

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

WEDNESDAY, THE 5TH DAY OF AUGUST 2015/14TH SRAVANA, 1937

WP(C).No. 13799 of 2011 (Y)

PETITIONER : -

T.S.SEENA, KALLEPULIKKAL HOUSE,
ADIMALI P.O., IDUKKI, ATTENDER,
THE HIGHRANGE URBAN CO-OPERATIVE SOCIETY LTD.
NO.1-556, ADIMALI, IDUKKI.

BY ADVS.SRI.B.S.SWATHI KUMAR
SMT.ANITHA RAVINDRAN

RESPONDENTS :-

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1. THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETY,
PAINAVU, IDUKKI-685 603.
 2. THE HIGHERANGE URBAN CO-OPERATIVE
SOCIETY LTD.NO.1-556, ADIMALI P.O., IDUKKI,
REP.BY ITS SECRETARY,PIN-685 561.

R2 BY ADV.SRI.BIJU ABRAHAM
R1 BY GOVERNMENT PLEADER SRI. G. GOPAKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
05-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS :

EXHIBIT P1 : COPY OF THE ORDER No.SCTM 2544/2008 DATED 27.06.2008 OF THE 1st RESPONDENT.

EXHIBIT P2 : COPY OF THE ORDER No. SCTM 6170/09 DATED 30.09.2009 OF THE 1st RESPONDENT.

EXHIBIT P3 : COPY OF THE ORDER No. SCTM 497309 DATED 28.08.2009 OF THE 1st RESPONDENT.

EXHIBIT P4 : COPY OF THE PETITION FILED BY THE PETITIONER BEFORE THE 1st RESPONDENT DATED 02.12.2010.

RESPONDENTS' EXHIBITS :

EXHIBIT R2(a) : COPY OF THE DECISION TAKEN IN THE MEETING OF THE MANAGING COMMITTEE DATED 30.12.2005.

EXHIBIT R2(b) : COPY OF THE LETTER DATED 30.07.2007 OF 1st RESPONDENT.

EXHIBIT R2(c) : COPY OF THE LETTER DATED 23.10.2007 OF THE 1st RESPONDENT.

EXHIBIT R2(d) : COPY OF THE RELEVANT PORTION OF THE MINUTES DATED 28.01.2008 OF THE MANAGING COMMITTEE OF THE SOCIETY.

EXHIBIT R2(e) : COPY OF THE RELEVANT PORTION OF THE RESOLUTION DATED 30.05.2008.

EXHIBIT R2(f) : COPY OF THE DECISION NO.III DATED 14.03.2013 OF THE HIGH RANGE URBAN CO-OPERATIVE SOCIETY.

// TRUE COPY //

P.A. TO JUDGE

DMR/-

DAMA SESHADRI NAIDU, J.

W.P.(c) No. 13799 of 2011

Dated this the 05th day of August, 2015

JUDGMENT

Heard the learned counsel for the petitioner, the learned counsel for the respondent, as well as the learned Government Pleader, apart from perusing the record. Since the issue lies in a narrow compass, this Court proposes to dispose of the writ petition at the admission stage itself.

2. Briefly stated, the petitioner joined the service of the second respondent Society as Attender on 02.01.2006. The appointment is said to be in terms of Rule 188 of the Kerala Co-operative Societies Rules. In course of time, the first respondent, through order dated 28.08.2009, directed the second respondent to take steps to grant to the petitioner the scale of pay fixed for the post of Attender from the date on which Smt. Bindhu Roy, the Secretary of the Society, was extended the benefit. As the second respondent

did not act on the directive of the first respondent, the petitioner has submitted Exhibit P4 representation before the first respondent. Questioning the in-action on the part of the first respondent in considering Exhibit P4, the petitioner has filed the present writ petition.

3. As can be seen from the record, the respondent filed I.A. No. 5076/2013 on 30.03.2013. A portion of the affidavit filed in support of the Interlocutory Application reads as follows:

"3. The above writ petition had been filed by the 1st respondent herein 1st petitioner claiming salary benefits and other service benefits based on her original appointment as attender in the society. The said dispute is the subject matter in W.P. (C) No. 30358/2008 pointing out all these aspects society had filed a detailed counter affidavit as early as in June 2011. Now the new committee of the society had decided to end the dispute between Smt. Seena T.S. and another attender appointed to the post by name Sunilkumar. Based on the decision of the administrative committee of the society dated 14.03.2013 the appointment and posting of Smt. Seena T.S. to the post of clerk and Mr. Sunilkumar to the post of clerk had been regularized and decided to end the litigation.

The parties to the litigation are also directed to submit these facts before this Hon'ble Court."

4. Both the learned counsel for the petitioner and the learned counsel for the respondent Bank have submitted in unison that in the light of the decision taken by the managing committee, the cause espoused by the petitioner no longer survives for consideration. Eventually, both the learned counsel have requested the Court to record the statement made by the respondent Bank in the Interlocutory Application and close the writ petition.

In the facts and circumstances, having regard to the respective submissions of the learned counsel for the petitioner and the learned counsel for the respondent Bank, especially in the light of the plea taken by the respondent Bank in I.A. No.5076/2013, this Court closes the writ petition as having not survived for consideration.

**DAMA SESHADRI NAIDU
JUDGE**

DMR/-