

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

THURSDAY, THE 5TH DAY OF MARCH 2015/14TH PHALGUNA, 1936

WP(C).No. 26651 of 2013 (F)

PETITIONER(S):

LATHAKUMARI.K,
JUNIOR CLERK
KEEZHATTINGAL RURAL CO-OPERATIVE SOCIETY LTD.NO.T.1540
KEEZHATTINGAL.P.O., THIRUVANANTHAPURAM.

BY ADV. SRI.P.N.MOHANAN

RESPONDENT(S):

1. GOVERNMENT OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT
CO-OPERATIVE DEPARTMENT, SECRETARIAT
THIRUVANANTHAPURAM-695001.
2. REGISTRAR OF CO-OPERATIVE SOCIETIES,
THIRUVANANTHAPURAM-695001.
3. KEEZHATTINGAL RURAL CO-OPERATIVE SOCIETY LTD.NO.T.1540,
REPRESENTED BY ITS SECRETARY, KEEZHATTINGAL P.O.
THIRUVANANTHAPURAM.
4. THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL),
THIRUVANANTHAPURAM DISTRICT-695001.

R3 BY ADV. SRI.J.JAYAKUMAR
R BY GOVERNMENT PLEADER SRI.GIKKU JACOB

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
05-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

- P1: COPY OF THE APPOINTMENT ORDER DATED 29.10.2005.
- P2: COPY OF THE B.COM DEGREE CERTIFICATE OBTAINED FROM THE KERALA UNIVERSITY.
- P3: COPY OF THE REGISTRATION CERTIFICATE DATED 25.6.2004 ISSUED BY THE JOINT REGISTRAR.
- P4: COPY OF THE ORDER DATED 16.12.2011 OF THE JOINT REGISTRAR.
- P5: COPY OF THE RESOLUTION DATED 20.1.2012 OF THE THIRD RESPONDENT.
- P6: COPY OF THE RESOLUTION NO.160 DATED 25.7.2013 OF THE THIRD RESPONDENT.
- P7: COPY OF THE COMMUNICATION DATED 10.6.2013.
- P8: COPY OF THE ORDER DATED 8.7.2013 OF THE GOVERNMENT.
- P9: COPY OF THE JUDGMENT IN 2000(3) KLT 389.
- P10: COPY OF THE ORDER DATED 15.4.2013 OF THE JOINT REGISTRAR.
- P11: COPY OF THE ORDER DATED 5.8.2013 BY SRO NO.619/13.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.S. TO JUDGE.

V.CHITAMBARESH, J.

W.P (C) No.26651 of 2013

Dated this the 5th day of March, 2015

J U D G M E N T

The petitioner who was initially recruited as a Bill Collector was promoted as Junior Clerk. But the promotion was not approved by the Joint Registrar as well as the Government. This is for the reason that the appointment was not through the Co-operative Service Examination Board.

2. The necessity for such exercise under Section 80B of the Kerala Co-operative Societies Act is only for Primary Credit Societies. The third respondent which is a miscellaneous society need not conform to this procedure. Therefore Ext.P7 order of the Joint Registrar and Ext.P8 order of the Government refusing approval are hereby quashed.

3. Employees over aged and similarly placed have been promoted and approved in other societies. Ext.P10 is one order relating to Chirayankeezh Block Rural Development Co-operative Society. Ext.P11 is yet another order in relation to Nedumangad Co-operative Urban Bank Ltd. It needs attention as to why a similar compassionate attitude cannot be adopted in the case of

the petitioner also.

4. The fourth respondent Joint Registrar shall reconsider the question of approval of promotion of the petitioner. The same shall be done with notice to the petitioner and the third respondent Society. The needful shall be done within a period of two months from the date of receipt of a copy of this judgment.

The writ Petition is disposed of.

Sd/-
V.CHITAMBARESH,
Judge.

nj.