

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

WEDNESDAY, THE 4TH DAY OF MARCH 2015/13TH PHALGUNA, 1936

WP(C).No. 25656 of 2012 (F)

PETITIONERS:

- 1. GEORGE MATHEW**
ASSISTANT SECRETARY
THE MUTHALAKODAM SERVICE CO-OPERATIVE BANK LIMITED NO. 403
MUTHALAKODAM P.O
IDUKKI 686 605 (RESIDING AT KALLIYAKUDIYIL HOUSE
MUTHALAKODAM P.O, IDUKKI).
- 2. MARYKUTTY N.P**
CHIEF ACCOUNTANT
THE MUTHALAKODAM SERVICE CO-OPERATIVE BANK LIMITED NO. 403
MUTHALAKODAM P.O
IDUKKI 686 605 (RESIDING AT NJALLOOR HOUSE
MUTHALAKODAM P.O, THODUPUZHA, IDUKKI)
- 3. V.J.VINCENT**
BRANCH MANAGER
THE MUTHALAKODAM SERVICE CO-OPERATIVE BANK LIMITED NO. 403
MUTHALAKODAM P.O
IDUKKI 686 605 (RESIDING AT VALARIYIL HOUSE
ARIKUZHA P.O, THODUPUZHA)
- 4. SAINUDEEN P.U**
BRANCH MANAGER
THE MUTHALAKODAM SERVICE CO-OPERATIVE BANK LIMITED NO. 403
MUTHALAKODAM P.O
IDUKKI 686 605 (RESIDING AT PAZHIYIL HOUSE
MUTHALAKODAM P.O, THODUPUZHA)
- 5. GEEMOL GEORGE**
SENIOR CLERK
THE MUTHALAKODAM SERVICE CO-OPERATIVE BANK LIMITED NO. 403
MUTHALAKODAM P.O
IDUKKI 686 605 (RESIDING AT KARAKUNNEL
MUTHALAKODAM P.O, THODUPUZHA)
- 6. B.NARAYANAN NAIR**
SENIOR CLERK
THE MUTHALAKODAM SERVICE CO-OPERATIVE BANK LIMITED NO. 403
MUTHALAKODAM P.O
IDUKKI 686 605 (RESIDING AT KIZHAKKEDATH
MUTHALAKODAM P.O, THODUPUZHA)

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- 7. SAJI PAUL
SENIOR CLERK
THE MUTHALAKODAM SERVICE CO-OPERATIVE BANK LIMITED NO. 403
MUTHALAKODAM P.O
IDUKKI 686 605 (RESIDING AT POTHIKUNNEL
MUTHALAKODAM P.O, THODUPUZHA)**
- 8. K.U.GEORGE
SENIOR CLERK
THE MUTHALAKODAM SERVICE CO-OPERATIVE BANK LIMITED NO. 403
MUTHALAKODAM P.O
IDUKKI 686 605 (RESIDING AT KELAKATHRA
MUTHALAKODAM P.O, THODUPUZHA)**
- 9. MAITHEEN T.H
ATTENDER
THE MUTHALAKODAM SERVICE CO-OPERATIVE BANK LIMITED NO. 403
MUTHALAKODAM P.O.
IDUKKI 686 605 (RESIDING AT THRIKKADAYIL
MUTHALAKODAM P.O, THODUPUZHA)**

BY ADV. SRI.P.V.BABY

RESPONDENTS:

- 1. STATE OF KERALA
REPRESENTED BY ITS SECRETARY TO GOVERNMENT
CO-OPERATION DEPARTMENT, SECRETARIAT
THIRUVANANTHAPURAM - 695 001**
- 2. THE REGISTRAR OF CO-OPERATIVE SOCIETIES
OFFICE OF THE REGISTRAR OF CO-OPERATIVE SOCIETIES
THIRUVANANTHAPURAM - 695 001**
- 3. THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL)
OFFICE OF THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES
PAINAVU, IDUKKI - 685 603**
- 4. THE ASSISTANT REGISTRAR OF CO-OPERATIVE SOCIETIES
(GENERAL)
OFFICE OF THE ASSISTANT REGISTRAR OF CO-OPERATIVE SOCIETIES
THODUPUZHA, IDUKKI - 685 584**
- 5. THE MUTHALAKODAM SERVICE CO-OPERATIVE BANK
LIMITED NO. 403, MUTHALAKODAM P.O, IDUKKI 686 605
REPRESENTED BY ITS PRESIDENT.**

R4 BY GOVERNMENT PLEADER SRI. T.R. RAJESH

R5 BY ADVS. SRI.V.RAJENDRAN

SMT.VB.SANTHINI

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
04-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1. TRUE COPY OF THE ORDER OF THE 3RD RESPONDENT CLASSING THE 4TH RESPONDENT BANK AS CLASS III SOCIETY.

