

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

FRIDAY, THE 18TH DAY OF DECEMBER 2015/27TH AGRAHAYANA, 1937

WP(C).No. 29121 of 2015 (M)

PETITIONER : -

N.RAMAKRISHNAN, AGED 60 YEARS,
S/O NARAYANAPANIKAR, MURUGAVILAS BANGLOW,
ARAYOOR DESAM, CHENKAL VILLAGE,
POORANOOR, THIRUVANANTHAPURAM.

BY ADVS.SRI.T.A.UNNIKRISHNAN
SRI.K.K.AKHIL

RESPONDENTS : -

1. THE DIRECTOR, DIARY DEVELOPMENT DEPARTMENT,
PATTAM, THIRUVANANTHAPURAM, PIN:695004.
2. THE DEPUTY DIRECTOR,
DIARY DEVELOPMENT DEPARTMENT, PATTAM,
THIRUVANANTHAPURAM, PIN:695004.
3. THE DIARY EXTENSION OFFICER, DIARY EXTENSION OFFICE,
PARASSALA, THIRUVANANTHAPURAM, PIN:695 502.
4. THE PORANNOOR MILK PRODUCERS CO-OPERATIVE SOCIETY
LTD.NO.T.179 (D) APCOS, THOTTINKARA,
PLAMUTTUKADA P.O., THIRUVANANTHAPURAM, PIN:695122

R4 BY ADV.SRI.S.V.PREMAKUMARAN NAIR
R4 BY ADV.SRI.R.T.PRADEEP
BY GOVERNMENT PLEADERS SRI. G. GOPAKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
18-12-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 29121 of 2015 (M)

APPENDIX

PETITIONER'S EXHIBITS : -

EXHIBIT P1 : TRUE COPY OF THE COMPLAINT DATED 22.8.2015 SUBMITTED TO
THE RESPONDENTS 1 TO 3 ON 22/8/15.

EXHIBIT P1(a): TRUE ENGLISH TRANSLATION OF EXHIBIT P1.

RESPONDENTS' EXHIBITS : - NIL.

// TRUE COPY //

P.A. TO JUDGE

DMR/-

DAMA SESHADRI NAIDU, J.

W.P.(c) No. 29121 of 2015

Dated this the 18th day of December, 2015

JUDGMENT

The petitioner, said to be a founder member of the fourth respondent Co-operative Society, has the following grievances:

(1) That the Society has admitted certain members who have not been qualified. In other words, those members have not been qualified because they do not reside within the area of the Society or, in the alternative, they do not possess any property within the jurisdiction of the Society;

(2) That the Society despite being in financial constraints has decided to appoint one more permanent employee, which is against the interest of the institution.

2. Contending that the second respondent has so far not disposed of his representation, the petitioner has filed the present writ petition.

3. The learned counsel for the fourth respondent has submitted that insofar as the second issue is concerned, it is in the realm of service dispute and is amenable to adjudicatory

jurisdiction of the Arbitrator under Section 69 of the Kerala Co-operative Societies Act. Insofar as the first issue is concerned, he submits that the second respondent has already delegated the issue to the third respondent, who has already issued a notice to the members concerned calling for their objections.

In the facts and circumstances, having regard to the submission of the learned counsel for the petitioner and the learned counsel for the respondents, this Court disposes of the writ petition with a direction to the second or third respondent, as the case may be, to consider Exhibit P1 representation excluding the issue of service dispute and pass appropriate orders thereon, after affording an opportunity of hearing to all concerned including the petitioner, as expeditiously as possible, at any rate, within a period of two months from the date of receipt of a copy of this judgment. No order as to costs.

DAMA SESHADRI NAIDU
JUDGE

DMR/-