

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 12TH DAY OF FEBRUARY 2015/23RD MAGHA, 1936

OP(LC).No. 3140 of 2012 (O)

ID 22/2011 of LABOUR COURT, ERNAKULAM DATED 21-03-2012

PETITIONER(S):

1. M/S.RICOH INDIA LIMITED, ERNAKULAM NORTH, KALOOR
KOCHI-18, NOW AT 2ND FLOOR, SALCON AURUM BUILDING
PLOT NO 4, DISTRICT CENTRE, JASALA
NEW DELHI-110025
REP. BY MANAGING DIRECTOR
2. THE MANAGER
RICOH INDIA LIMITED, ERNAKULAM NORTH, KALOOR-KOCHI-18
NOW AT 4TH FLOOR, MODAYIL CENTRE POINT, WARRIAM ROAD
M.G.ROAD, KOCHI-682016

BY ADVS.SRI.A.N.KUTTAN
SRI.S.PRASANTH
SRI.JAGADEESH LAKSHMAN

RESPONDENT(S):

1. SMT. LAKSHMIKUTTY
KUNNUMKAL PADATH VEEDU, KACHAPPILLY ROAD, VYTTLA,
KOCHI-682019
2. THE SATE OF KERALA
REP.BY THE SECRETARY TO GOVERNMENT
LABOUR DEPARTMENT, SECRETARIAT
THIRUVANANTHAPURAM-695001

BY ADV. SMT.SAJITHA.S.DHARAN
BY GOVERNMENT PLEADER SRI. V.K. RAFEEQ

THIS OP (LABOUR COURT) HAVING BEEN FINALLY HEARD ON 12-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP(LC).No. 3140 of 2012 (O)

APPENDIX

EXHIBITS

P1- TRUE COPY OF THE AGREEMENT EXECUTED BY R1 IN THE PRESENCE OF THE WITNESSES DATED 13.8.2010

P2- TRUE COPY OF THE CHEQUE DRAWN BY THE PETITIONER ISSUED TO R1 DATED 13.8.2010

P3- TRUE COPY OF THE STATEMENT FILED BY MR.TAHA BEFORE THE PRESIDING OFFICER, LABOUR COURT, ERNAKULAM DATED 12.9.2011

P4- TRUE COPY OF THE LETTER FROM R1 DATED 16.7.2012

P5- TRUE COPY OF THE AWARD OF THE LABOUR COURT, ERNAKULAM DATED 21.3.2012

//True Copy//

P.A. To Judge

K.VINOD CHANDRAN, J

O.P.(LC).No. 3140 of 2012

Dated 12th February, 2015

JUDGMENT

The petitioner is aggrieved with Ext.P5 Award. Ext.P5 is an *ex parte* Award passed by the Labour Court, Ernakulam on a reference made by the appropriate Government as to the justifiability of denial of employment to the 1st respondent. Admittedly, the petitioner Management did not appear before the Labour Court. Even before the reference of the dispute, the petitioner is said to have settled the matter as per Ext.P1 agreement after receiving Rs.12,000/- as compensation in full and final settlement.

2. The specific contention of the Management in the Original petition is that the said settlement was when concilliation proceedings were carried on before the Labour

Officer. The Management on receipt of summons from the Labour Court, is said to have issued a communication at Ext.P3. However, the Labour Court does not refer to that communication in Ext.P5 and it is not clear whether it is available in the records of the Labour Court.

3. In any event, Ext.P5 is an *ex parte* Award ordering compensation of Rs.75,000/- with interest at the rate of 9% per annum. The Management has only itself to blame for not having appeared before the Labour Court. In such circumstances, the Award is set aside only on condition of payment of Rs.5000/- to the 1st respondent which shall be done within a period of one month from today. The same shall be paid to the 1st respondent or deposited before the Labour Court. The petitioner shall appear before the Labour Court on 16.03.2015 and on satisfaction of the aforesaid condition, the

Labour Court shall restore the matter to the files and issue notice to the respondent and consider the dispute afresh.

The Original Petition would stand disposed of. Parties are left to suffer their respective costs.

Sd/-

K.VINOD CHANDRAN
Judge

Mrcs

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