

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

THURSDAY, THE 17TH DAY OF SEPTEMBER 2015/26TH BHADRA, 1937

WP(C).No. 21164 of 2015 (U)

PETITIONER:

G.MADHUSUDHANAN UNNI, AGED 43 YEARS,
S/O.GOPALA KARTHA, MADHUMANDIRAM, THALAVOOR P.O.,
PUNALUR, KOLLAM DISTRICT-691 508.

BY ADVS.SRI.K.S.HARIHARAPUTHRAN
SRI.M.D.SASIKUMARAN
SRI.GEORGE MATHEW
SRI.SUNIL KUMAR A.G
SRI.DIPU JAMES

RESPONDENTS:

1. THE REGISTRAR OF CO-OPERATIVE SOCIETIES,
NEAR CENTRAL STADIUM, THIRUVANANTHAPURAM-695 001.
2. JOINT REGISTRAR (GENERAL) OF CO-OPERATIVE SOCIETIES,
CIVIL STATION, KOLLAM-691 013.
3. THE THALAVOOR SERVICE CO-OPERATIVE BANK LTD.NO.646,
THALAVOOR P.O.,
KOLLAM-691 508, REPRESENTED BY ITS SECRETARY.
4. BOARD OF DIRECTORS
THE THALAVOOR SERVICE CO-OPERATIVE BANK LTD.NO.646,
THALAVOOR P.O.-691 508
KOLLAM, REPRESENTED BY ITS PRESIDENT.

R3,R 4 BY ADV. SRI.P.N.MOHANAN
R BY SRI. G. GOPAKUMAR, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
17-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

WP(C).No. 21164 of 2015 (U)

: 2 :

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 : TRUE COPY OF ORDER NO.C.R.P (2) 2265/03 DATED
11.04.2003.
EXT.P2 : TRUE COPY OF THE COMPLAINT DATED 29.04.2015.
EXT.P3 : TRUE COPY OF ORDER NO.C.R.P.(2) 2985/12 DATED
06.05.2015.
EXT.P4 : TRUE COPY OF THE ORDER NO.C.R.P.(2) 2985/15 DATED
29.06.2015.

RESPONDENTS' EXHIBITS: NIL

//TRUE COPY//

P.A. TO JUDGE

DAMA SESHADRI NAIDU, J.

W.P. (C) No. 21164 of 2015 (U)

Dated this the 16th day of September, 2015.

JUDGMENT

Heard the learned counsel for the petitioner and the learned counsel for the respondent Bank, apart from perusing the record.

2. The petitioner, one of the members of the Board of Directors of the third respondent, assailed Ext.P4 order of the second respondent in this writ petition.

3. The facts in brief are that initially the respondent Bank initiated steps to recruit Peons and salesmen by issuing a notification on 11.04.2003. At that juncture, acting on certain complaints, the second respondent issued prohibitory orders preventing the respondent Bank from proceeding further with the recruitment, as can be seen from Ext.P3. Later, the second respondent issued Ext.P4 orders recalling Ext.P3 directive. Aggrieved, the petitioner has filed the present writ petition.

4. The learned counsel for the petitioner has submitted that initially the second respondent passed Ext.P3 prohibitory orders based on Ext.P2 complaint filed by the petitioner and other

Directors on the Board. According to him, Ext.P4 order was passed without hearing the petitioner or other complainants at whose instance initially Ext.P3 orders were passed. In sum and substance, it is the contention of the learned counsel for the petitioner that Ext.P4 cannot be sustained as it is grossly arbitrary in view of the fact that the second respondent has violated the procedural safeguards, such as the principles of natural justice.

5. The learned counsel for the respondent Bank has submitted that it is the second respondent who has to ultimately take a decision on the issue whether the respondent Bank could proceed with its recruitment process. He has, however, conceded that it is entirely open for the petitioner or any other aggrieved person to ventilate his grievance before the second respondent, who then could take a decision on the legality of the process initiated by the respondent Bank.

6. In reply, the learned counsel for the petitioner has submitted that the petitioner does not have any objection to appear before the second respondent and submit his objections concerning the recruitment process which initially stood interdicted through Ext.P3.

He has, nevertheless, submitted that until the second respondent takes a decision, after hearing all the parties concerned, the process of recruitment shall be stayed.

7. In the facts and circumstances, having regard to the respective submissions of the learned counsel on both sides, this Court disposes of the writ petition with a direction to the second respondent to consider the objections of the petitioner and any other affected persons, especially in the light of Ext.P2 complaint, and pass appropriate orders thereon as expeditiously as possible.

It is made clear that until the second respondent takes a decision on the issue raised in Ext.P2, there shall be a stay of all further proceedings concerning the recruitment of employees in to the third respondent Bank.

sd/- DAMA SESHADRI NAIDU, JUDGE.

