

Sunikuttan Vs. Ernakulam District Co-Operative Bank Ltd

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SooperKanoon Citation : sooperkanoon.com/48752

Court : Kerala

Decided On : Feb-26-2015

Judge : Honourable Mr.Justice a.M.Shaffique

Appellant : Sunikuttan

Respondent : Ernakulam District Co-Operative Bank Ltd

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE THURSDAY, THE 26^H DAY OF FEBRUARY 2015 7TH PHALGUNA, 1936 WP(C).No. 30087 of 2013 (I)

----- PETITIONER(S) : ----- 1. SUNIKUTTAN, S/O.GANGADHARAN, ARAKKULATH HOUSE, PUSHPA NAGAR, CHUNANGAMVELI, ERUMATHALA P.O., ALUVA - 683 105.

2. BIJOY M.J., S/O.M.K.JACOB, MUTTATH HOUSE, AYYAMPILLY P.O, PIN- 682 501.

3. SANALKUMAR O.S., S/O.O.K.SUDHAPPAN, OTTANATH HOUSE, THEKKUMBHAGAM, THRIPUNITHURA P.O. - 682 301.

4. VARGHESE T.D., S/O.T.V.DEVASSY, THOTTUPURAM HOUSE, POTHYAKKARA, YORDHANAPURAM P.O., KALADY - 683 574.

5. VIPIN P.R., S/O.K.RAGHAVAN, PURAKKODATH HOUSE, POICKATTUSSERY, CHENGAMANAD P.O., ALUVA.
6. RAJAN V.K., S/O.KUMARAN, VALIYAVEETIL HOUSE, AYYAMPILLY P.O, PIN - 682 501.
7. SATHINATHAN P.K., S/O.KUMARAN, PAYYAPPILLY PARAMBIL HOUSE, KACHERIPPADY, NORTH PARUR.
8. SREEJITH K.S., S/O.K.K.SURENDRAN, KATTIPPARAMBIL HOUSE, MADAPLANTHURUTH, MOOTHAKUNNAM P.O., PIN - 683 516.
9. PAULOSE M.J., S/O.JOSEPH, MANACHORY HOUSE, KAVALAPPARAMBU, MAYATHOD P.O.
10. M.S.MURALEEDHARA MARAR, S/O.A.K.SANKARAKURUP,'USHA NIVAS' HOUSE, MAMMALASSERY P.O., RAMAMANGALAM (VIA.) 11. M.S.SOMANADHAN, S/O.P.SIVASANKARA PILLAI, KIZHAKKE MOOTHATTU HOUSE, MAYATHODE P.O., ANGAMALY. ..2/- ..2.. WP(C).No. 30087 of 2013 (I) ----- 12. P.R.ANILKUMAR, S/O.RAMAN NAIR, PERUNTHANATHU HOUSE, KOOHATTUKULAM P.O., PIN - 686 662.
13. ALIAS M.V., S/O.VARGHESE M.P.,MOLATHAN HOUSE, METHALA P.O., KURUPPAMPADY (VIA), PIN - 683 545.
14. SHAJI C.R., S/O.RAMAKRISHNAN P.K., CHERUTHURUTHIKUNNEL HOUSE, CHETHIKKOD P.O., KANJIRAMATTOM, PIN - 682 315.
15. AYYAPPAN P.P., S/O.P.C.PALLY, PERUMPADATHI HOUSE, ATHIRAPPALLY, VETILAPPARA P.O., CHALAKKUDY (VIA.) 16. RAJENDRAN C.K., S/O.KESAVAN, CHEMBALUPARAMBU HOUSE, MOOTHAKUNNAM, MOOTHAKUNNAM P.O.
17. SURESH K.S., S/O.SUKUMARAN K.K., KANAPPILLLY HOUSE, CHERAI P.O, PIN - 683 514.

