

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

TUESDAY, THE 22ND DAY OF SEPTEMBER 2015/31ST BHADRA, 1937

WP(C).No. 17547 of 2015 (P)

PETITIONERS: -

HEMAMALINI S.,
BRANCH MANAGER IN CHARGE,
MEENAMBALAM,
NADAKKAL SERVICE CO-OPERATIVE BANK LTD.NO. 1874,
KALLUVATHUKKAL P.O., KOLLAM.

BY ADV.SRI.P.N.MOHANAN

RESPONDENTS: -

1. NADAKKAL SERVICE CO-OPERATIVE BANK LTD.NO.1874,
REPRESENTED BY SECRETARY,KALLUVATHUKKAL P.O.,
KOLLAM-691578.
2. THE MANAGING COMMITTEE OF THE NADAKKAL SERVICE
CO-OPERATIVE BANK LTD.NO.1874,
REPRESENTED BY PRESIDENT,
KALLUVATHUKKAL P.O., KOLLAM-691578.
3. THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL),
KOLLAM-691001.

R1 BY ADV.SRI.P.C.SASIDHARAN
BY GOVERNMENT PLEADER SRI. G. GOPAKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
22-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS : -

EXHIBIT P1 : TRUE COPY OF THE B.A.DEGREE CERTIFICATE OF THE PETITIONER.

EXHIBIT P2 : TRUE COPY OF THE JDC CERTIFICATE OF THE PETITIONER.

EXHIBIT P3 : TRUE COPY OF THE S.R.O. NO. 9/2010 PUBLISHED IN KERALA GAZETTE VOLUME 55 DATED 04-01-2010.

EXHIBIT P4 : TRUE COPY OF THE SENIORITY LIST OF THE BANK.

EXHIBIT P5 : TRUE COPY OF THE RESOLUTION DATED 16-4-2013 OF THE MANAGING COMMITTEE WITH TRANSLATION.

EXHIBIT P6 : TRUE COPY OF THE ORDER DATED 18-9-2014 OF THE JOINT REGISTRAR WITH TRANSLATION.

EXHIBIT P7 : TRUE COPY OF THE ORDER DATED 29-1-2015 OF THE BANK WITH TRANSLATION.

EXHIBIT P8 : TRUE COPY OF THE ARC No.46/2015 FILED BEFORE THE CO-OPERATIVE ARBITRATION COURT.

RESPONDENTS' EXHIBITS : - NIL.

// TRUE COPY //

P.A. TO JUDGE

DMR/-

DAMA SESHADRI NAIDU, J.

W.P.(c) No. 17547 of 2015

Dated this the 22nd day of September, 2015

JUDGMENT

The petitioner, a Branch Manager in-charge, working in the first respondent Bank, filed the present writ petition seeking promotion to the post of Branch Manager. It is reported before the Court that in the face of objection taken by the respondents that the petitioner has an efficacious alternative remedy under Section 69 of the Kerala Co-operative Societies Act, the petitioner has already filed an arbitration case.

2. The learned counsel for the respondents, however, has submitted that so far the respondents have not received any notice in the matter said to have been filed before the learned Arbitration Court.

3. Be that as it may, it is quite evident that in the face of Section 69 of the Act, which is held to be an efficacious alternative remedy, no writ petition lies.

In the facts and circumstances, the writ petition is disposed of with an observation that it is entirely for the petitioner to pursue the alternative remedies available under law.

**DAMA SESHADRI NAIDU
JUDGE**

DMR/-