

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

TUESDAY, THE 20TH DAY OF OCTOBER 2015/28TH ASWINA, 1937

WP(C).No. 26742 of 2015 (P)

PETITIONER:

ASWATHY BHASKARAN C.B., D/O.C.BHASKARAN,
AGED 27 YEARS, CHATHOTHU HOUSE, KOTTAKUNNU,
SULTHAN BATHERY, WAYANAD DISTRICT.

BY ADVS.SRI.T.A.SHAJI (SR.)
SMT.NAMITHA JYOTHISH
SRI.V.VINCENT DIDACOSE
SRI.DARSAN SOMANATH
SMT.K.P.SHEEBA

RESPONDENTS:

1. JOINT REGISTRAR (GENERAL) OF CO-OPERATIVE
SOCIETIES, WAYANAD, PIN-673 592.
2. SULTHAN BATHERY TALUK PRIMARY CO-OPERATIVE
AGRICULTURAL AND RURAL DEVELOPMENT BANK LTD.
NO.W299, SULTHAN BATHERY (PO), WAYANAD-673 592
REPRESENTED BY ITS SECRETARY.
3. STATE OF KERALA REP. BY THE SECRETARY TO GOVT.,
CO-OPERATIVE DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM, PIN-695 001.

R2 BY ADV. SRI.GEORGE POONTHOTTAM
R1 & R3 BY GOVERNMENT PLEADER SRI.G.GOPAKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
20-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN WP(C).No. 26742 of 2015 (P)

PETITIONER'S EXHIBITS:

EXT. P1 : TRUE COPY OF THE ORDER NO.CRB 2632/14 DATED 19-07-2014
THE 1ST RESPONDENT, ALONG WITH ITS ENGLISH VERSION.

EXT. P2 : TRUE COPY OF REPRESENTATION DATED 01-08-2015 SUBMITTED
BY THE PETITIONER BEFORE THE 1ST RESPONDENT.

RESPONDENT'S EXHIBITS: NIL.

/TRUE COPY/

P.S. TO JUDGE

Dama Seshadri Naidu, J.

W.P.(C)No.26742 of 2015 P

Dated this the 20th day of October, 2015

JUDGMENT

The petitioner, an Attendar, having been appointed on 25.07.2012 in a sanctioned post, is said to have been in continuous service. Since the petitioner, duly qualified, has been initially appointed on a contract basis, the first respondent passed Exhibit P1 order granting scale of pay to the petitioner.

2. In so far as the regularisation of the petitioner's services are concerned, Exhibit P2 representation submitted by the petitioner is said to have been pending before the first respondent.

3. Ventilating her grievance that so far the second respondent Bank has not extended the benefit of the sanctioned pay and also that the first respondent has not consider her Exhibit P2 representation expeditiously, the

petitioner has approached this Court.

4. The respondent Bank has filed a counter, placing on record, inter alia, that the audit of the bank for the financial year 2014-2015 is yet to be completed. The bank has no objection in implementing Exhibit P1 with effect from 25.05.2012, i.e. the date of original appointment which was regularised, subsequently. The bank is ready and willing to implement the same as and when the financial status of the bank is stabilised retrospectively.

5. On the basis of what is said to be the admission made by the respondent Bank, Sri.T.A.Shaji, the learned Senior Counsel for the petitioner has submitted that there remains no issue to be adjudicated upon, for the respondent Bank has undertaken to implement Exhibit P1 with effect from 25.05.2012. The learned Senior Counsel has also submitted that it will suffice, apart from fixing a time frame for implementation of Exhibit P1, if a direction is given to

the first respondent to consider the petitioner's Exhibit P2 representation expeditiously.

6. The learned counsel for the respondent Bank has submitted that the Bank is willing to abide by its assertion in the counter affidavit filed by the second respondent.

7. The learned Government Pleader, on his part, has submitted that the first respondent will consider the petitioner's Exhibit P2 representation expeditiously.

In the facts and circumstances, this Court disposes of the writ petition with a direction to the second respondent Bank to implement Exhibit P1 pay scale in favour of the petitioner at the earliest, at any rate, within three months from the date of receipt of a copy of this judgment.

Further, the first respondent is directed to consider the petitioner's Exhibit P2 representation and pass appropriate orders thereon, as expeditiously as possible, at

any rate, within two months from the date of receipt of a copy of this judgment.

Dama Seshadri Naidu, Judge

tkv