

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

FRIDAY, THE 27TH DAY OF NOVEMBER 2015/6TH AGRAHAYANA, 1937

WP(C).No. 16585 of 2014 (W)

PETITIONER:

K.V. DELPHINE, AGED 58 YEARS,
W/O.A.O.GEORGE, RESIDING AT AREKKAL HOUSE,
P.O.WEST CHALAKUDY, PIN 680 307, THRISSUR DISTRICT.

BY ADVS.SRI.THAMPAN THOMAS
SRI.B.V.JOY SANKER
SRI.SHAFFIE THOMAS
SMT.JANCY ALEX
SRI. SANEESH KUNJUNJH

RESPONDENTS:

1. THE STATE OF KERALA,
REPRESENTED BY THE PRINCIPAL SECRETARY,
CO-OPERATIVE DEPARTMENT, THIRUVANANTHAPURAM.
2. THE THUMBOOR SERVICE CO-OPERATIVE BANK LTD.NO.359
THUMBOOR, VELLANGALLOOR (VIA), THRISSUR DISTRICT.
PIN 680 662, REPRESENTED BY ITS SECRETARY.
3. THE MANAGING COMMITTEE,
THE THUMBOOR SERVICE CO-OPERATIVE BANK LTD.NO.359,
THUMBOOR,
VELLANGALLOOR (VIA), THRISSUR DISTRICT - 680 662,
REPRESENTED BY PRESIDENT.

R2,R3 BY ADV. SRI.P.N.MOHANAN
R BY SRI. G. GOPAKUMAR, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
27-11-2015, ALONG WITH WPC. 16586/2014, THE COURT ON THE
SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 16585 of 2014 (W)

: 2 :

APPENDIX

PETITIONER'S EXHIBITS :

EXHIBIT-P1: TRUE COPY OF THE CHARGE SHEET DATED 12.11.2011.

EXHIBIT-P2: TRUE COPY OF THE ENQUIRY REPORT DATED 31.05.2012.

EXHIBIT-P3: TRUE COPY OF THE APPLICATION DATED 16.11.2012.

EXHIBIT-P4: TRUE COPY OF THE REQUEST LETTER DATED 03.03.2012.

EXHIBIT-P5: TRUE COPY OF THE REPLY LETTER DATED 07.03.2012 OF THE
ENQUIRY OFFICER.

EXHIBIT-P6: TRUE COPY OF THE ORDER DATED 27.05.2014.

RESPONDENTS' EXHIBITS: NIL

/True Copy/

P.A to Judge.

DAMA SESHADRI NAIDU, J.

W.P. (C) Nos. 16585 & 16586 of 2014

Dated this the 27th day of November, 2015.

JUDGMENT

Heard both sides.

2. In the face of the objection taken by the respondents on the grounds of alternative remedy, the learned counsel for the petitioners has submitted that the petitioners are willing to approach the Kerala Co-operative Tribunal, Thiruvananthapuram. He has, nevertheless, submitted that since the petitioners bona fide approached this Court on time, any delay that may have ensued while the petitioners pursued the writ petition should not come in the way of the proceedings to be initiated by the petitioners before the learned Tribunal.

3. The learned counsel for respondents 2 and 3 has submitted that the Bank is willing to have the matter considered by the learned Tribunal on merits. And the Bank may not have any objection concerning condoning the delay, if any.

In the facts and circumstances, this Court closes the writ petitions. It is further made clear that the learned Tribunal at the

time of considering the appeals, if filed, may take into account the delay that has occurred while the petitioners have pursued the writ petition and also the concession made by the respondent Bank.

sd/- DAMA SESHADRI NAIDU, JUDGE.