

T.R Anilkumar vs Kollam District Co-Operative Bank Ltd

T.R Anilkumar vs Kollam District Co-Operative Bank Ltd

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Court : Kerala

Decided On : Jul-30-2021

Judge : Honourable Mr. Justice Amit Rawal

Appeal No. : WP(C)/22217/2012

Appellant : T.R Anilkumar

Respondent : Kollam District Co-Operative Bank Ltd

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE AMIT RAWAL FRIDAY,
THE 30TH DAY OF JULY 2021 / 8TH SRAVANA, 1943 WP(C) NO.
22217 OF 2012 PETITIONER: T.R. ANILKUMAR,(**CORRECTED)
AGED 42 YEARS, VAZHAPALLI PADINJATTATHIL, KULAKKADA
EAST P.O, KOTTARAKKARA.(**THE NAME OF THE PETITIONER
'T.R.ANILKUMAR' IS DELETED AND CORRECTED AS 'T.R.AJIKUMAR'
AS PER ORDER DATED 07.04.2016 IN I.A.NO.3710/16)

BY ADVS. SRI.K.KARTHIKEYA PANICKER SMT.DAYA K. PANICKER
RESPONDENTS: 1 KOLLAM DISTRICT CO-OPERATIVE BANK LTD.,
REPRESENTED BY THE GENERAL MANAGER, KOLLAM 691 001. 2

THE ASSISTANT REGISTRAR OF CO-OPERATIVE SOCIETIES OFFICE OF THE ASSISTANT REGISTRAR OF CO-OPERATIVE SOCIETIES, KOLLAM. ADDITIONAL BOARD OF DIRECTORS OF KOLLAM DISTRICT CO-OPERATIVE BANK 3* LTD., REPRESENTED BY IT'S PRESIDENT, KOLLAM - 691 001. (*ADDITIONAL R3 IS IMPEADED AS PER ORDER DATED 19.8.2013 IN I.A.NO.10558/13)

BY ADV SRI.T.R.HARIKUMAR, SC, KOLLAM DISTRICT CO-OPERATIVE BANK LTD. SRI BIMAL K NATH, SR. GP THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 30.07.2021, ALONG WITH WP(C).24037/2012, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: -2-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE AMIT RAWAL FRIDAY, THE 30TH DAY OF JULY 2021 / 8TH SRAVANA, 1943 WP(C) NO. 24037 OF 2012 PETITIONER: PREETHA S., AGED 34 YEARS, MULLAVILA VEEDU, CHITTAYAM, PERUMON, INCHAVILA P.O., KOLLAM -691001. BY ADVS. SRI.K.KARTHIKEYA PANICKER SMT.DAYA K. PANICKER RESPONDENTS: 1 KOLLAM DISTRICT CO-OPERATIVE BANK LTD., REPRESENTED BY ITS GENERAL MANAGER, KOLLAM 691001.

2 ASSISTANT REGISTRAR OF CO-OPERATIVE SOCIETIES OFFICE OF THE ASSISTANT REGISTRAR OF CO-OPERATIVE SOCIETIES, KOLLAM. ADDITIONAL BOARD OF DIRECTORS OF KOLLAM DISTRICT CO- 3* OPERATIVE SOCIETIES, REPRESENTED BY IT'S PRESIDENT, KOLLAM DISTRICT CO-OPERATIVE BANK, KOLLAM - 691 001.(*ADDITIONAL R3 IS IMPEADED AS ADDITION R3 AS PER ORDER DATED 10.6.2013 IN I.A.NO.6715/13) THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 30.07.2021, ALONG WITH WP(C).22217/2012, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: -3-

JUDGMENT

[WP(C) Nos.22217/2012, 24037/2012] Petitioners were appointed as part-time sweepers in Kollam District Co-operative Bank in the year 2008. However, in 2010 their services were terminated. Petitioners preferred writ petitions W.P.(C) No.32153 of 2010 and W.P.(C) No.29028/2010 before this Court. These writ petitions were disposed of by this Court reserving the right of the petitioners to approach the competent authority with a request to consider and decide their right of continuance in service. It was also observed that the right of the petitioners, if any, has to be looked into by the authorities especially when under similar circumstances, continuance of certain part-time sweepers were considered in the light of the judgment cited therein. Considering the fact that the respondents had appointed other persons -4- in the place of the petitioners, it was observed that it was open for the respondents to engage the petitioners in any other vacancy of part time sweepers till their claim is considered.

2. Petitioners did not submit any request to the

respondents for consideration of appointment as part- time sweepers. Writ of mandamus would not lie until and unless the fresh representation in view of the observations made in Ext.P1 judgment is preferred. Be that as it may. As the matters are pending in this Court since 2012, without expressing any opinion on the merit, these matters are disposed of by treating the present writ petitions as representations to consider by the respondents in terms of the observations recorded in the judgment Ext.P1. Petitioners are also at liberty to submit any fresh and additional material which would be required in support -5- of the averments made in these writ petitions. Respondents shall afford an opportunity of hearing to the petitioners and decide the same within a period of two months from the date of receipt of a certified copy of the judgment. Sd/- AMIT RAWAL JUDGE vv -6- APPENDIX OF WP(C) 22217/2012 PETITIONER EXHIBITS EXHIBIT P1 TRUE COPY OF THE JUDGMENT DATED 10-11- 2010 IN W.P.(c) NO.32153/2010 EXHIBIT P2 TRUE COPY OF THE COVERING LETTER DATED 26-03-2011 OF THE COUNSEL FOR THE PETITIONER -7- APPENDIX OF WP(C) 24037/2012 PETITIONER EXHIBITS EXHIBIT P1 TRUE COPY OF THE JUDGMENT DATED

9-11- 2010 IN W.P.(c) NO.29028/2010 EXHIBIT P2 TRUE COPY OF THE COVERING LETTER DATED 17-06-2011 OF THE COUNSEL FOR THE PETITIONER TO THE PRESIDENT, KOLLAM DISTRICT CO-OPERATIVE BANK

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