/05/2009. The Joint Registrar, Co-operative Societies decided to cancel the promotion given to the petitioner with effect from

15/10/2003 and she was appointed as Accountant of the Society as per order dated 16/10/2003. The matter came to be challenged by filing an Arbitration Request as ARC No.1721/2009 by the Society before the Assistant Registrar of Co-operative Societies which was rejected as per order dated 02/03/2011 against which the Society preferred revision petition before the Tribunal which was allowed by Ext.P8 dated 24/02/2014 and the matter was remitted back to the Arbitrator for deciding the issue afresh. It is, against the order of remittance, that this writ petition has been filed.

3. During the course of hearing, the learned counsel for the petitioner submits that appropriate directions may be issued to dispose of the matter pending before the Arbitrator within a time frame.

4. Heard Learned counsel for the petitioner and the learned counsel appearing for the respondents.

5. Having regard to the limited nature of relief sought for, there will be a direction to the Arbitrator to dispose of

ARC No.1721/2009 within a period of three months from the date of receipt of a copy of this judgment.

This writ petition is disposed of as above.

**(A.M.SHAFFIQUE, JUDGE)**

jsr