18. RAJESH T.A., S/O.AABEL T.T., THOTTUNGAL HOUSE, PAMPAKUDA P.O, ERNAKULAM DISTRICT, PIN - 686 667.
19. DINESHKUMAR C.S., S/O.SANKARAN NAIR C.P., CHIRAKKAL HOUSE, THRIKKALATHOOR P.O., MUVATTUPUZHA - 683 557.
20. SAJU E.K., S/O.KURIAKOSE, EDAPPATTUKARAYIL HOUSE, SOUTH MARADY P.O., MUVATTUPUZHA, PIN - 686 673.
21. SUDHAKARAN V.K., S/O.KARUNAKARAN, MANAKKAPARAMBIL, NADAKKAVU P.O, UDAYAMPEROOR.
22. K.E.NAUSHAD, S/O.K.S.EBRAHIM, KANJIRATHINGAL, P.P.ROAD, PERUMBAVOOR.
23. A.B.SIVAN, S/O.BHASKARAN, ARACKAL HOUSE, VADATTUPARA P.O, KOTHAMANGALAM.
24. P.C.SIVAN, S/O.CHERIYAN, PAIKKATTUKOOTTAM, MAIKAD P.O, KARAKKATTUKUNNU, PIN - 683 589. ..3/- ..3.. WP(C).No. 30087 of 2013 (I)

25. ELDHO N.MATHEW, S/O.N.V.MATHEW, NARIYELIL HOUSE, PAIPRA, MANARY P.O.
26. SEKHARAN T.K., S/O.KRISHNAN, THAZHANIKKAL HOUSE, INCHATHOTTY P.O, KOTHAMANGALAM.
27. SHAJAN B.T., S/O.B.K.THANKAPPAN, BELIKKALATHIL HOUSE, KOOVALLOOR P.O., POTHANIKAD, PIN - 686 671.
28. PLACEMON P.I., S/O.P.T.ISSAC, PUNNACKAL HOUSE, KUTHUKUZHI P.O, KOTHAMANGALAM, PIN - 686 691. BY ADVS.SRI.M.M.MONAYE SRI.DESI MATTHAI RESPONDENT(S) : -----
1. ERNAKULAM DISTRICT CO-OPERATIVE BANK LTD., KAKKANAD, COCHIN - 682 030, REPRESENTED BY ITS GENERAL MANAGER.
2. BOARD OF DIRECTORS, ERNAKULAM DISTRICT CO-OPERATIVE BANK LTD., KAKKANAD, COCHIN - 682 030, REPRESENTED BY ITS PRESIDENT.

3. JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL), ERNAKULAM, COCHIN - 682 016.

4. REGISTRAR OF CO-OPERATIVE SOCIETIES, THIRUVANANTHAPURAM - 695 001.

5. STATE OF KERALA, REPRESENTED BY SECRETARY TO GOVERNMENT, DEPARTMENT OF CO-OPERATION, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM - 695 001. R1 BY ADV. SMT.I.SHEELA DEVI, S.C R2 TO R5 BY SR.GOVERNMENT PLEADER SRI.S.JAMAL THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 26/02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: Msd. WP(C).No. 30087 of 2013 (I)

----- APPENDIX PETITIONER(S)' EXHIBITS -----
EXHIBIT P1: TRUE COPY OF THE CIRCULAR NO.10/2005 DATED 13/04.2005. EXHIBIT P2: TRUE COPY OF THE MEMO DATED 2005.2006 ISSUED BY THE GENERAL MANAGER IN CHARGE OF THE KANNUR DISTRICT CO-OPERATIVE BANK LTD. EXHIBIT P3: TRUE COPY OF THE MEMO DATED 12/03.2008 OF THE GENERAL MANAGER IN CHARGE OF THE KASARAGOD DISTRICT CO-OPERATIVE BANK LTD. EXHIBIT P4: TRUE COPY OF THE

ORDER

DATED 13/11.2009 OF THE CO-OPERATION (B) DEPARTMENT. EXHIBIT P5: TRUE COPY OF THE NOTIFICATION DATED 26/02.2011 PUBLISHED BY THE CO-OPERATION (D) DEPARTMENT. EXHIBIT P6: TRUE COPY OF THE

