

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE V. CHITAMBARESH

MONDAY, THE 2ND DAY OF MARCH 2015/11TH PHALGUNA, 1936

WP(C).No. 24625 of 2013 (C)

PETITIONER:

C. ABDUSSALAM, AGED 47 YEARS,
S/O. K. P. MOHAMMED, ACCOUNTANT,
THENNALA SERVICE CO-OPERATIVE
BANK LTD. NO. F 720, P.O. VALAKKULAM,
MELE KOZHICHENA, MALAPPURAM DISTRICT
RESIDING AT CHEKATH HOUSE, P.O. VALAKAM,
POOKIPARAMBA, MALAPPURAM DISTRICT.

BY ADVS. SRI. K. T. SHYAMKUMAR
SRI. HARISH R. MENON

RESPONDENTS:

1. THE REGISTRAR OF CO-OPERATIVE SOCIETIES
THIRUVANANTHAPURAM 695 001.
2. THE ASSISTANT REGISTRAR (GENERAL) OF
CO-OPERATIVE SOCIETIES,
TIRUR, MALAPPURAM DISTRICT 676 306.
3. THENNALA SERVICE CO-OPERATIVE BANK LTD. NO. F 720,
P.O. VALAKKULAM, MELE KOZHICHENA MALAPPURAM
DISTRICT REPRESENTED BY ITS SECRETARY.

R3 BY ADV. SRI. V. RAJENDRAN
BY GOVERNMENT PLEADER SRI. GIKKU JACOB

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 02-03-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1 : TRUE COPY OF THE RESOLUTION DT.13-10-2011 OF THE THIRD RESPONDENT.
- EXHIBIT P2 : TRUE COPY OF THE RESOLUTION DT.8-1-2013 ISSUED BY THE 1ST RESPONDENT.
- EXHIBIT P3 : TRUE COPY OF THE ORDER DT.1-3-2013 ISSUED BY THE 1ST RESPONDENT.
- EXHIBIT P4 : TRUE COPY OF THE RESOLUTION DT.4-5-2013 OF THE 3RD RESPONDENT.

RESPONDENT(S)' EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

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Dated this the 2nd day of March, 2015

JUDGMENT

The third respondent bank did pass Ext. P1 resolution for the relaxation of the qualification of the petitioner for promotion. Otherwise the petitioner who has been working in the bank since 13.06.1984 cannot be promoted to the post of Branch Manager. The only reason stated by the first respondent Registrar in Ext.P3 order declining sanction is untenable. The reason stated is that proceedings are pending against the bank under Section 65 of the Kerala Co-operative Societies Act.

2. Ext.P3 order refers to letters dated 09.02.2012, 09.01.2013 and 15.01.2013 of the second respondent Assistant Registrar. The name of the petitioner has not found a place in the enquiry report filed under Section 65 of the Kerala Co-operative Societies Act. There is therefore no justification to decline sanction for the relaxation of the qualification of the petitioner for promotion.

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3. Ext.P3 order is quashed and the first respondent is directed to accord sanction for the promotion of the petitioner pursuant to Ext.P1 resolution. The needful shall be done within a period of two months from the date of production of a copy of this judgment.

The Writ Petition is disposed of. No costs.

**V. CHITAMBARESH
JUDGE**

ncd