

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.J.CHELAMESWAR  
&  
THE HONOURABLE MR. JUSTICE P.R.RAMACHANDRA MENON

THURSDAY, THE 30TH SEPTEMBER 2010 / 8TH ASWINA 1932

WA.No. 1443 of 2010

-----  
AGAINST THE JUDGEMENT IN WPC.21442/2010 Dated 12/07/2010

.....

APPELLANT/2ND RESPONDENT:

-----

PUTHOOR SERVICE CO-OPERATIVE BANK LTD.  
NO.1287, REPRESENTED BY ITS SECRETARY,  
POOTHOR P.O., KOLLAM DISTRICT (IN THE WRIT  
PETITION THE BANK WAS REPRESENTED BY  
THE PRESIDENT).

BY ADV. SRI.T.RAMPRASAD UNNI

RESPONDENTS/PETITIONER & 1ST RESPONDENT:

-----

1. P.S.VISHNU, VISHNU BHAVAN,  
THEVALAPPURAM, PUTHOOR, KOTTARAKKARA,  
KOLLAM DISTRICT-691 506.

2. THE JOINT REGISTRAR OF CO-OPERATIVE  
SOCIETIES (G) KOLLAM.

R1 BY ADV. SRI.P.N.MOHANAN

R2 BY SENIOR GOVT. PLEADER, SRI.BENNY GERVASIS

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD  
ON 30/09/2010, THE COURT ON THE SAME DAY DELIVERED  
THE FOLLOWING:

**J.Chelameswar, C.J. & P.R. Ramachandra Menon, J.**

-----  
W.A.No. 1443 OF 2010  
-----

Dated this the 30<sup>th</sup> day of September, 2010

**JUDGMENT**

**Ramachandra Menon, J.**

The appellant Bank is before this Court challenging the verdict passed by the learned Single Judge, giving a positive direction to have implemented Exts.P2 & P3 and to give appointment to the writ petitioner as a Junior Clerk, in terms of Clause (d) of Rule 188A of the Kerala Co-operative Societies Rules. It is pointed out that the impugned verdict was passed without issuing any notice to the Bank and hence is under challenge.

2. The case of the appellant is that no writ will lie against the appellant (being an entity registered under the Kerala Co-operative Societies Act) and that the appellant did not get an opportunity to substantiate the factual position before the learned Single Judge. It is contended that, by virtue of the verdict passed against the appellant, much loss and hardships have been resulted and it is detrimental to the

interest of the Bank, which requires interference by this Court.

3. Heard learned counsel for the 1<sup>st</sup> respondent as well.

4. It is evident from the verdict passed by the learned Single Judge that the matter was disposed of at the admission stage itself, taking note of the submission made by the learned Government Pleader that the 1<sup>st</sup> respondent in the writ petition (appellant) shall take necessary action to implement Exts.P2 and P3 which were the directions issued by the Joint Registrar. Further, the Managing Committee of the appellant Bank had already decided to give employment assistance to the writ petitioner as a 'Salesman', under the dying-in-harness Scheme. The Joint Registrar only made it clear that it could only be as a Junior Clerk, to be in conformity with Rule 188 A(d) of the Rules and that's all.

5. However, there is no dispute that the above verdict was passed without issuing notice to the appellant Bank. Taking note of the submission made by the learned Senior counsel appearing for the appellant that the appellant is much aggrieved

of the verdict and that the factual position has necessarily to be brought on record, we find it fit and proper to have the impugned verdict set aside and to have the Writ Petition reconsidered on merits.

Accordingly, the judgment of the learned Single Judge is set aside and the writ petition is ordered to be posted for fresh consideration after hearing all the concerned parties including the appellant/bank. The Writ Appeal is allowed to the above extent. No costs.

**J.Chelameswar,  
Chief Justice.**

**P.R. Ramachandra Menon,  
Judge.**

ttb

WA No. 1443 of 2010

-:4:-