

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

THURSDAY, THE 10TH DAY OF SEPTEMBER 2015/19TH BHADRA, 1937

WP(C).No. 20298 of 2015 (J)

PETITIONER : -

SUSHAMA DEVI P, CLERK,
THALORE MULTIPURPOSE CO-OPERATIVE SOCIETY LTD.NO.R-1134,
THALORE P.O., THRISSUR -680 306.

BY ADVS.SRI.BRIJESH MOHAN
SMT.RESMI G. NAIR

RESPONDENTS : -

1. THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES
(GENERAL), THRISSUR - 680 001.
2. THE ASSISTANT REGISTRAR OF CO-OPERATIVE SOCIETIES
(GENERAL), MUKUNDAPURAM, THRISSUR DISTRICT -680 001.
3. THALORE MULTIPURPOSE CO-OPERATIVE SOCIETY
LTD.NO.R-1134, THALORE P.O., THRISSUR - 680 306,
REPRESENTED BY ITS SECRETARY.

R3 BY ADV.SRI.K.S.BHARATHAN
R3 BY ADV.SMT.S.ANJUSHA
BY GOVERNMENT PLEADER SRI. G. GOPAKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
10-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 20298 of 2015 (J)

APPENDIX

PETITIONER'S EXHIBITS : -

- EXT.P-1 : COPY OF THE ORDER DATED 29.8.2014 ISSUED BY THE 2ND
RESPONDENT, ALONG WITH ENGLISH TRANSLATION.
- EXT.P-2 : COPY OF THE REPRESENTATION DATED 24.1.2015 SUBMITTED BY
THE PETITIONER BEFORE THE 1ST RESPONDENT.
- EXT.P-3 : COPY OF THE COMMUNICATION DATED 20.2.2015 ISSUED BY THE
1ST RESPONDENT ALONG WITH ENGLISH TRANSLATION.
- EXT.P-4 : COPY OF THE ORDER DATED 19.5.2015 ISSUED BY THE 1ST
RESPONDENT, ALONG WITH ENGLISH TRANSLATION.

RESPONDENTS' EXHIBITS : - NIL.

// TRUE COPY //

P.A. TO JUDGE

DMR/-

DAMA SESHADRI NAIDU, J.

W.P.(c) No. 20298 of 2015

Dated this the 10th day of September, 2015

JUDGMENT

Heard the learned counsel for the petitioner, the learned counsel for the third respondent Society, as well as the learned Government Pleader, apart from perusing the record. Since the issue lies in a narrow compass, this Court proposes to dispose of the writ petition at the admission stage itself.

2. Initially, the petitioner was appointed as an Attender in 2003 on daily wage basis. Later, the third respondent Society regularized the petitioner's services in 2006. Since the Department had not approved the feeder category sub-rules for the third respondent Society, the petitioner's regularisation could not have the official imprimatur at the time when the employer regularised the petitioner's services.

3. It is averred in the writ petition that, in the course of time, the feeder category sub-rules for the posts of Secretary, Clerk, and Attender have been approved by the department.

4. As is evident from Exhibit P1 order of rejection passed by the second respondent, the respondent Society having taken a decision as far back as on 12.03.2006 to regularise the petitioner's services, it sought the approval from the second respondent. When it was rejected through Exhibit P1, the petitioner filed Exhibit P2 appeal before the first respondent. At any rate, the first respondent eventually passed Exhibit P4 order simply recording that the application submitted by the petitioner cannot be considered since the same is against the Kerala Co-operative Societies Act and Rules. Assailing that Exhibit P4 is a non-speaking order, the petitioner has filed the present writ petition.

5. In response to the submissions made by the learned counsel for the petitioner, the learned Government Pleader, in my view fairly, has submitted that Exhibit P4 does suffer from want of reasoning. He has further submitted that the first respondent will undertake a fresh hearing and pass

appropriate orders in accordance with law.

In the facts and circumstances, having regard to the respective submissions of the learned counsel for the petitioner, the learned counsel for the third respondent Society, as well as the learned Government Pleader, this Court hereby sets aside Exhibit P4 aside. Consequently, the Court remands the matter to the first respondent to consider the petitioner's appeal concerning his regularisation and pass appropriate orders thereon, as expeditiously as possible, at any rate, within a period of two months from the date of receipt of a copy of this judgment.

No order as to costs.

**DAMA SESHADRI NAIDU
JUDGE**

DMR/-