

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

FRIDAY, THE 17TH DAY OF NOVEMBER 2017/26TH KARTHIKA, 1939

WP(C).No. 27229 of 2017 (C)

PETITIONER :

P.K.CHACKO,
SECRETARY (NOW UNDER SUSPENSION)
MALAKKALLU MILK PRODUCERS CO-OPERATIVE SOCIETY,
RESIDING AT PARACHUDAYIL VEEDU, MALAKKALLU P.O.,
KASARGOD DISTRICT.

BY ADVS.SRI.SURESH KUMAR KODOTH
SRI.ANTONY BINU

RESPONDENTS :

1. MALAKKALLU MILK PRODUCERS CO-OPERATIVE SOCEITY LTD NO. KG22(D) APCOS, REPRESENTED BY ITS SECRETARY IN CHARGE, MALAKALLU PO, KASARGOD DISTRICT 671532.
2. THE PRESIDENT, MALAKKALLU MILK PRODUCERS CO-OPERATIVE SOCEITY LTD, MALAKALLU PO, KASARGOD DISTRICT 671532.
3. DEPUTY DIRECTOR, DAIRY DEVELOPMENT DEPARTMENT, CIVIL STATION, VIDYANAGAR P.O., KASARGOD 671123.

R1-R2 BY ADV. SRI.A.ARUNKUMAR
R3 BY SR.GOVERNMENT PLEADER SRI.K.P.HARISH

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 17-11-2017, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

- EXHIBIT P1 TRUE COPY OF ORDER OF SUSPENSION DATED 13.3.2017.
- EXHIBIT P2 TRUE COPY OF REPRESENTATION DATED 16.05.2017 SUBMITTED BEFORE THE 3RD RESPONDENT.
- EXHIBIT P3 TRUE COPY OF REPRESENTATION DATED 31.05.2017 SUBMITTED BEFORE THIRD RESPONDENT.
- EXHIBIT P4 TRUE COPY OF MEMO OF CHARGES, ISSUED ON 08.08.2017.
- EXHIBIT P5 TRUE COPY OF THE STATEMENT OF DEFENSE DATED 14.8.2017.

RESPONDENTS' EXHIBITS :- NIL.

True copy

P.A.to Judge

SHAJI P.CHALY, J.

W.P.(C)No.27229 of 2017

Dated this the 17th day of November, 2017

JUDGMENT

This writ petition is filed by the petitioner seeking the following reliefs:-

- i) Issue a writ of mandamus or any other appropriate writ, order or direction commanding the respondents to allow the petitioner to be reinstated in the service of the first respondent Society, within a time limit;
- ii) Issue a direction to the respondents to release subsistence allowance with arrears forthwith;
- iii) Issue any other writ or order or direction as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

2. It is apparent from the pleadings made that the sole issue raised in this writ petition is non-grant of subsistence allowance consequent to the disciplinary action initiated against the petitioner.

3. Today when the matter is taken up learned counsel for the petitioner submitted that six months subsistence allowance is paid and the balance remaining is two months.

4. Having regard to the facts and circumstances of the case and identifying that there are no further relief sought for by the petitioner, this writ petition is disposed of directing the 1st respondent Society to pay the balance subsistence allowance within two weeks from the date of receipt of a copy of this judgment.

The writ petition is disposed of as above.

Sd/-
SHAJI P.CHALY,
JUDGE

skj