

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.HARILAL

TUESDAY, THE 17TH DAY OF NOVEMBER 2015/26TH KARTHIKA, 1937

WP(C).No. 23195 of 2014 (Y)

PETITIONER(S):

SUSEELA E.R. ,
CLERK (H.G.) ,
IDUKKI DISTRICT MINI INDUSTRIAL ESTATE
(SERVICE) CO-OP. SOCIETY LTD., NO.S. IND(1)10,
CHERUTHONI, IDUKKI DISTRICT.

BY ADVS.SRI.C.M.SURESH BABU
SRI.P.N.MOHANAN

RESPONDENT(S)/RESPONDENTS:-

1. IDUKKI DISTRICT MINI INDUSTRIAL ESTATE
(SERVICE) CO-OP.SOCIETY LTD., NO.S. IND(1)10,
DISTRICT INDUSTRIES CENTRE, CHERUTHONI,
IDUKKI DISTRICT,
REPRESENTED BY ITS MANAGING DIRECTOR.

2. THE ADMINISTRATOR,
IDUKKI DISTRICT MINI INDUSTRIAL ESTATE (SERVICE)
CO-OP.SOCIETY LTD. NO.S. IND(1)10 ,
DISTRICT INDUSTRIES CENTRE, CHERUTHONI,
IDUKKI DISTRICT.

3. GENERAL MANAGER,
DISTRICT INDUSTRIES CENTRE, CHERUTHONI, IDUKKI.

4. DIRECTOR OF INDUSTRIES AND COMMERCE,
VIKAS BHAVAN, THIRUVANANTHAPURAM-695 001.

5. STATE OF KERALA,
REPRESENTED BY THE PRINCIPAL SECRETARY,
INDUSTRIES DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695 001.

R1 & R2 BY ADV. SRI.ANIL SIVARAMAN

R3 & R4 BY GOVERNMENT PLEADER SRI. T.J. MICHAEL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY
HEARD ON 17-11-2015, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

WP(C) .No. 23195 of 2014 (Y)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXHIBIT P1. TRUE COPY OF REPRESENTATION DATED 08.01.2014
SUBMITTED BY THE PETITIONER BEFORE THE 3RD RESPONDENT.

EXHIBIT P2. TRUE COPY OF COMMUNICATION NO.E/01/2012 DATED
08.01.2014 ISSUED BY THE 1ST RESPONDENT TO THE
PETITIONER.

EXHIBIT P3. TRUE COPY OF THE REPRESENTATION DATED
18.02.2014 SUBMITTED BY THE PETITIONER BEFORE THE 1ST
RESPONDENT.

EXHIBIT P4. TRUE COPY OF THE MINUTES OF THE SPECIAL
GENERAL BODY MEETING OF THE SOCIETY HELD ON 05.12.2013.

EXHIBIT P5. TRUE COPY OF REPRESENTATION DATED 25.06.2014
SUBMITTED BY THE PETITIONER BEFORE THE 3RD RESPONDENT.

EXHIBIT P6. TRUE COPY OF THE COMMUNICATION NO.B5/2764/12
DATED 31.07.2014 SENT BY THE 3RD RESPONDENT.

EXHIBIT P7. TRUE COPY OF THE ORDER NO.MIE/07/2012 DATED
24.06.2013 OF THE MANAGING DIRECTOR, KOZHIKODE DISTRICT
MINI INDUSTRIAL ESTATE CO-OPERATIVE SOCIETIES.

EXHIBIT P8. TRUE COPY OF LETTER DATED 30.07.2014 SENT BY
THE MANAGING DIRECTOR OF THE KOTTAYAM DISTRICT MINI
INDUSTRIAL ESTATE CO-OPERATIVE SOCIETY LTD. TO THE 1ST
RESPONDENT.

RESPONDENT(S) ' EXHIBITS

EXT.R1(a) - TRUE COPY OF G.O.(MS) NO.61/2001/ID DATED
24/3/2001 ISSUED BY THE INDUSTRIES (C) DEPARTMENT.

EXT.R1(b) - TRUE COPY OF THE LETTER NO.B/852/12 DATED
28/3/2012 SENT BY THE GENERAL MANAGER, DISTRICT
INDUSTRIES CENTRE, IDUKKI TO THE 1ST RESPONDENT.

EXT.R1(C) - TRUE COPY OF U.O. NOTE NO.M.I.E/M.D/01/2012
DATED 14/5/2012 SENT BY THE GENERAL MANAGER, DISTRICT
INDUSTRIES CENTRE, IDUKKI.

.....

EXT.R1(d) - TRUE COPY OF THE COMPLAINT DATED 5/12/2013
SUBMITTED BY K.J. ANTONY TO THE GENERAL MANAGER
(FUNCTIONAL REGISTRAR) DISTRICT INDUSTRIES CENTRE,
CHERUTHONY.

EXT.R1(e) - TRUE COPY OF THE MINUTES HELD ON 5/12/2013 BY
THE GENERAL MANAGER, DISTRICT INDUSTRIES CENTRE, IDUKKI.

//true copy//

P.S. to Judge

K. HARILAL, J.

W.P. (C) No.23195 of 2014-Y

Dated this the 17th day of November, 2015

JUDGMENT

The petitioner is working as Clerk (Higher Grade) in the 1st respondent Idukki District Mini Industrial Estate (Service) Co-operative Society. The grievance projected in this writ petition is that the salary of the petitioner from September, 2013 onwards has been withheld by the respondents 1 to 3 for the reason that the petitioner refused to give a consent letter undertaking that she is prepared to continue as an employee of the Society for a consolidated salary of ₹10,000/- per month instead of the present salary of ₹25,126/-.

2. Going by the averments in the writ petition, it is seen that the grievance of the petitioner is one falls

under 'dispute' referred to in Sec.69(2)(d) of the Kerala Co-operative Societies Act, 1969 for which a statutory remedy is provided under law. This Court is not sitting in resolution of a disputed fact.

3. In the above view of the matter, it is for the petitioner to work out his remedies provided under law.

With the above liberty, this writ petition will stand dismissed and this judgment will not stand in the way of seeking statutory remedies provided under law.

Sd/-

(K. HARILAL, JUDGE)

Nan/

//true copy//

P.S. to Judge