

(1964) 06 KL CK 0031
In the High Court Of Kerala
Case No : W. A. No. 64 of 1963

Parameswaran Nair

APPELLANT

Vs

State of Kerala and Others

RESPONDENT

Date of Decision : 10-06-1964

Acts Referred:

Citation : (1965) KLJ 801

Hon'ble Judges : M.S. Menon, C.J;M. Madhavan Nair, J

Bench : Division Bench

Advocate : C.K. Viswanatha Iyer and M.A. Thrivikrama pai, for the Appellant;
T.N. Subramonia Iyer for 2nd Respondent, for the Respondent

Final Decision : Allowed

Judgement

Madhavan Nair, J.—The appellant was the Secretary of the Ponnani Producers cum-Consumers" Co-operative Society, registered under the Madras Co-operative Societies Act (6 of 1932). He was discharged from service on March 25, 1960, as unqualified for the post. He filed a reference u/s 51 of the Act before the Deputy Registrar of Co-operative Societies, who found the order illegal and void. The Society then preferred a revision before the Government of Kerala, who, without notice to the appellant, has reversed the order of the Deputy Registrar. The appellant submits that the Government, in revising the order of the Deputy Registrar was exercising a quasi-judicial function and that having been exercised in violation of the principles of natural justice, the order may be set aside and a fresh disposal of the revision petition, after notice to him, may be directed by this Court. That prayer, when made before a learned Judge of this Court, has been disallowed, against which this appeal is preferred. The counter-affidavit filed in this case on behalf of the Government shows clearly that, in exercising revisional jurisdiction u/s 57 of the Co-operative Societies Act, the Government has not issued notice to the appellant who is affected by the proceedings. It is stated that there is no provision in the Act for the revising Government to issue a notice to any party and therefore such notice is not obligatory. We do not agree.

A reference u/s 51 and a revision from any order passed thereon are quasi-judicial proceedings. In the exercise of such jurisdiction, the party affected has to be given an opportunity of being heard. The reversal of the award of the Deputy Registrar having been made by Government without notice to the appellant, who had earned that award, cannot be sustained. We have therefore to quash the Government's order in revision and direct the Government to dispose of the revision petition afresh after notice to all the parties concerned.

2. We make it clear that by this judgment we are not expressing any opinion as to the jurisdiction or correctness of the proceedings had u/s 51 or Section 57 of the Co-operative Societies Act. The appeal is allowed as above. There will be no order as to costs here.