

K.E. Charu, vs State of Kerala,

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Court : Kerala

Decided On : Jul-27-2022

Judge : Honourable Mr. Justice Devan Ramachandran

Appeal No. : WP(C)/843/2022

Appellant : K.E. Charu,

Respondent : State of Kerala,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN WEDNESDAY, THE 27TH DAY OF JULY 2022 / 5TH SRAVANA, 1944 PETITIONER: K.E. CHARU, AGED 52 YEARS, S/O. RAMAN, RESIDING AT ALAKA, VALLIKUNNU P.O. MALAPPURAM, 673 314, PRESENTLY WORKING AS MANAGER, MALAPPURAM DISTRICT CO-OPERATIVE BANK LIMITED, MALAPPURAM, PIN - 676 505. BY ADVS.M.R.JAYAPRASAD ROOPKUMAR G. JOHN K.J. RESPONDENTS: 1 STATE OF KERALA, REPRESENTED BY SECRETARY TO GOVERNMENT, DEPARTMENT OF CO-OPERATION, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM 695 001. 2 THE REGISTRAR OF CO-

OPERATIVE SOCIETIES, JAYAHAR SAHAKARANA BHAVAN, THYCAUD P.O., THIRUVANANTHAPURAM - 695 014. 3 MALAPPURAM DISTRICT CO-OPERATIVE BANK LIMITED, REPRESENTED BY ITS GENERAL MANAGER, MALAPPURAM DISTRICT CO-OPERATIVE BANK LIMITED, MALAPPURAM - 676 505. BY ADVS.SRI.E.S.M.KABEER, SC SMT RESMI THOMAS-GP THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 27.07.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: -2-

JUDGMENT

Even though I heard this matter for some time today, it is obvious that this writ petition is not maintainable or capable of being considered by this Court on its merits, because it is conceded that the reliefs herein had been earlier sought for by the petitioner, through the statutory alternative mechanism, by filing an Arbitration Case before the Co-operative Arbitration Court, which was rejected and confirmed by the Appellate Tribunal, through Ext.P9.

2. Obviously, therefore, unless the

petitioner challenges Ext.P8 order of the Arbitration Court and Ext.P9 order of the Tribunal, no relief can be granted to him, since the claims raised have been found against him on its merits through the said orders. Resultantly, reversing the afore liberty to -3- the petitioner, I close this writ petition without any further orders; however, leaving open all the rival contentions to be impelled at the time when a fresh writ petition is moved. Sd/- DEVAN RAMACHANDRAN JUDGE akv -4- APPENDIX OF WP(C) 843/2022 PETITIONER EXHIBITS EXHIBIT P1 COPY OF THE RULES ADOPTED BY THE 3RD RESPONDENT NO. 21 DATED 18.12.1998. EXHIBIT P2 COPY OF THE PROCEEDINGS NO. PG AI/2007-2008 TO THE PETITIONER DATED 01.12.2007. EXHIBIT P3 COPY OF RELEVANT PAGES OF THE SENIORITY LIST PUBLISHED BY THE 3RD RESPONDENT WITH THE DATES OF APPOINTMENTS OF THE PERSONS. EXHIBIT P4 TRUE COPY OF THE APPLICATION DATED 04.10.2016. EXHIBIT P4(A) TRUE COPY OF THE ENGLISH TRANSLATION OF APPLICATION DATED 04.10.2016.

EXHIBIT P5 TRUE COPY OF JUDGMENT IN WPC 24464 OF 2008 DATED 21.11.2013. EXHIBIT P6 TRUE COPY OF THE REQUEST FOR PROMOTION COMPLYING JUDGMENT TO 3RD RESPONDENT DTD. 20.02.14. EXHIBIT P7 TRUE COPY OF THE ORDER PG AI/2013-2014 DATED 22.02.2014. EXHIBIT P8 TRUE COPY OF THE ORDER OF CO OPERATIVE ARBITRATION COURT (NORTHERN) KOZHIKODE IN ARC NO. 37/2014 DATED 18.03.2019. EXHIBIT P9 TRUE COPY OF THE KERALA CO OPERATIVE TRIBUNAL IN APPEAL NO. 53/2019 DTD. 09.11.2021. EXHIBIT P10 RELEVANT PAGES OF THE SENIORITY LIST PUBLISHED BY THE 3RD RESPONDENT DATED 03.05.2021.

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