

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

MONDAY, THE 12TH DAY OF JANUARY 2015/22ND POUSHA, 1936

WP(C).No. 30150 of 2014 (P)

PETITIONER:

SMITHA S., AGED 34 YEARS
W/O. BAIJU, KURAVAMPURATH, KODAMTHURUTH,
KUTHIYATHODE, NOW HOLDING THE POST OF SECRETARY
KODAMTHURUTH KSHEEROLPADAKA SAHAKARANA SANGHAM
LTD. A.285 (D) APCOS,
KODAMTHURUTH.

BY ADV. SMT.K.N.RAJANI

RESPONDENTS:

1. KODAMTHURUTH KSHEEROLPADAKA SAHAKARANA
SANGHAM LTD. A 285(D), APCOS, KODAMTHURUTH,
REPRESENTED BY ITS BOARD OF DIRECTORS, KODAMTHURUTH,
KUTHIYATHODU P.O., CHERTHALA-688 533.
2. KODAMTHURUTH KSHEEROLPADAKA SAHAKARANA
SANGHAM LTD. A 285(D), APCOS, KODAMTHURUTH,
REPRESENTED BY ITS PRESIDENT, KODAMTHURUTH,
KUTHIYATHODU P.O., CHERTHALA-688 533
3. STATE OF KERALA
REPRESENTED BY THE PRINCIPAL SECRETARY,
DIARY DEVELOPMENT, THIRUVANANTHAPURAM-695 001.
4. DEPUTY DIRECTOR
MILK MARKETING FEDERATION, DIARY DEVELOPMENT,
ALAPPUZHA-688 001.
5. DIARY DEVELOPMENT OFFICER
PATTANAKKAD BLOCK, PATTANAKKAD-688 531.
6. DISTRICT LABOUR OFFICER
OFFICE OF THE DISTRICT LABOUR OFFICE,
ALAPPUZHA 688 013.

7. JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL)
ALAPPUZHA-688001.

R1,R2 BY ADV. SRI.S.P.ARAVINDAKSHAN PILLAY
R1,R2 BY ADV. SMT.N.SANTHA
R1,R2 BY ADV. SRI.K.A.BALAN
R1,R2 BY ADV. SRI.V.VARGHESE
R1,R2 BY ADV. SRI.PETER JOSE CHRISTO
R1,R2 BY ADV. SRI.S.A.ANAND
R BY GOVERNMENT PLEADER SRI.T.R.RAJESH

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
12-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 30150 of 2014 (P)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1 SERIES- TRUE COPY OF THE RESOLUTIONS PASSED UNDER THE GUIDANCE OF THE RESPONDENT.

EXHIBIT P2- TRUE COPY OF THE RELEVANT PAGES OF MUSTER ROLL.

EXHIBIT P3- TRUE COPY OF THE RELEVANT PAGES OF ACQUITTANCE ROLL.

EXHIBIT P4 SERIES- TRUE COPY OF THE REPRESENTATIONS SUBMITTED TO VARIOUS GOVERNMENT OFFICERS.

EXHIBIT P5- TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER TO THE 6TH RESPONDENT.

EXHIBIT P6- TRUE COPY OF THE REPRESENTATION DATED 5-11-2014.

EXHIBIT P7- TRUE COPY OF THE PAPER PUBLICATION.

EXHIBIT P8- TRUE COPY OF THE CORRESPONDENCE NO. 24997/D3/14/AD DATED 18-9-2014.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.S. TO JUDGE.

V.CHITAMBARESH, J.

W.P (C) No.30150 of 2014

Dated this the 12th day of January, 2015

J U D G M E N T

The petitioner challenges the proceedings initiated by the first respondent for appointment to the post of Secretary. The petitioner asserts that she has already been appointed as the Secretary of the Society and admitted to the Muster roll and Admittance roll. The first respondent contended that its staff pattern was approved only recently and that the petitioner was merely permitted to officiate in that post. All these are disputed questions which are to be gone into in proceedings under Section 69 of the Kerala Co-operative Societies Act.

2. Any dispute arising in connection with employment of officers and servants in the Society has to be resolved by Arbitration only. A reference to Section 69(2)(d) of the Kerala Co-operative Societies Act, 1969 is apposite. The petitioner cannot invoke the extra ordinary remedy when she has an effective alternate statutory remedy.

The Writ Petition is dismissed without prejudice to the right of the petitioner as above.

V.CHITAMBARESH,
Judge.

nj.