

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

MONDAY, THE 30TH DAY OF NOVEMBER 2015/9TH AGRAHAYANA, 1937Q

WP(C).No. 27140 of 2007 (E)

PETITIONERS:

1. SICILY SANTO, SHOP-IN-CHARGE,
NEETHI MEDICAL STORE, KOTHAMANGALAM SERVICE
CO-OPERATIVE BANK LTD NO.583, KOTHAMANGALAM,
ERNAKULAM DISTRICT.
2. BINDU P.PONNAYYA,
PHARMACIST, NEETHI MEDICAL STORE,
KOTHAMANGALAM SERVICE CO-OPERATIVE BANK LTD. NO.583
KOTHAMANGALAM, ERNAKULAM DISTRICT.
3. K.P.MOHAN,
HELPER, NEETHI MEDICAL STORE,
KOTHAMANGALAM SERVICE CO-OPERATIVE BANK LTD NO.583,
KOTHAMANGALAM, ERNAKULAM DISTRICT.
4. N.P.ASAINAR,
HELPER, NEETHI MEDICAL STORE,
KOTHAMANGALAM SERVICE CO-OPERATIVE BANK LTD. NO.583,
KOTHAMANGALAM, ERNAKULAM DISTRICT.

BY ADV. SRI.M.SASINDRAN

RESPONDENTS:

1. THE ASST.REGISTRAR OF CO-OP. SOCIETEIS
(GENERAL), KOTHAMANGALAM,
ERNAKULAM DISTRICT.
2. THE JOINT REGISTRAR OF CO-OPERATIVE
SOCIETIES (GENERAL), ERNAKULAM.
3. THE REGISTRAR OF CO-OPERATIVE SOCIETIES,
THIRUVANANTHAPURAM.
4. STATE OF KERALA REPRESENTED BY
SECRETARY TO GOVERNMENT, DEPARTMENT OF CO-OPERATION,
SECRETARIAT, THIRUVANANTHAPURAM.
5. THE KOTHAMANGALAM SERVICE CO-OPERATIVE
BANK LTD NO.583, KOTHAMANGALAM, ERNAKULAM DISTRICT.

R,R5 BY ADV. SRI.ALEXANDER JOSEPH
R, BY ADV. SRI. G. GOPAKUMAR, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
30-11-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

: 2 :

APPENDIX

PETITIONER'S EXHIBITS:

- EXT.P1 : TRUE COPY OF THE ORDER OF APPOINTMENT DATED 04.11.1998 ISSUED TO THE 1ST PETITIONER.
- EXT.P2 : TRUE COPY OF THE ORDER DATED 12.10.2006 ISSUED BY THE 2ND RESPONDENT.
- EXT.P3 : TRUE COPY OF THE ORDER NO. 599/2006 DATED 30.07.2007 ISSUED BY THE 1ST RESPONDENT ASSISTANT REGISTRAR.
- EXT.P4 : TRUE COPY OF THE NOTICE DATED 16.08.2007 ISSUED TO THE 1ST PETITIONER BY THE SOCIETY.
- EXT.P5 : TRUE COPY OF THE NOTICE DATED 16.08.2007 ISSUED TO THE 2ND PETITIONER BY THE SOCIETY.
- EXT.P6 : TRUE COPY OF THE NOTICE DATED 16.08.2007 ISSUED TO THE 3RD PETITIONER BY THE SOCIETY.
- EXT.P7 : TRUE COPY OF THE NOTICE DATED 16.08.2007 ISSUED TO THE 4TH PETITIONER BY THE SOCIETY.
- EXT.P8 : TRUE COPY OF THE JUDGMENT DATED 23.11.2007 IN W.P. (C) NO. 28550 OF 2007.

RESPONDENTS' EXHIBITS:

- EXT.R5(a) : TRUE COPY OF THE ORDER DATED 05.11.1998 OF THE 2ND RESPONDENT.
- EXT.R(b) : TRUE COPY OF THE TRADING ACCOUNT OF NEETHI MEDICAL STORE OF THE 5TH RESPONDENT.
- EXT.R(c) : TRUE COPY OF THE ORDER DATED 10.07.2007 OF THE 3RD RESPONDENT.
- EXT.R(d) : TRUE COPY OF THE ORDER DATED 31.07.2007 OF THE 2ND RESPONDENT.
- EXT.R(e) : TRUE COPY OF THE COMMITTEE DECISION DATED 30.07.2007 OF THE 5TH RESPONDENT.

//TRUE COPY//

P.A. TO JUDGE

DAMA SESHADRI NAIDU, J.

W.P. (C) No. 27140 of 2007

Dated this the 30th day of November, 2015.

JUDGMENT

Heard the learned counsel for the petitioners, the learned Government Pleader, and the learned counsel for the respondent Bank, apart from perusing the record.

2. The petitioners, working in Neethi Medical Store maintained by the 5th respondent, filed the present writ petition way back in 2007 seeking the following relief:

1. Issue a writ of certiorari or any other writ or order to quash Ext.P3.
2. To set aside Exts.P4 to P7 by issuing appropriate writ or order.
3. To declare that the 1st respondent is not competent to issue orders against the orders of the 2nd respondent.
4. To command the respondents to continue to pay the salary sanctioned by Ext.P2 irrespective of Ext.P3.
5. To stay all further proceedings pursuant to Ext.P3 pending disposal of the above writ petition.
6. To issue a writ of certiorari or any other writ, order to quash Ext.R5(c), R5(d) and R5(e).
7. Issue any other writ, order or direction as this Hon'ble court may deem fit in the facts and circumstances of the

case.”

3. The learned counsel for the petitioners has submitted that the issue is squarely covered by Ext.P8 judgment of this Court. The learned counsel for the 5th respondent has not contradicted the said statement.

Accordingly, this Court disposes of the writ petition applying the same ratio as contained in Ext.P8 judgment, thereby setting aside Exts.P3, R5(c) and R5(d). As a result, Ext.P2 stands restored.

sd/- DAMA SESHADRI NAIDU, JUDGE.

