

C.Anil Kumar vs State of Kerala

C.Anil Kumar vs State of Kerala

SooperKanoon Citation : sooperkanoon.com/1443969

Court : Kerala

Decided On : Apr-04-2022

Judge : Honourable Mr. Justice Devan Ramachandran

Appeal No. : WP(C)/1841/2022

Appellant : C.Anil Kumar

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN MONDAY, THE 4TH DAY OF APRIL 2022 / 14TH CHAITHRA, 1944 PETITIONER: C.ANIL KUMAR, (INSPECTOR, KSRTC, NEDUMANGAD DEPOT, RETIRED ON 30.4.2020), RESIDING AT AVITTAM, KULAMANKUZHI, KALLARA P.O., THIRUVANANTHAPURAM, PIN-695608. BY ADV K.P.RAJEEVAN RESPONDENTS:

1 STATE OF KERALA REPRESENTED BY ITS SECRETARY, CO-OPERATIVE DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM, PIN-695001. 2 THE REGISTRAR OF CO-

OPERATIVE SOCIETIES, JAWAHAR SAHAKARANA BHAVAN, DPI JUNCTION, THYCAUD (PO), THIRUVANANTHAPURAM, PIN-695014. 3 THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES, TC 25/3374, NEAR DEVI PHARMA, CHIRAKKULAM ROAD, THIRUVANANTHAPURAM, PIN-695001. 4 KERALA STATE TRANSPORT WORKER'S CO-OPERATIVE SOCIETY LTD. NO.T133, REPRESENTED BY ITS SECRETARY, THAMPANOOR, THIRUVANANTHAPURAM, PIN-695001. 5 THE KERALA STATE ROAD TRANSPORT CORPORATION, REPRESENTED BY ITS MANAGING DIRECTOR, TRANSPORT BHAVAN, FORT, THIRUVANANTHAPURAM, PIN-695023. 6 THE DISTRICT TRANSPORT OFFICER, NEDUMANGAD DEPOT, NEDUMANGAD, THIRUVANANTHAPURAM, PIN- 695541. BY ADVS. N.UNNIKRISHNAN G.KEERTHIVAS SC

SMT.K.AMMINIKUTTY.SR.G.P. THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 04.04.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

The petitioner alleges that, on account of the mistake of the 4th respondent - Society and the avoidable delay caused by them in remitting the necessary amounts to the Kerala State Road Transport Corporation (KSRTC), an amount of Rs.105905/- had been deducted from his salary and DCRG. He, therefore, prays that the same be directed to be repaid to him, conceding that he has already preferred Ext.P3 representation for such purpose.

2. The learned counsel appearing for the 4th respondent - Society, however, submitted that the loan account of the petitioner has already been closed and that no amounts are now due to him.

3. Sri.G.Keerthivas - learned Standing

Counsel for the KSRTC, submitted that his client has no role in the controversy now projected by the petitioner and that it is for him to pursue with appropriately with the Society.

4. Learned Senior Government Pleader -

Smt.K.Amminikkutty, submitted that since the petitioners representation, namely Ext.P3, is still pending before the 3rd respondent- Joint Registrar of Co-operative Societies, there does not appear to be any legal impediment in the said Authority considering the same as per law; but prayed that this Court may not make any affirmative declarations in favour of the petitioner and leave it to the said respondent to take an appropriate decision thereon, as per law. She then added that the question whether Ext.P3 is maintainable or whether the petitioner is entitled to relief may be left open to be decided by the Joint Registrar appropriately.

5. Taking note of the afore submissions

and since the disputes between the parties are squarely in the factual realm, I am certain that Ext.P3 will require to be taken up and disposed of by the Joint Registrar appropriately. Resultantly, I order this writ petition and direct the 3rd respondent to take up Ext.P3 and dispose of same, after affording the petitioner, as also the official concerned of the 4th respondent - Society, an opportunity of being heard; thus culminating in an appropriate order and necessary action thereon, as expeditiously as is possible, but not later than two months from the date of receipt of a copy of this judgment.

Sd/- DEVAN RAMACHANDRAN JUDGE SAS APPENDIX OF WP(C) 1841/2022
PETITIONER'S EXHIBITS Exhibit P1 A TRUE COPY OF THE 1ST PAGE OF THE PENSION PAYMENT ORDER OF THE PETITIONER. Exhibit P2 A TRUE COPY OF THE RECOVERY DETAILS DATED 12.3.2021 FURNISHED BY THE DISTRICT TRANSPORT OFFICER, KSRTC TO THE PETITIONER. Exhibit P3 A

TRUE COPY OF THE REPRESENTATION DATED 20.12.2021 FILED BY THE PETITIONER BEFORE THE 3RD RESPONDENT. RESPONDENTS' EXHIBITS:
Exhibit R4A A TRUE COPY OF STATEMENT OF ACCOUNTS IN LOAN NO.BAL 53271 IN RESPECT OF PETITIONER

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com