EXHIBIT P2. TRUE COPY OF GO(P) NO.36/2011/CO-OP. DATED 25.02.2011.

EXHIBIT P3. TRUE COPY OF THE CIRCULAR ISSUED BY THE 2ND RESPONDENT DATED 02.04.2011.

EXHIBIT P4. TRUE COPY OF THE COMMUNICATION ISSUED BY THE 2ND RESPONDENT DATED 12.07.2011.

EXHIBIT P5. TRUE COPY OF THE COMMUNICATION ISSUED BY THE 2ND RESPONDENT DATED 22.11.2011.

EXHIBIT P6. TRUE COPY OF GO(Rt) NO.650/2011/CO-OP DATED 30/11/2011.

EXHIBIT P7. TRUE COPY OF THE ORDER ISSUED BY THE 2ND RESPONDENT DATED 23.03.2012.

EXHIBIT P8. TRUE COPY OF THE COMMUNICATION ISSUED BY THE 2ND RESPONDENT DATED 21.07.2012.

EXHIBIT P9. TRUE COPY OF THE RESOLUTION DATED 04.10.2011.

EXHIBIT P10. TRUE COPY OF THE COMMUNICATION ISSUED BY THE 4TH RESPONDENT DATED 19.12.2011.

EXHIBIT P11. TRUE COPY OF THE ORDER ISSUED BY THE 4TH RESPONDENT DATED 07.05.2012.

EXHIBIT P12. TRUE COPY OF THE COMMUNICATION ISSUED BY THE 4TH RESPONDENT DATED 17.07.2012.

EXHIBIT P13.TRUE COPY OF THE RESOLUTION OF THE BANK DATED 23.08.2012.

EXHIBIT P14.TRUE COPY OF THE G.O.(P)89/98/CO-OP. DATED 03.04.1998.

EXHIBIT P15.TRUE COPY OF THE AUDIT CERTIFICATE.

EXHIBIT P16.TRUE CIRCULAR ISSUED IN THE YEAR 2005 DATED 28.05.2005

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**EXHIBIT P17.TRUE COPY OF THE CHART EVIDENCING THE WORKING PROGRESS
OF THE BANK FROM 2000-2012.**

**EXHIBIT P18.TRUE COPY OF THE ORDER ISSUED BY THE 3RD RESPONDENT
DATED 20.09.2012.**

**EXHIBIT P19.TRUE COPY OF THE REPLY RECEIVED UNDER THE RIGHT TO
INFORMATION ACT DATED 10.10.2012.**

**EXHIBIT P20.TRUE COPY OF THE REPRESENTATION DATED 22.04.2014 SUBMITTED
BY THE PETITIONERS TO THE 5TH RESPONDENT**

**EXHIBIT P21.TRUE COPY OF THE COMMUNICATION DATED 23.04.2014 ISSUED BY
THE 5TH RESPONDENT TO THE 9TH PETITIONER**

RESPONDENT(S)' EXHIBITS:- NIL

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). NO. 25656 OF 2012

Dated this the 4th day of March, 2015

JUDGMENT

The fifth respondent bank in Class II as on 01.07.1984 was re-classified as Class IV on 23.08.2012 with effect from 01.04.2009. Such re-classification with retrospective effect should not adversely affect its employees who had already drawn the emoluments.

2. The fifth respondent has now filed a counter affidavit wherein it is averred as follows:-

“Since the Bank is attaining steady progress and has achieved Class II status with effect from 01.04.2014 the Board of the Bank has decided to implement the pay Revision to the employees as applicable to Class II Societies anticipating approval of the department. Similarly revised pay of Class III Societies also can be given with effect from 01.04.2012. But the same was not implemented in view of the pendency of the Writ Petition. Further action in the matter will be taken as per the orders of this Hon'ble Court.”

3. It is reported that re-classification to Class III during 2012-14 and to Class II is pending consideration with the authorities. It is only just and proper that any recovery shall be effected only after the re-classification as sought by the fifth respondent bank is complete. The pay revision benefits shall also be disbursed dependant in the Class in which the bank was placed during respective periods.

The writ petition is disposed of.

**V. CHITAMBARESH
JUDGE**

DCS