



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE VIJU ABRAHAM

FRIDAY, THE 23RD DAY OF OCTOBER 2026 / 1ST KARTHIKA, 1948

WP(C) NO.26370 OF 2026

PETITIONER:

**CHOKKAD SERVICE CO-OPERATIVE BANK LTD. NO.M 602,
P.O. CHOKKAD, MALAPPURAM DISTRICT, REPRESENTED BY
ITS SECRETARY, PIN - 679395**

**BY ADVS.SRI.M.SASINDRAN
SRI.V.VENUGOPAL**

RESPONDENTS:

- 1 LABOUR COURT, KOZHIKODE, CIVIL STATION,
ERANHIPALAM, KOZHIKODE, PIN - 673020**
- 2 JISHAL A., S/O. ABDUL KHADER, ERAGUVILA VEEDU,
PANNIKOTTUMUNDA, CHOKKAD P.O., NILAMBUR,
MALAPPURAM DISTRICT, PIN - 679332**

**BY ADVS.SRI.AJITH S.
SMT.MAYURI A. NAIR
SRI.MUHAMMED OWAIS
SRI.M.PRAVEEN KUMAR, GP**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 23.10.2026, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

**C.R.****VIJU ABRAHAM, J.**

W.P.(C) No.26370 of 2026

Dated this the 23rd day of October, 2026**JUDGMENT**

This writ petition is filed challenging Ext.P11 order in I.A.No.55 of 2026 in I.D.No.46 of 2025 on the file of the Labour Court, Kozhikode. The petitioner is a co-operative society registered as per the provisions of the Kerala Co-operative Societies Act and the Rules made thereunder. The 2nd respondent entered into the service of the petitioner-Society as Peon on 30.05.2008. On account of the allegations of grave irregularity and insubordination, the 2nd respondent was placed under suspension, and after conducting a detailed enquiry as per Ext.P4, he was imposed a punishment of dismissal from service. Petitioner submits that, against Ext.P4, the 2nd respondent has an effective remedy of filing an appeal before the Executive Committee/Board of Management, as provided under Rule 198 (4) of the Kerala Co-operative Societies Rules, 1969 [for short, 'the Rules'] and without availing such remedy, the 2nd respondent has directly approached the Labour Court by filing I.D.No.46 of 2025. In the said proceedings, the petitioner-



Society filed Ext.P9 application as I.A.No.55 of 2026 to consider the maintainability of the claim petition filed by the 2nd respondent. Ultimately, the said interlocutory application was rejected as per Ext.P11, holding that the claim petition is maintainable before the Labour Court. It is aggrieved by the same that the present writ petition has been filed.

2. The contention raised by the petitioner is that punishment is imposed as per Ext.P4 by the President of the Society and that an appeal is provided against the same before the Executive Committee/Board of Management of the Society. Relying on Section 28 of the Kerala Co-operative Societies Act, 1969 (for short, 'the Act'), it is contended that since the management of the Society is vested to its Committee, naturally the decision on a punishment imposed on the employee can only be by the Executive Committee/Board of Management and that only an order passed by the Executive Committee/Board of Management in an appeal under Rule 198(4) of the Rules could be treated as an order passed by the employer and only such an order is amenable to a challenge before the Labour Court/ Co-operative Arbitration Court. Therefore, the contention of the learned Counsel for the petitioner is that only an order issued by the Executive Committee/ Board of Management in an appeal filed under Rule 198(4) of the Rules could



be treated as a final order in the matter of disciplinary proceedings as against an employee and without exhausting the said remedy, the 2nd respondent cannot approach the Labour Court, as has been done in the present case. In support of the said contention, the learned Counsel for the petitioner relies on the Division Bench judgment of this Court in ***Managing Director, State Bank of India v. S.Murali (2026 (5) KHC 64)***.

3. Learned Counsel for the 2nd respondent would contend that Ext.P11 order passed by the Labour Court, Kozhikode is strictly in accordance with law and no interference is called for. Against Ext.P4 order imposing punishment on the 2nd respondent, he could approach the Labour Court without availing the statutory remedy of filing an appeal before the Executive Committee/Board of Management as provided under Rule 198(4) of the Rules. It is further contended that the petitioner cannot challenge the present order wherein the Tribunal has considered the question of maintainability, by filing a writ petition, since the parties have adequate remedy to challenge the Award and such interference at this stage could only delay the speedy disposal of the case. In support of the said contention, the learned Counsel for the 2nd respondent relies on the judgments of this Court in ***Kerala State Road Transport Corporation v. Basil Scaria (2025 KHC***



OnLine 10650), Veerankavu Welfare Co-operative Society Ltd. V. C.Sindhu Kumari (2025 (1) KHC 421) and Channapetta Service Co-operative Bank Ltd. v. G.Anithakumari (2026 KHC 474).

