

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MRS. JUSTICE ANU SIVARAMAN

THURSDAY, THE 17TH DAY OF SEPTEMBER 2015/26TH BHADRA, 1937

WP(C).No. 35586 of 2009 (P)

PETITIONER :

**G.RADHAKRISHNAN, SENIOR CLERK,
VELINELLUR SERVICE CO-OPERATIVE BANK,
KARINGANNUR.P.O, KOLLAM.**

BY ADV. SRI.P.C.SASIDHARAN

RESPONDENT(S):

- 1. THE JOINT REGISTRAR OF CO-OPERATIVE
SOCIETIES (GENERAL), KOLLAM.**
- 2. THE VELINELLUR SERVICE CO-OPERATIVE
BANK LTD., NO.2873, KARINGANNUR.P.O.,
KOLLAM, REPRESENTED BY ITS SECRETARY.**
- 3. S.SUNITHA, SENIOR CLERK,
VELINELLUR SERVICE CO-OPERATIVE BANK,
KARINGANNUR.P.O, KOLLAM.**

**R1 BY GOVERNMENT PLEADER SRI.P.K.ABDUL REHMAN
R2 BY ADV. SRI.S.SHAJI
R3 BY ADV. SRI.P.N.MOHANAN**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 17-09-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

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APPENDIX

PETITIONER'S EXHIBITS:

- P1 COPY OF THE FINAL SENIORITY LIST PUBLISHED BY THE BANK.**
- P2 COPY OF THE JUDGMENT IN WP(C).NO.15602/2009 DATED 5/6/2009**
- P3 COPY OF THE REPRESENTATION FILED BY THE 3RD RESPONDENT BEFORE THE JOINT REGISTRAR DATED 27/7/2008**
- P4 COPY OF THE DETAILED WRITTEN SUBMISSION DATED 28/10/2009**
- P5 COPY OF THE ORDER ISSUED BY THE JOINT REGISTRAR DATED 4/11/2009**
- P6 COPY OF THE AUDIT OBJECTION DATED 20/01/2005**
- P7 COPY OF THE COMMUNICATION ISSUED BY THE JOINT REGISTRAR DATED 30/07/2005**
- P8 COPY OF THE COMMUNICATION ISSUED BY THE JOINT REGISTRAR DATED 30/12/2005**

RESPONDENT'S EXHIBITS:

- R3(A) COPY OF THE RANK LIST PREPARED BY THE MANAGING COMMITTEE DATED 14/3/98**
- R3(B) COPY OF THE CIRCULAR 18/91**
- R3(C) COPY OF THE RESOLUTION OF THE MANAGING COMMITTEE DATED 26/3/98**
- R3(D) COPY OF THE JUDGMENT REPORTED IN 1999 (2) KLT 180**
- R3(E) COPY OF THE 18/99 DATED 3/5/99**
- R3(F) COPY OF THE ORDER OF THE JOINT REGISTRAR DATED 5/2/2004**
- R3(G) COPY OF THE PROVISIONALLY SENIORITY LIST**
- R3(H) COPY OF THE FINAL SENIORITY LIST DATED 01/4/08**
- R3(I) COPY OF THE PROVISIONAL SENIORITY LIST ISSUED BY THE BANK DATED 8/12/2009**

/TRUE COPY/

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P.A.TO JUDGE

ANU SIVARAMAN, J.

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W.P.(C).No.35586 of 2009

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Dated this the 17th day of September, 2015

JUDGMENT

The prayer in this writ petition is to quash Ext.P5 order passed by the Joint Registrar, the 1st respondent under Rule 176 of the Co-operative Societies Rules. The question involved in Ext.P5 is with regard to the seniority of the petitioner vis-a-vis the 3rd respondent herein. It has been repeatedly held by this Court that disputes regarding inter se seniority of the employees of a Co-operative Society are to be adjudicated by the Arbitration Court under Section 69(2) of the Kerala Co-operative Societies Act, 1969 and are not amenable to the power of the Registrar under Rule 176 of the Rules.

2. In the instant case, there was a direction to the to consider the claim raised by the 3rd respondent for seniority. However a Division Bench of this Court in **Raveendran v. State of Kerala** (2007(3) KLT 558) has specifically held that mere fact that this Court has directed the Joint Registrar to decide the dispute cannot amount to conferring jurisdiction on the Joint

Registrar to decide the dispute under Rule 176 of the Kerala Co-operative Societies Rules.

3. It is also submitted by the learned counsel for the 3rd respondent that the 3rd respondent has left the employment of the 2nd respondent society and is no longer interested in the outcome of the writ petition.

In the above circumstances, Ext.P5 is set aside and the writ petition is ordered accordingly.

Anu Sivaraman, Judge

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