

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

TUESDAY, THE 1ST DAY OF DECEMBER 2015/10TH AGRAHAYANA, 1937

WP(C).No. 30871 of 2015 (H)

PETITIONER :

SHERLY CHACKO, AGED 39 YEARS,
W/O.GIBY CHACKO, PARACKAL HOUSE,
ANICADU P.O, MALLAPPALLY WEST,
PATHANAMTHITTA DISTRICT, PIN 689645.

BY ADVS.SRI.C.S.MANU
SRI.S.K.PREMRAJ
SRI.V.S.PREJITH
SMT.NEETHU.K.SHAJI
SRI.C.Y.VIJAY KUMAR

RESPONDENTS : -

1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF KERALA,
DEPARTMENT OF CO-OPERATIVE SOCIETIES,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - PIN 695001.
2. THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES,
OFFICE OF THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES,
CIVIL STATION, PATHANAMTHITTA, PIN 689585.
3. ANICADU SERVICE CO-OPERATIVE BANK LIMITED NO.A-113,
REPRESENTED BY ITS SECRETARY, PIN 689589.
4. BOARD OF DIRECTORS,
ANICADU SERVICE CO-OPERATIVE BANK LIMITED NO.A-113,
REPRESENTED BY ITS PRESIDENT, PIN 689589.

R2, R3 BY ADV.SRI.P.N.MOHANAN
BY GOVERNMENT PLEADER SRI. G. GOPAKUMAR

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

APPENDIX

PETITIONER'S EXHIBITS : -

EXHIBIT-P-1 : TRUE COPY OF THE APPOINTMENT LETTER DATED 5.9.2009
ISSUED BY THE 4TH RESPONDENT TO THE PETITIONER WITH
ENGLISH TRANSLATION.

EXHIBIT-P2 : TRUE COPY OF THE ORDER BEARING NO.88/12-13 DATED 15.2.2013
ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER WITH
ENGLISH TRANSLATION.

EXHIBIT-P3 : TRUE COPY OF THE APPLICATION DATED 13.7.2015 SUBMITTED BY
THE PETITIONER TO THE 4TH RESPONDENT.

EXHIBIT-P4 : TRUE COPY OF THE RESOLUTION NO.32 PASSED BY THE
DIRECTORS OF THE BANK DATED 14.7.2015 WITH ENGLISH
TRANSLATION.

EXHIBIT-P5 : TRUE COPY OF THE APPLICATION DATED 24.7.2015 SUBMITTED BY
THE PETITIONER TO THE 2ND RESPONDENT FOR HAVING SENT
THE SAME BY SPEED POST ALONG WITH POSTAL RECEIPT.

EXHIBIT-P6 : TRUE COPY OF THE JUDGMENT DATED 3.8.2015 IN W.P.(C) NO.23356
OF 2015 ISSUED BY THIS HON'BLE COURT.

EXHIBIT-P6(a): TRUE COPY OF THE ORDER IN I.A.NO.12225 OF 2015 DATED
21.8.2015 ON JUDGMENT DATED 3.8.2015 IN WP(C) NO.23356 OF 2015
ISSUED BY THIS HON'BLE COURT.

EXHIBIT-P7 : TRUE COPY OF THE ORDER ISSUED BY THE 2ND RESPONDENT TO
THE PETITIONER VIDE ORDER NO.C.R.P.(1) 4506/15 K.DIS.DATED
30.9.2015.

EXHIBIT-P7(a): TRUE ENGLISH TRANSLATION OF EXHIBIT-P7.

RESPONDENTS' EXHIBITS : - NIL.

// TRUE COPY //

P.A. TO JUDGE

DMR/-

DAMA SESHADRI NAIDU, J.

W.P.(c) No. 30871 of 2015

Dated this the 01st day of December, 2015

JUDGMENT

Heard the learned counsel for the petitioner and the learned counsel for the respondents, as well as the learned Government Pleader, apart from perusing the record. Since the issue lies in a narrow compass, this Court proposes to dispose of the writ petition at the admission stage itself.

2. The petitioner, having been appointed as Peon on 05.09.2009 in the third respondent Bank, got retrenched on 15.02.2013. Now, in the light of the vacancies that have arisen subsequently, the petitioner has staked her claim in terms of Section 25H of the Industrial Disputes Act, 1947.

3. Ventilating her grievance that the respondent Bank has not been acceding to her request to be re-employed in the available vacancy, the petitioner has filed the present writ petition.

4. In response to the submissions made by the learned counsel for the petitioner, the learned counsel for the third and fourth respondents has submitted that there are, indeed,

vacancies and that the petitioner's case is to be considered.

5. The learned counsel for the petitioner further brought to my notice that the respondent Bank has already taken a decision and issued Exhibit P4 to the effect that the petitioner is entitled.

In the light of Exhibit P4, I am of the opinion that no further cogitation on the part of the respondent employer is required to hold that the petitioner is entitled. Accordingly, this Court directs respondents 3 and 4 to take further steps pursuant to Exhibit P4, as expeditiously as possible, at any rate, with a period of one month from the date of receipt of a copy of this judgment. No order as to costs.

DAMA SESHADRI NAIDU
JUDGE

DMR/-