

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

TUESDAY, THE 17TH DAY OF MARCH 2015/26TH PHALGUNA, 1936

WP(C).No. 27053 of 2013 (F)

PETITIONER:

**THULASEEDHARAN PILLAI,
S/O KOCHAN PILLAI, THENGUVILATHEKKETHIL
KARIMTHOTTUVAMURI, SASTHAMCOTTA VILLAGE
KOLLAM DISTRICT**

BY ADV. SRI.P.N.MOHANAN

RESPONDENTS:

- 1. MANAGING COMMITTEE OF IVERKALA SERVICE CO-OPERATIVE BANK
LTD NO 193,
REPRESENTED BY THE PRESIDENT, IVERKALA EAST P.O
KOLLAM**
- 2. IVERKALA SERVICE CO-OPERATIVE BANK LTD. 193,
REPRESENTED BY THE SECRETARY, IVERKALA EAST P.O
KOLLAM**
- 3. THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL),
KOLLAM 691001**

**R1 & R2 BY ADVS. SRI.V.G.ARUN
SRI.T.R.HARIKUMAR
R3 BY GOVERNMENT PLEADER SRI. GIKKU JACOB**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
17-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

DCS

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1 A TRUE COPY OF THE SUSPENSION ORDER DATED 04-05-2005**
- EXHIBIT P2 A TRUE COPY OF THE PETITION DATED 11-05-2005 SUBMITTED BY
THE PETITIONER TO THE 2NDRESPONDENT**
- EXHIBIT P3 TRUE COPY OF THE LETTER DATED 17-06-2005 OF THE
PETITIONER FOR SUBSISTENCE ALLOWANCE**
- EXHIBIT P4 A TRUE COPY OF THE LETTER/ CHARGE MEMO DATED NIL OF
THE SECRETARY**
- EXHIBIT P5 A TRUE COPY OF THE REPLY DATED 15-11-2005 FILED BY THE
PETITIONER**
- EXHIBIT P6 A TRUE COPY OF THE LETTER DATED 11-01-2006 OF THE
SECRETARY APPOINTING AN ENQUIRY OFFICER**
- EXHIBIT P7 A TRUE COPY OF THE LETTER DATED 03-02-2006 OF THE ENQUIRY
OFFICER**
- EXHIBIT P8 TRUE COPY OF THE SHOW CAUSE NOTICE DATED 01-03-2006 OF
THE SECRETARY**
- EXHIBIT P9 A TRUE COPY OF THE REPLY DATED 13-03-2006 OF THE ADVOCATE
TO EXT P8 SHOW CAUSE NOTICE**
- EXHIBIT P10 A TRUE COPY OF THE ORDER DATED 22-03-2006 OF THE BANK
TERMINATING THE SERVICE OF THE PETITIONER**
- EXHIBIT P11 A TRUE COPY OF THE APPEAL DATED 11-05-2006 FILED BEFORE
THE MANAGING COMMITTEE**
- EXHIBIT P12 A TRUE COPY OF THE PETITION DATED 24-03-2008 SUBMITTED
BEFORE THE JOINT REGISTRAR**
- EXHIBIT P13 A TRUE COPY OF THE PETITION DATED 17-12-2008 SUBMITTED
BEFORE THE JOINT REGISTRAR**
- EXHIBIT P14 A TRUE COPY OF THE PETITION DATED 14-01-2009 SUBMITTED
BEFORE THE JOINT REGISTRAR**
- EXHIBIT P15 A TRUE COPY OF THE PETITION DATED 27-09-2010 SUBMITTED
BEFORE THE JOINT REGISTRAR**
- EXHIBIT P16 A TRUE COPY OF THE NOTICE DATED 13-12-2010 ISSUED BY THE
JOINT REGISTRAR**

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**EXHIBIT P17 A TRUE COPY OF THE STATEMENT DATED 22-12-2010 OF THE
PETITIONER SUBMITTED BEFORE THE JOINT REGISTRAR**

**EXHIBIT P18 A TRUE COPY OF THE JUDGMENT DATED 20-06-2013 OF THE
SESSIONS COURT, KOLLAM HAVING CASE NO 1216/06**

EXHIBIT P19 A TRUE COPY OF THE JUDGMENT REPORTED IN AIR 1999 SC 1416

**EXHIBIT P20 A TRUE COPY OF THE JUDGMENT DATED 05-07-2013 IN WPC NO
16864/2013**

**EXHIBIT P21 A TRUE COPY OF THE ORDER DATED 26-10-2013 OF THE APPEAL
COMMITTEE**

RESPONDENT(S)' EXHIBITS:- NIL

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). NO. 27053 OF 2013

Dated this the 17th day of March, 2015

JUDGMENT

Unauthorised absence without leave is the main reason for terminating the services of the petitioner. The petitioner contends that unauthorised absence was due to the remand in jail for failure to secure bail in the criminal case. The criminal case on the charge of murder ended in acquittal and therefore the petitioner claims reinstatement in services with back wages.

2. The second respondent bank contends that the petitioner was only a probationer and that a writ petition of this nature is not the remedy. The second respondent points out that the petitioner has to raise a dispute under Section 69 of the Kerala Co-operative Societies Act, 1969 for the reliefs sought in this writ petition.

3. Whether the petitioner was only a probationer or whether the petitioner was honourably acquitted in the criminal case are matters for evidence. Whether there

has been any violation of statutory procedures in dispensing with the services of the petitioner has also to be looked into. I do feel that a dispute under Section 69 of the Kerala Co-operative Societies Act, 1969 would be the appropriate remedy for the petitioner.

4. Any dispute raised within one month from today shall be dealt with by the Co-operative Arbitration Court within a period of four months therefrom. The possibility of reinstating the petitioner in service (without prejudice) in the event of the arbitration case getting delayed shall also be explored.

The writ petition is disposed of. No costs.

**V. CHITAMBARESH
JUDGE**

DCS