4. I have heard the rival contentions on both sides.

5. The only question to be considered is as to whether Ext.P5 order issued by the President of the Society dismissing the 2nd respondent from service could be treated as a final order in the matter of initiation of disciplinary proceedings as against the 2nd respondent or only an order passed in appeal by the Executive Committee/Board of Management under Rule 198(4) of the Rules could only be treated as a final order. The contention raised by the learned Counsel for the petitioner, based on Section 28 of the Act, is that the entrustment of the management of the Society is to its Committee and, therefore, the order passed by the Executive Committee/Board of Management in an appeal under Rule 198(4) of the Rules only could be treated as an order of the Society and only challenging the same that a proceeding could be initiated before the Labour Court or the Co-operative Arbitration Court.

6. In ***S.Murali***'s case [supra], the Division was considering the calculation of the period of limitation for filing an appeal under Section 2A(2)



of the Industrial Disputes Act, 1947 [for short, 'the I.D. Act'] and held that the period of limitation under Section 2A(3) of the I.D. Act will only begin from the date on which the punishment becomes enforceable as against the workmen, ie., from the date of order of the statutory Appellate Authority, confirming the order of punishment and not from the date of the original order of the Disciplinary Authority. That was a case where the Tribunal declined to entertain the challenge against an order of imposing punishment of compulsory retirement, holding that three year period has already expired from the date of the original order of punishment and the Court held that the order of punishment becomes final only when it is confirmed in appeal and since there is a possibility, the Disciplinary Authority can propose a punishment and the Appellate Authority can vary, modify or vacate it and in such cases, it is only the latter order which will cause any consequence to the delinquent. The said decision cannot have any application in the facts and circumstances of the present case, since that was a case where the Court held that the limitation for challenging an order of punishment will start only from the date on which the Appellate Authority has passed an order. Rule 198 of the Rules deals with the disciplinary proceedings. Rule 198(3) provides for the authority competent to impose the various penalties on different



categories of employees, and going by the said Rule, the penalty could be imposed on the 2nd respondent by the President of the Society. Clause (4) deals with an appeal against an order imposing a penalty, and when the punishment is imposed by the President, the appeal will lie to the Executive Committee/Board of Management. Going by Rule 198(4), the Executive Committee/Board of Management is an Appellate Authority and not an original Authority to impose the punishment, and going by Rule 198(3), it is the President, who has the authority to impose a penalty on the 2nd respondent. Therefore, when the Ext.P4 order was issued, the punishment had already been imposed on the 2nd respondent, and the contention of the learned Counsel for the petitioner is that the punishment could be deemed to have been imposed on the 2nd respondent by the Society only when an order under Rule 198(4) of the Rules is passed on an appeal before the Executive Committee/Board of Management is only to be rejected. Therefore, Ext.P4 should be treated as an order imposing punishment on the 2nd respondent, and it is his choice to file any appeal before the Appellate Authority, ie., before the Executive Committee/Board of Management, as provided under Rule 198(4) of the Rules.

7. The question as to whether an employee of the Co-operative



Society could approach the Labour Court as per the provisions of the Industrial Disputes Act, 1947 directly came up for consideration before the Apex Court in ***Annamma K.A. v. Secretary, Cochin Co-operative Hospital Society Ltd. (2018 (1) KHC 258)***, and the Court held that the Kerala Co-operative Societies Act and the Industrial Disputes Act, both possess and enjoy the concurrent jurisdiction to decide any service dispute arising between the co-operative society's employer and his/her employer and that it is the choice of the employee concerned to choose any one forum out of the two forums available to him/her under the two Acts and to get his/her service disputes decided subject to satisfying the test laid down under the I.D. Act that the employee concerned is a 'workman', the dispute raised by him/her is an 'industrial dispute' and the Co-operative Society is an 'industry' as defined under the Act.

8. In ***Veerankavu Welfare Co-operative Society Ltd.*** [supra], relying on the judgment of the Apex Court in ***Annamma K.A.***'s case, cited supra, this Court has held in paragraphs 11 & 14 as follows:

"11. As held by the Hon'ble Supreme Court in Annamma (supra), the Kerala Co-operative Societies Act and the Industrial Disputes Act both possess and enjoy the concurrent jurisdiction to decide any service dispute arising between the Co-operative



Society's employee and his/her employer. It is the discretion of the employee concerned to choose any one of the forums. If the employee opts for the forum under the Industrial Disputes Act, he/she must fulfill the criteria of "workman", "industrial dispute" and "industry" as defined under the Industrial Disputes Act.

