

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

MONDAY, THE 3RD DAY OF AUGUST 2015/12TH SRAVANA, 1937

WP(C).No. 23356 of 2015 (T)

PETITIONER:

SHERLY CHACKO, AGED 39 YEARS,
W/O.GIBY CHACKO, PARACKAL HOUSE, ANICADU P.O.,
MALLAPPALLY WEST, PATHANAMTHITTA DISTRICT, PIN-689 585.

BY ADVS.SRI.C.S.MANU
SRI.S.K.PREMRAJ

RESPONDENTS:

1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF KERALA,
DEPARTMENT OF CO-OPERATIVE SOCIETIES,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM,
PIN-695 001.
2. THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES,
OFFICE OF THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES,
CIVIL STATION, PATHANAMTHITTA, PIN-689 585.
3. ANICADU SERVICE CO-OPERATIVE BANK LIMITED NO.A-113,
REPRESENTED BY ITS SECRETARY.
4. BOARD OF DIRECTORS,
ANICADU SERVICE CO-OPERATIVE BANK LIMITED NO.A-113
REPRESENTED BY ITS PRESIDENT.

R BY SRI. G. GOPAKUMAR, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
03-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS :

P1 : TRUE COPY OF THE APPOINTMENT LETTER DATED 5-9-2009 ISSUED BY THE 4TH RESPONDENT TO THE PETITIONER AND TRUE ENGLISH TRANSLATION OF EXT P1.

P2 : TRUE COPY OF THE ORDER BEARING NO.88/12-13 DATED 15-2-2013 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER AND TRUE ENGLISH TRANSLATION OF EXT P2.

P3 : TRUE COPY OF THE APPLICATION DATED 13-7-2015 SUBMITTED BY THE PETITIONER TO THE 4TH RESPONDENT.

P4 : TRUE COPY OF THE RESOLUTION NO.32 PASSED BY THE DIRECTORS OF THE BANK DATED 14-7-2015 AND TRUE ENGLISH TRANSLATION OF EXT P4.

P5 : TRUE COPY OF THE APPLICATION DATED 24-7-2015 SUBMITTED BY THE PETITIONER TO THE 2ND RESPONDENT FOR HAVING SENT THE SAME BY SPEED POST ALONG WITH POSTAL RECEIPT.

RESPONDENTS' EXHIBITS: NIL

/True Copy/

P.A to Judge.

DAMA SESHADRI NAIDU, J.

W.P. (C) No. 23356 of 2015 (T)

Dated this the 3rd day of August, 2015.

JUDGMENT

Heard the learned counsel for the petitioner and the learned Government Pleader, apart from perusing the record. Since the issue lies in a narrow compass, this Court proposes to dispose of the writ petition at the admission stage itself.

2. Briefly stated, the petitioner, who was appointed as a Peon in the third respondent Bank on 05.09.2009, was retrenched from service on 15.02.2013. In course of time, when the third respondent Bank notified certain vacancies, the petitioner staked her claim for preferential treatment in terms of Section 25H of the Industrial Disputes Act, 1947. The 4th respondent on 14.07.2015, however, passed a resolution to the effect that the 4th respondent has no objection in appointing the petitioner, provided she obtained a direction either from the Department of Co-Operative Societies or from a Court of Law.

3. Aggrieved by the condition imposed in the resolution dated 14.07.2015, the petitioner is said to have submitted Ext.P5 statutory representation before the second respondent. Seeking expeditious consideration of the same, the petitioner has filed the

present writ petition.

4. In response to the submissions made by the learned counsel for the petitioner, the learned Government Pleader has submitted that the second respondent does not have any objection to consider the petitioner's Ext.P5 representation at the earliest.

5. In the facts and circumstances, having regard to the respective submissions of the learned Counsel for the petitioner and the learned Government Pleader, this Court disposes of the writ petition with a direction to the second respondent to consider petitioner's Ext.P5 representation and pass appropriate orders thereon, as expeditiously as possible, at any rate within three months from the date of receipt of a copy of this judgment.

It is made clear that a direction from this Court to the second respondent to consider the petitioner's Ext.P5 representation does not amount to an expression of opinion on the merits of the matter or, for that matter, on the jurisdiction of the said authority.

sd/- DAMA SESHADRI NAIDU, JUDGE.

The words “three months” occurring in the 6th line of paragraph 5 of the judgment in W.P.(C) No. 23356/2015 dated 03.08.2015 are corrected and substituted as “six weeks” as per order dated 21.08.2015 in I.A No. 12225/2015 in W.P.(C) No. 23356/2015.

sd/- **Registrar (Judicial)**