



2025:KER:30680

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE D. K. SINGH

TUESDAY, THE 8TH DAY OF APRIL 2025 / 18TH CHAITHRA, 1947

WP(C) NO. 7515 OF 2025

PETITIONER:

MINI M
AGED 51 YEARS
W/O.RAMESH BABU N.K, SECRETARY (UNDER SUSPENSION)
NEERVELI VANITHA SERVICE CO-OPERATIVE SOCIETY LTD
NO.C 1409, NEERVELI, KANNUR- 670 701, RESIDING AT
DWARAKA, KOTTAYAM MALABAR PO, KANNUR, PIN - 670643

BY ADVS.
KALEESWARAM RAJ
THULASI K. RAJ
CHINNU MARIA ANTONY
APARNA NARAYAN MENON

RESPONDENTS:

- 1 STATE OF KERALA
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
DEPARTMENT OF CO-OPERATION, SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695001
- 2 JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES
OFFICE OF THE JOINT REGISTRAR OF CO-OPERATIVE
SOCIETIES, THAVAKKARA, KANNUR, PIN - 670002
- 3 ASSISTANT REGISTRAR OF CO-OPERATIVE
SOCIETIES(GENERAL)
KUTHUPARAMBA, GOKUL STREET, KUTHUPARAMBA, KANNUR,
KERALA, PIN - 670643
- 4 NEERVELI VANITHA SERVICE CO-OPERATIVE SOCIETY LTD
NO.C 1409
REPRESENTED BY ITS SECRETARY , NEERVELI, KANNUR,



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PIN - 670701

- 5 PRESIDENT
NEERVELI VANITHA SERVICE CO-OPERATIVE SOCIETY LTD
NO.C 1409, NEERVELI, KANNUR, PIN - 670701**
- 6 ADMINISTRATOR
NEERVELI VANITHA SERVICE CO-OPERATIVE SOCIETY LTD
NO.C 1409, NEERVELI, KANNUR, PIN - 670701**
- 7 DISCIPLINARY SUB COMMITTEE
NEERVELI VANITHA SERVICE CO-OPERATIVE SOCIETY LTD
NO.C 1409, NEERVELI, KANNUR, PIN - 670701**
- 8 PART TIME ADMINISTRATOR
NEERVELI VANITHA SERVICE CO-OPERATIVE SOCIETY LTD
NO.C 1409, NEERVELI, KANNUR, PIN - 670701**

**BY ADVS.
Peethambaran C P
J.JOY**

OTHER PRESENT:

PARVATHY KOTTOL-GP

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 08.04.2025, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

**D.K.SINGH, J****W.P.(C) No.7515 of 2025****Dated this the 8th day of April, 2025**

The petitioner who is working as Secretary at the Neerveli Vanitha Service Co-operative Society Ltd. The present writ petition has been filed against the respondent Society in which the State Government does not have any financial stakes and also does not have pervasive control over the day-to-day affairs of the Society. The petitioner is aggrieved by the non payment of subsistence allowance and the institution of disciplinary proceedings against him.

2. The respondent Society is neither a State nor an instrumentality of the State, as defined under Article 12 of the Constitution of India and therefore, the writ petition against such a society would not be maintainable before this Court for the relief sought in the present writ petition. Thus, the writ petition is dismissed, leaving it open to the petitioner to take recourse to the remedy as may be available to him under the law, may be by filing a case before the Co-operative Arbitration Court for the relief sought in the present writ petition under Section 69 of the Kerala Co-operative Societies Act, 1969.

With the aforesaid liberty, the present writ petition is dismissed.



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However, the respondents should pay the arrears of subsistence allowance to the petitioner for the period when he has been kept under suspension within a period of one month.

