



2024:KER:59733

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE MURALI PURUSHOTHAMAN

WEDNESDAY, THE 7TH DAY OF AUGUST 2024/16TH SRAVANA, 1946

WP(C) NO. 27458 OF 2024

PETITIONER:

JISHNU C. J.
AGED 32 YEARS
S/O. JANARDHANAN, CHIRAKKAL VEEDU,
MUTTITHADI DESOM, MUTTATHADI P.O,
MUKUNDAPURAM TALUK,
THRISSUR DISTRICT,
PIN - 680 317.

BY ADVS.
N.L.BITTO
MITHUL T. ANTO

RESPONDENTS:

- 1 STATE OF KERALA
REPRESENTED BY SECRETARY TO THE GOVERNMENT,
DAIRY DEVELOPMENT DEPARTMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM,
PIN - 695 001.
- 2 DAIRY EXTENTION OFFICER
OFFICE OF THE DAIRY EXTENSION OFFICER,
KODAKARA BLOCK PANCHAYATH BUILDING,
PUDUKKAD P.O., MUKUNDAPURAM TALUK
THRISSUR DISTRICT,
PIN - 680 301.
- 3 TRIKKUR CO-OPERATIVE MILK SUPPLY SOCIETY LTD.
REPRESENTED BY ITS HONORARY SECRETARY,
TRIKKUR P.O., MUKUNDAPURAM TALUK,
THRISSUR DISTRICT,
PIN - 680 317.
- 4 PRESIDENT,
TRIKKUR CO-OPERATIVE MILK SUPPLY SOCIETY LTD.,
TRIKKUR P.O., MUKUNDAPURAM TALUK,
THRISSUR DISTRICT,
PIN - 680 317.



2024:KER:59733

WP(C) NO.27458 OF 2024

2

5 MANAGING COMMITTEE
 TRIKKUR CO-OPERATIVE MILK SUPPLY SOCIETY LTD.,
 TRIKKUR P.O., MUKUNDAPURAM TALUK,
 THRISSUR DISTRICT,
 PIN - 680 317.

SMT. MARY BEENA JOSEPH - SR. GP

 THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 07.08.2024, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:



2024:KER:59733

WP(C) NO.27458 OF 2024

3

JUDGMENT

The petitioner is the Secretary of the 3rd respondent Society. He has filed this writ petition challenging Ext.P5 communication issued by the President of the Society placing him under suspension. In Ext.P5, it is stated that the Committee has taken a decision to suspend the petitioner. Ext.P5 order is challenged in the writ petition. The petitioner contends that he has been suspended without conducting any enquiry into the charges alleged against him.

2. Rule 198 (6) of the Kerala Co-operative Societies Rules, 1969 (for short, 'the KCS Rules'), provides that an authority competent to appoint an employee may suspend him pending enquiry



2024:KER:59733

WP(C) NO.27458 OF 2024

4

into serious charges against such employee. The authority competent to appoint the petitioner is the governing body (Committee of the Society). Section 69 of the Kerala Co-operative Societies Act, 1969 (for short, 'the Act') deals with disputes to be decided by the Co-operative Arbitration Court and the Registrar. Section 69(1)(c) of the Act provides that, notwithstanding anything contained in any law for the time being in force, if a dispute arises between the society or its committee and any past committee, any officer, agent or employee or any past officer, past agent or past employee or the nominee, heirs or legal representatives of any deceased officer, deceased agent or deceased employee of the Society; such disputes shall be referred to Co-operative



2024:KER:59733

WP(C) NO.27458 OF 2024

5

Arbitration Court constituted under Section 70A of the Act, in the case of non-monetary disputes and to the Registrar, in the case of monetary disputes, and the Arbitration Court, or the Registrar, as the case may be, shall decide such disputes and no other Court or other authority shall have jurisdiction to entertain any suit or other proceedings in respect of such disputes. Section 69 (2) (d) of the Act provides that, for the purpose of sub-section (1) of Section 69, any dispute arising in connection with employment of officers and servants of the different classes of Societies Specified in sub-section (1) of Section 80, including their promotion and *inter se seniority*, shall also be deemed to be disputes. The Co-operative Arbitration Court can also adjudicate



2024:KER:59733

WP(C) NO.27458 OF 2024

6

issues of monetary benefits consequential to and arising out of Service disputes. As per sub-section (2) of Section 70, the Co-operative Arbitration Court is empowered to make such interlocutory orders as it may deem necessary in the interest of justice, pending award of a dispute referred to it under Section 69. An award passed by the Arbitration Court under Section 70(1) of the Act is appealable to the Co-operative Tribunal, under clause (a) of sub-section (1) of Section 82 of the Act.

3. Challenge against an order of suspension is a dispute which has to be raised for adjudication before the Co-operative Arbitration Court at the first instance, in view of the provisions contained in Section 69(1)(c) and Section 69(2)(d) of the Act.



2024:KER:59733

WP(C) NO.27458 OF 2024

7

When the Act provides for hierarchy of remedies against the order of suspension of the employees of the Co-operative Society, a writ petition under Article 226 of the Constitution of India is not maintainable.

Accordingly, this writ petition is dismissed without prejudice to the right of the petitioner to avail the statutory remedy under Section 69 of the Act. All the contentions of the petitioner are left open.

Sd/-

**MURALI PURUSHOTHAMAN
JUDGE**

SPR



2024:KER:59733

WP(C) NO.27458 OF 2024

8

APPENDIX

PETITIONER'S EXHIBITS:-

- EXHIBIT P1 A TRUE COPY OF THE COMPLAINT LAUNCHED BY THE PETITIONER BEFORE THE POLICE DATED 17/05/2024.
- EXHIBIT P2 A TRUE COPY OF THE COMMUNICATION ISSUED BY THE 4TH RESPONDENT APPOINTING HONORARY SECRETARY DATED 20/05/2024.
- EXHIBIT P3 A TRUE COPY OF THE SHOW CAUSE LETTER ISSUED BY THE 4TH RESPONDENT DATED 27/05/2024 ALONG WITH THE COPY OF MINUTES BOOK OF THE GENERAL BODY MEETING HELD ON 18/05/2024.
- EXHIBIT P4 A TRUE COPY OF THE REPORT OF THE DAIRY EXTENSION OFFICER DATED 10/06/2024.
- EXHIBIT P5 A TRUE COPY OF THE COMMUNICATION SUSPENDING THE PETITIONER ISSUED BY THE 4TH RESPONDENT DATED 11/06/2024.
- EXHIBIT P6 A TRUE COPY OF THE COMMUNICATION ISSUED FROM THE OFFICE OF THE 2ND RESPONDENT DATED 24/06/2024.
- EXHIBIT P7 A TRUE COPY OF THE REPLY GIVEN TO THE 2ND RESPONDENT DATED 27/06/2024.

RESPONDENT'S ANNEXURES: NIL.