

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

FRIDAY, THE 21ST DAY OF AUGUST 2015/30TH SRAVANA, 1937

WP(C).No. 25995 of 2015 (Y)

PETITIONERS:

1. SURESH KUMAR T., AGED 54 YEARS
S/O THANKAPPAN, GREESHMA,
PADAPPANAL, KUTHANUR, PALAKKAD.
2. SUMESH K.M., AGED 40 YEARS, S/O MANI,
PUTHUVUPARAMBA, KUNISSERY,
PALAKKAD - 678 681.

BY ADV. SRI.U.BALAGANGADHARAN

RESPONDENTS:

1. THE REGISTRAR OF CO-OPERATIVE SOCIETIES,
THIRUVANANTHAPURAM - 695 001.
2. THE RETURNING OFFICER, ALATHUR CIRCLE
CO-OPERATIVE UNION (ASSISTANT DIRECTOR,
CO-OPERATIVE AUDIT), ALATHUR, PALAKKAD-678 541.
3. THE SECRETARY, ALATHUR CIRCLE CO-OPERATIVE
UNION (ASSISTANT REGISTRAR (GENERAL) OF
COOPERATIVE SOCIETIES), ALATHUR, PALAKKAD - 678 541.
4. THE JOINT REGISTRAR (GENERAL) OF CO-OPERATIVE
SOCIETIES, PALAKKAD - 678 001.
5. THE ALATHUR CO-OPERATIVE PRIMARY AGRICULTURAL
AND RURAL DEVELOPMENT BANK, ALATHUR, PALAKKAD
REP. BY ITS SECRETARY - 678 541.
6. THE ALATHUR SERVICE CO-OPERATIVE BANK, ALATHUR
PALAKKAD-678 541 REP. BY ITS SECRETARY.
7. THE KOTTAYI SERVICE CO-OPERATIVE BANK, KOTTAYI
PALAKKAD - 678 572 REP. BY ITS SECRETARY.
8. THE KANNAMBRA SERVICE CO-OPERATIVE BANK,
KANNAMBRA, PALAKKAD-678 686 REP. BY ITS SECRETARY.
9. THE THANNERVANKKAD SERVICE CO-OPERATIVE BANK,
THANNERVANKKAD, PALAKKAD-678 001 REP. BY
ITS SECRETARY.

10. THE KUTHANUR AGRICULTURAL IMPROVEMENT SOCIETY,
KUTHANUR, PALAKKAD - 678 607.

11. THE ALATHUR TALUK EDUCATIONAL CO-OPERATIVE
SOCIETY, CO-OPERATIVE COLLEGE, ALATHUR,
PALAKKAD - 678 541 REP. BY ITS SECRETARY.

R1 TO R4 BY SR.GOVERNMENT PLEADER SRI.K.C.VINCENT

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
21-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN WPC 25995/2015

PETITIONER'S EXHIBITS:

EXT. P1 A TRUE COPY OF ELECTION NOTIFICATION DATED 27.7.2015
ISSUED BY THE SECOND RESPONDENT WITH TRANSLATION

EXT. P2 TRUE COPY OF OBEJCTION RAISED BY THE PETITIONERS DATED
17.08.2015 WITH TRANSLATION

EXT. P3 TRUE COPY OF FINAL LIST OF EMPLOYEES OF NON CREDIT
SOCIETIES ISSUED ON 18.8.2015 BY THE SECOND RESPONDENT WITH
TRANSLATION

EXT. P4 TRUE COPY OF FINAL LIST OF EMPLOYEES OF CREDIT SOCEITIES
ISSUED ON 18.8.2015 BY THE SECOND RESPONDENT WITH TRANSLATION

EXT. P5 TRUE COPY OF NOTICE DATED 18.8.2015 ISSUED BY THE SECOND
RESPONDENT WITH TRANSLATION

EXT. P6 TRUE COPY OF PETITION FILED BY THE EPTITIONERS UNDER RULE
136 OF KCS RULES DATED 19.8.2015

RESPONDENT'S EXHIBITS: NIL.

/TRUE COPY/

P.S. TO JUDGE

Dama Seshadri Naidu, J.

W.P.(C)No.25995 of 2015 Y

Dated this the 21st day of August, 2015

JUDGMENT

The issue in this writ petition pertains to the election to the Alathur Circle Co-operative Union in terms of Section 88 of the Kerala Co-operative Societies Act, 1969. Both the petitioners, who are said to be the Secretaries of Kuthanur Service Co-operative Bank and Erimayoor Service Co-operative Bank respectively, have a grievance that the elections are being conducted based on the voters list which includes not only the permanent employees but also the temporary, casual, and contract employees.

2. The learned counsel for the petitioners has submitted that Rule 129C of the Kerala Co-operative Societies Rules mandates that only full time employees can be the voters. In this regard, the petitioners are said to have

submitted Exhibit P6 representation before the first respondent under Rule 136 of the Rules. The learned counsel has eventually contended that the first respondent, who is the competent authority to take a decision on the representation made by the petitioners, has not acted on the representation. Until and unless a proper decision is taken by the first respondent, contends the learned counsel, the elections which are slated to be held on 19.09.2015 shall not be held.

3. The learned Government Pleader, on his part, has submitted that the first respondent does not have any objection to considering Exhibit P6 in accordance with law, at the earliest.

In the facts and circumstances, having regard to the respective submissions of the learned counsel for the petitioners and the learned Government Pleader, this Court disposes of the writ petition with a direction to the first

respondent to consider Exhibit P6 representation in accordance with law and pass appropriate orders thereon, as expeditiously as possible, at any rate, before 03.09.2015, which is the date fixed for submitting the nominations. If, for whatever reason, the first respondent could not consider the issue by then, he shall take appropriate steps to ensure that the elections are postponed until Exhibit P6 representation is considered on merits and disposed of.

Dama Seshadri Naidu, Judge

tkv