Sd/-
D.K.SINGH
JUDGE

STB



APPENDIX OF WP(C) 7515/2025

PETITIONER EXHIBITS

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| Exhibit P1 | TRUE COPY OF THE SAID SUSPENSION ORDER, ISSUED BY THE 8TH RESPONDENT, DATED 04.07.2024. |
| Exhibit P2 | TRUE COPY OF THE UNDATED WITHDRAWAL LETTER, SUBMITTED BY THE COMPLAINANT TO THE 6TH RESPONDENT. |
| Exhibit P3 | TRUE COPY OF THE CHARGE MEMO, ALONG WITH THE STATEMENT OF ALLEGATIONS DATED 26.09.2024, ISSUED BY THE 8TH RESPONDENT. |
| Exhibit P4 | TRUE COPY OF THE REQUEST DATED 09.10.2024 SUBMITTED BY THE PETITIONER TO THE 8TH RESPONDENT . |
| Exhibit P5 | TRUE COPY OF THE LETTER NO.326/2024/K.L.D ISSUED BY THE 8TH RESPONDENT. |
| Exhibit P6 | TRUE COPY OF THE DETAILED REPLY DATED 15.11.2024 TO EXT. P3 CHARGE MEMO AND SUBMITTED TO 8TH RESPONDENT. |
| Exhibit P6(a) | TRUE COPY OF THE LETTER UNDATED SUBMITTED BY P. ANANDKRISHNAN TO 6TH RESPONDENT. |
| Exhibit P6(b) | TRUE COPY OF THE LETTER UNDATED SUBMITTED BY SMT. PANKAJAKSHY TO 6TH RESPONDENT. |
| Exhibit P6(c) | TRUE COPY OF THE LETTER DATED 05.08.2024 SUBMITTED BY SMT. NASEEMA TO 6TH RESPONDENT. |
| Exhibit P6(d) | TRUE COPY OF THE LETTER UNDATED SUBMITTED BY SMT. NABISU P.P TO 6TH RESPONDENT. |
| Exhibit P6(e) | TRUE COPY OF THE LETTER UNDATED SUBMITTED BY SRI. KADARKUTTY TO 6TH RESPONDENT. |
| Exhibit P6(f) | TRUE COPY OF THE LETTER UNDATED SUBMITTED |



BY SMT. SUJATHA K.K TO 6TH RESPONDENT.

- Exhibit P7** TRUE COPY OF ORDER NO. 2/2024, ISSUED BY THE PRESIDENT OF THE SOCIETY ON 26.12.2024.
- Exhibit P8** TRUE COPY OF THE JUDGMENT IN AJAY KUMAR CHOUDHARY V. UNION OF INDIA, (2015) 7 SCC 291.
- Exhibit P9** TRUE COPY OF THE REPRESENTATION DATED 06.09.2024 SUBMITTED BY THE PETITIONER BEFORE THE 6TH RESPONDENT.
- Exhibit P10** TRUE COPY OF REPRESENTATION SUBMITTED TO THE 7TH RESPONDENT BY THE PETITIONER DATED 18.11.2024.
- Exhibit P11** TRUE COPY OF REPRESENTATION SUBMITTED TO THE PRESIDENT DATED 13.12.2024.
- Exhibit P12** TRUE COPY OF LETTER NO.ARGKPU-477/2024-U1(3) DATED 05.12.2024 ISSUED BY THE 3RD RESPONDENT TO THE PETITIONER.
- Exhibit P13** TRUE COPY OF REPRESENTATION SUBMITTED TO THE JOINT REGISTRAR DATED 24.12.2024.
- Exhibit P14** TRUE COPY OF THE REPRESENTATION SUBMITTED TO THE 3RD RESPONDENT DATED 03.02.2025.
- Exhibit P15** TRUE COPY OF THE REPRESENTATION DATED 03.02.2025 SUBMITTED TO THE 2ND RESPONDENT.

RESPONDENT EXHIBITS

- EXHIBIT R4 (a)** A true copy of the notice dated 17.03.2025 issued by the 5th Respondent to the Petitioner along with English translation.