

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

TUESDAY, THE 8TH DAY OF SEPTEMBER 2015/17TH BHADRA, 1937

WP(C).No. 17147 of 2010 (P)

PETITIONER(S):

**M.SANKARAN, SANKARALAYAM,
VALIYAKULANGARA, OACHIRA PO, KOLLAM.**

BY ADV. SRI.D.SREEKUMAR

RESPONDENT(S):

**1. THE JOINT REGISTRAR, CO-OPERATIVE SOCIETIES(GENERAL),
KOLLAM.**

**2. THE OACHIRA SERVICE CO-OPERATIVE BANK LTD.,
NO.1391, VALIYAKULANGARA, OACHIRA
REPRESENTED, BY ITS SECRETARY.**

**3. THE DIRECTOR BOARD OF OACHIRA SERVICE
CO-OPERATIVE BANK LTD., NO.1391, VALIYAKULANGARA
OACHIRA PO, KOLLAM, REPRESENTED BY ITS PRESIDENT.**

**4. REGISTRAR OF CO-OPERATIVE SOCIETIES,
THIRUVANANTHAPURAM.**

R2 BY ADV. SRI.K.P.PRADEEP

R3 BY ADV. SRI.K.SIJU

R1 BY ADV. GOVERNMENT PLEADER

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 08-09-
2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS:-

EXHIBIT-P1-A TRUE COPY OF THE ORDER GRANTING 10 YEARS HIGHER GRADE FIXATION OF PAY.

EXHIBIT-P2-A TRUE COPY OF THE ORDER GRANTING 20 YEARS HIGHER GRADE FIXATION OF PAY.

EXHIBIT-P3- A TRUE COPY OF THE REPRESENTATION SUBMITTED BEFORE THE 3RD RESPONDENT PRESIDENT OF THE DIRECTOR BOARD.

EXHIBIT-P4-A TRUE COPY OF THE REPRESENTATION DATED 24/05/2010.

RESPONDENT'S EXHIBITS:-

EXHIBIT R1(A)-TRUE COPY OF THE ORDER NO.CRP(2) 5895/2004 DATED 27.09.2014.

EXHIBIT R2(A)- THE COPY OF ORDER NO.RP(2) 5895/2004 DATED 27.9.2004.

R.AV

//TRUE COPY//

PA TO JUDGE

K. ABRAHAM MATHEW, J.

W.P.C.No.17147 of 2010

Dated this the 8th day of September, 2015

J U D G M E N T

On 01.07.1971 the petitioner was appointed a sales man in Ochira Service Co-operative Bank Ltd No.1391. On 01.07.1980 he was appointed attender. After 10 years, he became entitled to the first higher grade. So on 27.04.1991 he was given the first higher grade by Ext.P1 order. As he was entitled to the second higher grade after 20 years of service, by Ext.P2 order he was given it on 28.08.2002. His service as salesman was regularised with effect from 01.12.1972. He was 'promoted' as appraiser on 20.02.2004 by Ext.R2(a) order. He was denied the third and fourth higher grades on the ground that as appraiser he had worked only from 2004 and his earlier period of service cannot be counted for those higher grades. This is challenged in this writ petition.

2. Heard.

3. At the time of his retirement on 31.03.2009 the scale of salary of the petitioner was only Rs.4372 – 9180. If he had been given the third and fourth higher grades on

01.07.2005 and 01.07.2008 on which dates he had completed 25 years and 28 years respectively after joining the society on 01.07.1971 his scale would have been Rs.4815 – 10500 and 4945 – 10780. Exts.P3 and P4 representations filed by him were not considered by the authorities concerned.

4. It is not in dispute that if the petitioner had not been promoted as appraiser he would have got the third and fourth higher grades before his retirement. It is submitted that when he was 'promoted' as appraiser he did not get any monetary benefit. So the promotion became a curse to him. His only request is to ignore his promotion and allow him the grades he would have become entitled to but for his 'promotion' which was without any benefits. In Ext.R2(a) order issued by the first respondent it is stated that his earlier period of service would not be taken into account for the purpose of higher grade. I think this is a gross injustice to him. If he had not been 'promoted' he would have got the third and fourth higher grades before his retirement. It is against natural justice to deny him the benefits. So I am inclined to grant his prayer.

In the result, this writ petition is allowed.

The second respondent is directed to grant the petitioner the third and fourth higher grades on 01.07.2005 and 01.07.2008 respectively and give him all the benefits arising from it. The amount shall be disbursed within three months with 7% interest per annum from the due dates.

sd/-
K. ABRAHAM MATHEW
JUDGE

R.AV

//True Copy//

PA to Judge