

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

TUESDAY, THE 14TH DAY OF JULY 2015/23RD ASHADHA, 1937

WP(C).No. 21059 of 2015 (F)

PETITIONER : -

MINI K., BRANCH MANAGER,
ERANAD CO-OPERATIVE AGRICULTURAL AND RURAL DEVELOPMENT
BANK, MANJERI BRANCH.

BY ADVS.SRI.P.RAMNDRAN (SR.)
SRI.SREEDHAR RAVINDRAN

RESPONDENTS:-

-
1. ERANAD PRIMARY CO-OPERATIVE AGRICULTURAL AND RURAL
DEVELOPMENT BANK LTD NO. 4363,
P.O.KARUVAMBRAM, MANJERI - 3,
REPRESENTED BY ITS SECRETARY.
 2. THE PRESIDENT,
ERANAD PRIMARY CO-OPERATIVE AGRICULTURAL AND RURAL
DEVELOPMENT BANK LTD NO. 4363,
P.O.KARUVAMBRAM, MANJERI - 3.
 3. THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL),
MALAPPURAM - 676 505.

BY SPL. GOVERNMENT PLEADER SRI. D. SOMASUNDARAM

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
14-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 21059 of 2015 (F)

APPENDIX

PETITIONER'S EXHIBITS : -

EXHIBIT P1 : TRUE COPY OF THE SCHEME PREPARED BY THE 1ST RESPONDENT.

EXHIBIT P2 : TRUE COPY OF THE RESOLUTION PASSED BY GENERAL BODY ON
21.04.2015 ALONG WITH TRANSLATION.

EXHIBIT P3 : TRUE COPY OF THE REPRESENTATION WITH ACKNOWLEDGMENT
SUBMITTED TO THE JOINT REGISTRAR DATED 26.06.2015 ALONG
WITH TRANSLATION.

EXHIBIT P4 : TRUE COPY OF THE REPRESENTATION SUBMITTED TO THE
PRESIDENT OF THE 1ST RESPONDENT BANK DATED 21.05.2015
ALONG WITH TRANSLATION.

RESPONDENTS' EXHIBITS : - NIL.

// TRUE COPY //

P.A. TO JUDGE

DMR/-

DAMA SESHADRI NAIDU, J.

W.P.(c) No. 21059 of 2015

Dated this the 14th day of July, 2015

JUDGMENT

Heard the learned counsel for the petitioner and the learned Government Pleader for the third respondent, 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. Briefly stated, the creation of a new Taluk, namely Kondotty Taluk, has necessitated the bifurcation of the first respondent Bank, in which the petitioner is working as the Branch Manager. At the time of bifurcation, the employees of the Bank, according to the petitioner, are entitled to exercise an option either to continue with the existing Bank or to move over to the proposed Bank. The grievance of the petitioner is that disregarding her option, the Board of Directors of the respondent Bank have decided to allot the

petitioner to the proposed Bank. Under those circumstances, the petitioner is said to have submitted Exhibits P3 and P4 representations before the second and third respondents respectively. Ventilating her grievance that those representations have not been considered expeditiously, the petitioner has approached this Court.

3. In response to the submissions made by the learned counsel for the petitioner, the learned Government Pleader has submitted that, in the first place, the petitioner ought to have submitted her representations, if any, to the Special Officer appointed under Section 28(IE) of the Kerala Co-operative Societies Act (the 'Act' for brevity). He has also submitted that it is premature to consider the petitioner's representations at this juncture even by the said authority. According to him, the issue of allocation of the employees could be taken up only after apportioning the assets and liabilities of the respondent Bank.

4. Be that as it may, the grievance of the petitioner appears to be that her Exhibits P3 and P4 representations are required to be considered.

5. In the light of the submissions made by the learned Government Pleader, this Court leaves it open for the petitioner to submit her representations before the Special Officer. Once such an application is made, the said authority, needless to observe, shall make every endeavour to consider the same on merits and pass appropriate orders thereon, as expeditiously as possible, once the process of apportionment of assets and liabilities is completed.

With the above observations, this writ petition stands disposed of. No order as to costs.

**DAMA SESHADRI NAIDU
JUDGE**

DMR/-