

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

THURSDAY, THE 17TH DAY OF DECEMBER 2015/26TH AGRAHAYANA, 1937

WP(C).No. 38014 of 2015 B

PETITIONER:

O.V. UNNIKRISHNAN, S/O.KUNHAMBU, AGED 40,
ODAN VALAPPIL HOUSE, POOMANGALAM,
PANNIYOOR P.O., KARIMBAM VIA, PANNIYOOR AMSOM,
TALIPARAMBA TALUK, KANNUR DISTRICT-670 142
(WAS WORKING AS SECRETARY OF P.K.S.SANGHAM LTD.).

BY ADVS.SRI.V.T.MADHAVANUNNI
SRI.V.A.SATHEESH
SRI.J.ABHILASH

RESPONDENTS:

1. THE DEPUTY DIRECTOR, DAIRY DEVELOPMENT
DEPARTMENT, CIVIL STATION P.O., KANNUR-670 002.
2. PANNIYOOR KHEEROLPADAKA SAHAKARANA SANGHAM
LTD. NO.C-210(D), APCOS, PALLIVAYAL P.O.,
KARIMBAM VIA, PANNIYOOR AMSOM, TALIPARAMBA TALUK,
KANNUR DISTRICT-670 142.

R1 BY GOVERNMENT PLEADER SRI.JOSEPH GEORGE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
17-12-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN WP(C).No. 38014 of 2015 (B)

PETITIONER'S EXHIBITS:

EXT. P1 : TRUE COPY OF THE ORDER OF DISCIPLINARY SUB COMMITTEE OF THE SECOND RESPONDENT SOCIETY DATED 12-6-2015 WITH ENGLISH TRANSLATION.

EXT. P2 : TRUE COPY OF THE APPEAL FILED BY THE PETITIONER DATED 29.6.2015 WITH ENGLISH TRANSLATION.

EXT. P3 : TRUE COPY OF THE ORDER PASSED BY THE BOARD OF DIRECTORS OF THE SECOND RESPONDENT SOCIETY DATED 10-8-2015 WITH ENGLISH TRANSLATION.

EXT. P4 : TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE FIRST RESPONDENT DATED 5-9-2015 WITH ENGLISH TRANSLATION.

RESPONDENT'S EXHIBITS:

/TRUE COPY/

P.S. TO JUDGE

Dama Seshadri Naidu, J.

W.P.(C)No.38014 of 2015 B

Dated this the 17th day of December, 2015

JUDGMENT

The petitioner, said to be a Secretary of the second respondent Society, having faced disciplinary proceedings, was eventually removed from service. His appeal before the Board of Directors also met with failure. In that context, he has filed Exhibit P4 representation before the first respondent. Seeking its expeditious disposal, the petitioner has come before this Court.

2. Beyond controversy is the fact that what has been raised by the petitioner in Exhibit P4 is a service dispute, which is amenable to adjudication by an Arbitration Court under Section 69 of the Kerala Co-operative Societies Act. Exhibit P4 seems to be an extra legal representation. This Court cannot compel the first respondent to pronounce an

order exercising the powers which he lacks, especially in the face of efficacious remedial measures provided under Section 69 of the Act.

Under these circumstances, this Court closes the writ petition, leaving it open for the petitioner to take recourse to appropriate statutory remedies.

Dama Seshadri Naidu, Judge

tkv