

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 7TH DAY OF APRIL 2015/17TH CHAITHRA, 1937

WP(C).No. 13035 of 2014 (D)

PETITIONER(S):

BINOY C.J. AGED 36 YEARS
S/O. JOSEPH, CHEMPANECKAL HOUSE, AYYAPPANKOVIL P.O.
IDUKKI DISTRICT-685 507.

BY ADV. SRI.M.K.CHANDRA MOHANDAS

RESPONDENT(S):

1. REGISTRAR OF CO-OPERATIVE SOCIETIES
DEPARTMENT OF CO-OPERATION
OFFICE OF THE REGISTRAR OF CO-OPERATIVE SOCIETIES
STATUE, THIRUVANANTHAPURAM-695 001.

2. JOINT REGISTRAR (GENERAL)
OFFICE OF THE JOINT REGISTRAR (GENERAL), IDUKKI
PAINAVU-685 508.

3. ASSISTANT REGISTRAR (GENERAL)
UDUMBANCHOLA-685 517.

4. AYYAPPANKOVIL SERVICE CO-OPERATIVE BANK LTD.NO.3558
H.O.MATTUKATTA, AYYAPPANKOVIL P.O., PIN-685 507
REPRESENTED BY ITS PRESIDENT.

5. K.J.KUTTIACHAN
PRESIDENT
AYYAPPANKOIL SERVICE CO-OPERATIVE BANK LTD.NO.3558
H.O.MATTUKATTA, AYYAPPANKOIL P.O., PIN-685 507.

BY SRI.LIJI.J.VADAKEDOM
R5 BY ADV. SRI.RAJEEV JYOTHISH GEORGE
R BY GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
07-04-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 13035 of 2014 (D)

APPENDIX

EXHIBITS

P1 : A TRUE COPY OF THE CIRCULAR NO.EM(4)12718/05 DTD.13.4.2005 ISSUED BY THE 1ST RESPONDENT.

P2 : A TRUE COPY OF THE LETTER NO.CRP.5577/10 DTD.17.8.2010 FROM THE 2ND RESPONDENT TO THE PETITIONER.

P3 : A TRUE COPY OF THE LETTER NO.CRP.1188/12 DTD.27.2.2012 FROM THE 2ND RESPONDENT.

P4 : A TRUE COPY OF THE COMPLAINT DTD.8.8.2012 SUBMITTED BY THE PETITIONER TO THE 2ND RESPONDENT.

P5 : A TRUE COPY OF THE LETTER NO.CRP.7810/12 DTD.10.12.2012 FROM THE 2ND RESPONDENT TO THE 3RD RESPONDENT.

P6 : A TRUE COPY OF THE REPRESENTATION DTD.17.12.2012 SUBMITTED BY THE PETITIONER TO THE 2ND RESPONDENT.

P7 : A TRUE COPY OF THE PETITION SUBMITTED BY THE PETITIONER TO THE VIGILANCE AND ANTI CORRUPTION BUREAU.

P8 : A TRUE COPY OF THE REPLY NO.E6-1435/2013 DTD.22.2.2013 FROM THE VIGILANCE AND ANTI CORRUPTION BUREAU.

P9 : A TRUE COPY OF THE REPRESENTATION DTD.18.1.2013 SUBMITTED BY THE PETITIONER TO THE HON'BLE CHIEF MINISTER.

P10: A TRUE COPY OF THE JUDGMENT DTD.29.7.2013 IN WPC NO.18766/2013.

P11: A TRUE COPY OF THE LETTER NO.CRP.4440/2013 DTD.2.1.2014 FROM THE 2ND RESPONDENT TO THE PETITIONER.

R5(a)- COPY OF THE REQUEST DATED 21.2.2008 SUBMITTED BY THE PETITIONER BEFORE R4 BANK

R5(b)- COPY OF THE LEAVE APPLICATION SUBMITTED BY THE PETITIONER ON 27.6.2008 BEFORE R4 BANK

R5(c)- COPY OF THE APPLICATION DATED 18.9.2008 FOR CANCELLATION OF LEAVE

R5(d)- COPY OF THE ORDER DATED 1.12.2010 IN CRP NO.7432/2010 PASSED BY THE JOINT REGISTRAR

WP(C).No. 13035 of 2014 (D)

-2-

R5(e)- COPY OF THE STATEMENT DATED 6.1.2011

R5(f)- COPY OF THE LETTER DATED 16.4.2011 ISSUED FROM THE 4TH
RESPONDENT BANK OF THE PETITIONER

R5(g)- COPY OF THE COMMUNICATION DATED 29.12.2011 ISSUED BY THE 2ND
RESPONDENT TO THE PETITIONER

//True Copy//

P.S.To Judge

K. VINOD CHANDRAN, J.

W.P.(C) No.13035 of 2014

Dated this the 14th day of October 2014

J U D G M E N T

The petitioner is aggrieved with non-implementation of Ext.P1 Circular, which directed that the collection agents appointed by the Co-operative Banks be regularised as Peons by creating sufficient number of vacancies. The petitioner has sought for appointment to one of the existing vacancies as also regularisation under the respondent Bank. The application made before the Joint Registrar for the very same purpose was dismissed.

2. Learned counsel for the respondent Bank submits that they have filed counter affidavit in which it is clearly stated that the petitioner resigned his job as collection agent in the year 2011. Ext.R5(e) is his resignation letter. In the reply affidavit, the petitioner does not admit the

-: 2 :-

resignation letter produced as Ext.R5(e), but contends that it was under coercion. Having admitted the resignation, as per Ext.R5(e) on 6.1.2011, the petitioner cannot re-agitate his grievance by the present writ petition in 2014. Admittedly the petitioner was out of employment from 2011 onwards and he chose to remain out of employment all these years.

In such circumstances, there is no surviving grievance for the petitioner and the Writ Petition is dismissed as infructuous.

Sd/-
K. VINOD CHANDRAN,
JUDGE.