JUDGMENT

DATED 29/06.2012 IN W.P(C)NO.20828/2011. EXHIBIT P7: TRUE COPY OF THE

ORDER

OF THE 4TH RESPONDENT DATED 29/09.2012. EXHIBIT P8: TRUE COPY OF THE PROCEEDINGS OF ADMINISTRATOR OF THE BANK DATED 31/10.2012. EXHIBIT P9: TRUE COPY OF THE RECOMMENDATION LETTER DATED 18/12.2012 OF THE 3RD RESPONDENT. EXHIBIT P10: TRUE COPY OF THE COMMUNICATION OF THE 1ST RESPONDENT BANK DATED 17/04.2013 TO

THE4H RESPONDENT. EXHIBIT P11: TRUE PHOTOCOPY OF THE COVERING LETTER DATED 30.04.2013 SENT BY THE3D RESPONDENT TO THE4H RESPONDENT. EXHIBIT P12: TRUE PHOTOCOPY OF THE COVERING LETTER DATED 30.04.2013 SENT BY THE3D RESPONDENT TO THE4H RESPONDENT. EXHIBIT P13: TRUE COPY OF THE

ORDER

OF THE4H RESPONDENT REGISTRAR OF CO-OPERATIVE SOCIETIES DATED 20.08.2013. RESPONDENT(S)' EXHIBITS -----
NIL //TRUE COPY// P.S.TO JUDGE. Msd. A.M. Shaffique, J.

----- W.P (C) No. 30087 of 2013 -----

----- Dated this, the 26th day of February, 2015.

JUDGMENT

Petitioners are persons who are working as Collection Agents in the 1st respondent District Co-operative Bank. By virtue of Ext. P1 circular issued by the Registrar of Co- operative Societies, directions were issued to give permanent engagement to the Deposit Collectors who were working on casual basis. Certain conditions were also imposed. Pursuant to the same, decisions were taken by various District Co-operative Banks giving permanent engagement to such collection agents. They were all treated as employees by virtue of notification dated 27.2.2011 issued by the Government framing a pension scheme known as State Co-operative Bank and District Co- operative Bank Employees Self Financing Pension (Amendment) Scheme, 2011. Since no steps were taken by the 1st respondent Bank to give effect to Ext. P1 circular, the petitioners filed W.P (C) No. 20828/2011 before this Court. By judgment dated 29.6.2012, direction was issued to consider the representation pursuant to which Ext. P7 order was passed by the Registrar directing the 1st respondent Bank to create posts and to regularise their services subject to the conditions stated in the said order. Ext. P8 dated 31.10.2012 is the proceedings of the W.P (C) No. 30087 of 2013 -:

2. :- Erakulam District Co-operative Bank by which 29 posts of DDS Agents were prepared for regularizing as DDS Agents in the service of the Bank. Ext. P10 is the

list of such DDS Agents. According to the petitioners, though, by Ext. P12, the Additional Registrar (Credit) has issued directions permitting to appoint them in the aforesaid 29 vacancies, no action has been taken so far.

2. Counter affidavit has been filed by the 1st respondent inter alia stating that the policy decision taken by the Administrator was under consideration by the elected Committee. Therefore, the Committee has to scrutinize the orders passed earlier.

3. Having regard to the fact that Ext. P1 had been implemented in various other District Co- operative Banks and the Registrar had issued appropriate orders from time to time, posts had been created and list had been prepared, there is no reason to deny the same benefit to the petitioners. Under such circumstances, I am of the view that appropriate decision has to be taken by the 1st respondent within a time frame. Accordingly, the writ petition is disposed of directing the 1st respondent to take a decision based in W.P (C) No. 30087 of 2013 -:

3. :- Exts. P1, P8, P10 and P12 within a period of two months from the date of receipt of a copy of this judgment. Sd/- A.M. Shaffique, Judge. Tds/

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