

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

WEDNESDAY, THE 12TH DAY OF AUGUST 2015/21ST SRAVANA, 1937

WP(C).No. 24450 of 2015 (E)

PETITIONER : -

THE KANJIRAMKULAM SERVICE CO-OPERATIVE BANK,
LTD. NO.3970, REPRESENTED BY ITS SECRETARY IN CHARGE,
KANJIRAMKULAM P.O., NEYYATTINKARA, THIRUVANANTHAPURAM.

BY ADV.SRI.P.N.MOHANAN

RESPONDENTS : -

1. JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL),
THIRUVANANTHAPURAM - 695 001.
2. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY,
CO-OPERATIVE DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.

BY Sr. GOVERNMENT PLEADER SRI. K.C. VINCENT

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
12-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS : -

EXHIBIT P1 : TRUE COPY OF THE SRO NO.9/2010 DATED 4/1/2010.

EXHIBIT P2 : TRUE COPY OF THE AUDIT CERTIFICATE OF THE YEAR 2013-2014
OF THE BANK.

EXHIBIT P3 : TRUE COPY OF THE ORDER DATED 16/8/2014 ALONG WITH
COVERING LETTER UNDER RTI ACT OF THE JOINT REGISTRAR
WITH TRANSLATION.

EXHIBIT P4 : TRUE COPY OF THE APPEAL FILED BY THE PETITIONER BEFORE
THE GOVERNMENT.

EXHIBIT P5 : TRUE COPY OF THE ORDER DATED 22/7/2015 OF THE
GOVERNMENT.

EXHIBIT P6 : TRUE COPY OF THE ORDER DATED 19/6/2014 OF THE
GOVERNMENT.

EXHIBIT P7 : TRUE COPY OF THE G.O.(RT) NO.341/2014/ CO.OP. DATED 13/6/2014.

EXHIBIT P8 : TRUE COPY OF THE INTERIM ORDER DATED 17/7/2015 IN WPC
NO.21624/2015.

RESPONDENTS' EXHIBITS : - NIL.

// TRUE COPY //

P.A. TO JUDGE

DMR/-

DAMA SESHADRI NAIDU, J.

W.P.(c) No. 24450 of 2015

Dated this the 12th day of August, 2015

JUDGMENT

The petitioner, a Primary Agricultural Credit Bank, has a grievance that it has been downgraded from Grade III to IV contrary to Exhibit P1 revised norms issued by the Government. When the first respondent passed Exhibit P3 order downgrading the petitioner Bank, it preferred an appeal before the second respondent, the Government. The Appellate Authority has, however, rejected the appeal through Exhibit P5 on the premise that it has been barred by limitation. Aggrieved thereby, the petitioner has filed the present writ petition.

2. Sri. P.N. Mohanan, the learned counsel for the petitioner Bank, has contended that the time for the purpose of calibrating the delay shall be reckoned from the date of communication or the knowledge as the case may be. In

elaboration of his submissions, he has submitted that the petitioner received Exhibit P3 through the process of Right to Information Act only on 07.05.2015 and soon thereafter filed the appeal on 01.06.2015. It is the singular submission of the learned counsel for the petitioner that the appeal is well within time and the second respondent ought to have heard the matter on merits.

3. The learned Government Pleader, on his part, having initially opposed the claims and contentions of the learned counsel for the petitioner, has eventually agreed that if the petitioner had received Exhibit P3 on the date specified in the writ petition, the issue may be remanded to the second respondent to have an adjudication on merits.

In the facts and circumstances, having regard to the respective submissions of the learned counsel for the petitioner and the learned Government Pleader, Exhibit P5 is set aside. Consequently, the matter is remanded to the second respondent with a further direction to consider the same on merits in accordance with law and pass appropriate orders thereon, as expeditiously as possible. Concerning the operation of Exhibit P3, it is observed that until the appeal is

taken up and the issue of suspending the operation of Exhibit P3 is considered by the Appellate Forum, Exhibit P3 shall not be given effect to.

**DAMA SESHADRI NAIDU
JUDGE**

DMR/-