

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

THURSDAY, THE 26TH DAY OF MARCH 2015/5TH CHAITHRA, 1937

WP(C).No. 23327 of 2014 (M)

PETITIONER :-

NITHA RATHEESH,
CHIRAPPURATH HOUSE,
KAKKAD, MAMALA P.O.,
ERNAKULAM, PIN - 682 305.

BY ADV. SRI.P.P.JACOB

RESPONDENTS :-

1. THE MOOVATTUPUZHA AGRICULTURAL
CO-OPERATIVE BANK LTD. NO.HW 33,
MOOVATTUPUZHA, ERNAKULAM,
REPRESENTED BY THE SECRETARY.
2. THE MANAGING COMMITTEE OF THE
MOOVATTUPUZHA AGRICULTURAL
CO-OPERATIVE BANK LTD.NO.HW 33,
MOOVATTUPUZHA, ERNAKULAM,
REPRESENTED BY THE PRESIDENT.
3. THE JOINT REGISTRAR OF CO-OPERATIVE
SOCIETIES (G), ERNAKULAM,
CIVIL STATION, B-2 BLOCK,
5TH FLOOR, KAKKANADU,
KOCHI - 682 030.
4. THE REGISTRAR OF CO-OPERATIVE SOCIETIES,
THIRUVANANTHAPURAM, PIN - 695 001.

R1 & R 2 BY ADVS. SRI.A.BALAGOPALAN
SRI.REGI JOSEPH
SRI.M.S.IMTHIYAZ AHAMMED
SRI.P.I.MUHAMMED SOORAJ
R3 & R4 BY SRI.GIKKU JACOB, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 26-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

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APPENDIX

PETITIONER(S)' EXHIBITS :-

- EXHIBIT-P1 : TRUE PHOTOCOPY OF THE ELECTION IDENTITY CARD OF THE PETITIONER DATED 24.02.2005.**
- EXHIBIT-P2 : TRUE PHOTOCOPY OF THE DEATH CERTIFICATE ISSUED FROM THE AIKARANADU PANCHAYATH DATED 15.05.2013.**
- EXHIBIT-P3 : TRUE PHOTOCOPY OF THE CERTIFICATE ISSUED BY THE TAHSILDAR, KUNNATHUNAD TALUK OFFICE DATED 14.01.2013.**
- EXHIBIT-P4 : TRUE PHOTOCOPY OF THE CERTIFICATE ISSUED BY THE THIRUVANIYOOR VILLAGE OFFICE DATED 17.05.2013.**
- EXHIBIT-P5 : TRUE PHOTOCOPY OF THE APPLICATION FILED BY THE PETITIONER BEFORE THE SECOND RESPONDENT DATED 23.07.2013.**
- EXHIBIT-P6 : TRUE PHOTOCOPY OF THE CONSENT LETTER ISSUED BY THE PETITIONER TO THE FIRST RESPONDENT DATED 27.11.2013.**
- EXHIBIT-P7 : TRUE PHOTOCOPY OF THE ACKNOWLEDGEMENT LETTER ISSUED FROM THE OFFICE OF THE MINISTER FOR CO-OPERATION DATED 29.10.2013.**
- EXHIBIT-P8 : TRUE PHOTOCOPY OF THE ACKNOWLEDGEMENT LETTER ISSUED FROM THE OFFICE OF THE MINISTER FOR CIVIL SUPPLIES DATED 07.10.2013.**
- EXHIBIT-P9 : TRUE PHOTOCOPY OF THE EMPLOYMENT CERTIFICATE ISSUED BY FIRST RESPONDENT TO THE DECEASED RATHEESH DATED 30.07.2012.**

RESPONDENT(S)' EXHIBITS :-

- EXHIBIT R1(a) : TRUE COPY OF THE ORDER NO.CS1/3810/2000 DATED 08.03.2000 ISSUED BY THE REGISTRAR OF CO-OPERATIVE SOCIETIES ALLOTING ONE MORE NEETHI MEDICAL STORE TO THE 1ST RESPONDENT BANK.**
- EXHIBIT R1(b) : TRUE COPY OF THE ORDER NO.CS 8736/99/L.DIS. DATED 27.03.2000 ALLOTING ONE MORE NEETHI MEDICAL STORE TO THE 1ST RESPONDENT BANK AND PERMITTING THE 1ST RESPONDENT BANK FOR APPOINTING EMPLOYEES FOR THE NEETHI MEDICAL STORE.**

EXHIBIT R1(c) : TRUE COPY OF THE DECISION OF THE MANAGING COMMITTEE OF THE 1ST RESPONDENT BANK APPOINTING THE PETITIONER'S HUSBAND T.K.RATHEESH AS THE PHARMACIST OF THE NEETHI MEDICAL STORE.

EXHIBIT R1(d) : TRUE COPY OF THE FEEDER CATEGORY RULES OF THE 1ST RESPONDENT BANK AND APPROVED BY THE REGISTRAR OF CO-OPERATIVE SOCIETIES.

EXHIBIT R1(e) : TRUE COPY OF THE DECISION OF THE MANAGING COMMITTEE OF THE 1ST RESPONDENT BANK DATED 30.06.2014.

EXHIBIT R1(f) : TRUE COPY OF THE STOCK STATEMENT AS ON 05.08.2012 OF THE NEETHI MEDICAL STORE.

EXHIBIT R1(g) : TRUE COPY OF THE DECISION OF THE 2ND RESPONDENT HELD IN THE MEETING DATED 18.05.2013.

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//TRUE COPY//

P.A. TO JUDGE

V.CHITAMBARESH, J

W.P.(C)No.23327 of 2014

Dated this the 26th day of March, 2015

JUDGMENT

Respondents 1 and 2 acknowledge the right of the petitioner for compassionate employment. But their stand is that the petitioner can only be accommodated as a sales woman in the Neethi Medical Store. Ext.R1(e) proceedings evidences the same.

2. The petitioner desires to have a posting atleast as a Peon. Ext.P9 employment certificate is relied on to show that her husband was a regular employee. Rule 188A and note 3 to Rule 186 of the Kerala Co-operative Societies Rules are also relied on.

3. The petitioner is free to move the third respondent Joint Registrar in this regard. Any motion made within two weeks from today shall be dealt with by the third respondent within two months therefrom. The same shall be done with notice to the petitioner as well as respondents 1 and 2.

4. The possibility of accommodating the petitioner as a Peon atleast in the first respondent bank shall be explored.

The Writ Petition is disposed of.

Sd/-
**V.CHITAMBARESH
JUDGE**

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//TRUE COPY//

P.A. TO JUDGE