

**Thomas K.Paul Vs. the Secretary**

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**SooperKanoon Citation :** [sooperkanoon.com/1093064](http://sooperkanoon.com/1093064)

**Court :** Kerala

**Decided On :** Sep-27-2013

**Judge :** Honourable Mr. Justice a.V.Ramakrishna Pillai

**Appellant :** Thomas K.Paul

**Respondent :** The Secretary

**Judgement :**

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN FRIDAY, THE 27TH DAY OF SEPTEMBER 2013 5TH ASWINA, 1935 WP(C).No. 20642 of 2013 (E)

----- PETITIONER: ----- M.T.ABRAHAM, MAMMOOTTIL HOUSE, VAYALATHALA P.O., PATHANAMTHITTA PIN - 689 672. BY ADVS.SRI.BABU CHERUKARA SMT.ROSAMMA MATHEW SRI.P.A.SALIM RESPONDENTS: ----- 1. THE JOINT REGISTRAR, CO-OPERATIVE SOCIETIES PATHANAMTHITTA PIN - 689 645.

2. THE VAYALATHALA SERVICE, CO-OPERATIVE BANK LTD NO.1041, VAYALATHALA P.O. PATHANAMTHITTA, PIN - 689 672 REPRESENTED BY IT'S SECRETARY.

3. THE PRESIDENT, VAYALATHALA SERVICE CO-OPERATIVE BANK LTD NO.1041 VAYALATHALA P.O., PATHANAMTHITTA, PIN - 689 672.

4. MRS.ANU G.NAIR, PLAMKOOTTATHIL HOUSE, VAYALATHALA P.O. PATHANAMTHITTA DISTRICT, PIN - 689 672.

5. MR.P.R.RAJESHKUMAR, PLAMKOOTTATHIL HOUSE, VAYALATHALA P.O., PATHANAMTHITTA PIN - 689 672. R1 BY GOVERNMENT PLEADER SRI. NOUSHAD THOTTATHIL R2 & 3 BY ADV. SRI.GEORGE POONTHOTTAM R4,R5BY ADV. SMT.I.SHEELA DEVI THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON2709-2013, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: WP(C).No. 20642 of 2013 (E)

----- APPENDIX PETITIONER(S)' EXHIBITS  
----- EXHIBIT P1: TRUE PHOTOSTAT COPY OF THE INSTRUCTION RECEIVED BY THE PETITIONER ISSUED BY ONE MR.VIJAYAKUMAR K.G. DATED82/2013. EXHIBIT P2: TRUE PHOTOSTAT COPY PAPER PUBLICATION DATED48/2014 IN MALAYALA MANORAMA DAILY EXHIBIT P3: TRUE PHOTOSTAT COPY THE MALAYALA MANORAMA NEW PAPER REPORT DATED148/2013. EXHIBIT P4: TRUE PHOTOSTAT COPY OF THE REPRESENTATION DATED148/2013 BY THE PETITIONER TO THE1T RESPONDENT. RESPONDENT(S)' EXHIBITS  
----- TRUE COPY P.A TO JUDGE K. VINOD CHANDRAN, J - - - - - W.P(C) No.20642 of 2013 E & W.P(C) No.20679 of 2013 H - - - - - Dated this the 27th day of September, 2013

## JUDGMENT

The petitioners in both these writ petitions challenged the notification issued by the respondent Bank for making appointments TO the post of Peon. The contention raised by the petitioner in W.P(C) No.20679 of 2013; who is a member of the Bank and the petitioner in W.P(C)20642 of 2013 who is the erstwhile President and the member of the Board of Directors even now, are similar. It is the contention of the petitioners that Ext.P1 has been issued with the malafide intention of appointing the 6th respondent in W.P(C) No.20679/2013 who is the wife of the 5th respondent. Respondents 7 to 15 in the said writ petition are applicants to the above post.

2. The contention is that the 5th respondent, who was a member of the Managing Committee has resigned from his Directorship for the purpose of enabling his wife, the 6th respondent to get appointment in the Bank. The notification issued in the fag end of the tenure of the Managing Committee WPC.20642/2013 & WPC.20679/2013 :

2. : and the resignation of the 5th respondent is projected as a malafide attempt to circumvent the provisions of the Co- operative Societies Act, which provides for disability of employment of near relatives of Director Board members. When there is disability for appointment of near relatives and a Director Board member steps down to facilitate participation of a near relative in the selection process, no malafides can be attributed, without anything further.

3. In any event, there was a stay and but for receipt of applications, the same has not been processed yet, nor was even a written examination conducted. It is also submitted that the term of the Managing Committee has come to an end on 30.9.2013 and an election has been scheduled. In the circumstances, I do not think that these writ petitions have to be kept pending, but, however, there shall be a direction to the Joint Registrar to consider Ext.P5 application filed by the petitioner in W.P(C) No.20642/2013, in accordance with law. Writ petitions are disposed of. No costs. Sd/- (K. VINOD CHANDRAN, JUDGE) jma //true copy// P.A to Judge

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