14. The respondent was dismissed from the service of the Society on 01.09.2021. Though she filed an Arbitration case before the Co-operative Arbitration Court, she withdrew the same and filed an application before the Labour Court under Section 2A(2) of the Industrial Disputes Act. The petitioner has no case that the respondent will not come within the definition of 'workman' under Section 2(s) of the Industrial Disputes Act or that the dispute is not industrial dispute under Section 2(k). Therefore, it was not necessary for the respondent to invoke the remedy under Rule 198(4) of the KCS Rules before approaching the Labour Court under Section 2A(2) of the Industrial Disputes Act. To prefer an application before the Labour Court under Section 2A(2) of the Industrial Disputes Act, it is not necessary to exhaust the statutory appellate remedy under the KCS Act or Rules. The writ petition is devoid of merit. There is no reason to interfere with Ext.P5 order. The industrial dispute before the Labour Court is maintainable and the Labour Court may proceed with the dispute, in accordance with law. Since the industrial dispute is of the year 2022, endeavour may be made to dispose of the same expeditiously."

9. This Court, in **Veerankavu Welfare Co-operative Society Ltd.**

[supra], has categorically held that it is not necessary for the employee to



invoke the remedy under Rule 198(4) of the Rules, to file an appeal before the Appellate Authority, ie. the Executive Committee/Board of Management, before approaching the Labour Court under Section 2A(2) of the I.D. Act and held that it is not necessary to exhaust the statutory appellate remedy under the Kerala Co-operative Societies Acts and Rules. The said decision was followed by this Court in ***Channapetta Service Co-operative Bank Ltd.*** [supra].

10. Another aspect to be considered is that the order under challenge in this writ petition is an order passed by the Labour Court rejecting the preliminary objection regarding maintainability. In ***Basil Scaria***'s case, cited supra, this Court has held that Court should not interfere with or stay the proceedings before the Tribunal on preliminary issues such as maintainability, since parties have adequate remedy to challenge the final award and such interference will only delay the speedy disposal of the disputes.

In the light of the categorical declaration of law as stated above, it is without any doubt that the petitioner is entitled to approach the Labour Court without exhausting his appellate remedy available under Rule 198(4) of the Rules and the Labour Court has rightly held as per Ext.P11 order that the termination of the 2nd respondent comes within the purview of the Industrial



Disputes Act and the same is maintainable before the Labour Court.

Therefore, I find absolutely no reason to interfere with Ext.P7 order, and accordingly, this writ petition is dismissed.

Sd/-

VIJU ABRAHAM
JUDGE

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APPENDIX OF WP(C) NO. 26370 OF 2026

PETITIONER EXHIBITS

Exhibit P1	A TRUE COPY OF THE JUDGMENT DATED 15.06.2022 IN WPC NO.17960/2021
Exhibit P2	A TRUE COPY OF THE INTERIM ORDER DATED 16.09.2022 IN W.A.NO.1349/2022
Exhibit P3	A TRUE COPY OF THE MEMORANDUM WITHOUT ANNEXURES OF ARBITRATION CASE AS ARC NO.40/2023 FILED BY THE 1ST RESPONDENT BEFORE THE CO-OPERATIVE ARBITRATION COURT, KOZHIKODE
Exhibit P4	A TRUE COPY OF THE DISMISSAL ORDER DATED 07.12.2023
Exhibit P5	A TRUE COPY OF THE CLAIM STATEMENT FILED AS ID NO.46/2025 FILED BY THE 2ND RESPONDENT ALONG WITH TYPED COPY
Exhibit P6	A TRUE COPY OF THE WRITTEN OBJECTION FILED BY THE PETITIONER SOCIETY IN ID NO.46/2025
Exhibit P7	A TRUE COPY OF THE REJOINDER FILED BY THE 2ND RESPONDENT IN ID NO.46/2025
Exhibit P8	A TRUE COPY OF THE IA NO.54/2026 IN ID NO.46/2025 FILED BY THE 2ND RESPONDENT
Exhibit P8(a)	A TRUE COPY OF THE COUNTER STATEMENT IN IA. 54 OF 2026 IN ID.46 OF 2025 FILED BY THE PETITIONER SOCIETY DATED 14.05.2026
Exhibit P9	A TRUE COPY OF THE IA 55/2026 IN ID 46 OF 2025 FILED BY THE PETITIONER SOCIETY
Exhibit P9(a)	A TRUE COPY OF THE OBJECTION TO THE IA NO.55/2026 IN ID 46/2025
Exhibit P10	A TRUE COPY OF THE ORDER DATED 12.06.2026 IN I.A.NO.54/2026 IN I.D.NO. 46/2025
Exhibit P11	A TRUE COPY OF THE INTERIM ORDER DATED 12.06.2026 IN IA.NO.55/2026 IN ID NO.46/2025