

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

MONDAY, THE 8TH DAY OF JUNE 2015/18TH JYAISHTA, 1937

OP(LC).No. 16 of 2015 (O)

C.P.NO.37/2012 OF LABOUR COURT, ERNAKULAM

PETITIONER(S):

**KHADI AND VILLAGE INDUSTRIES COMMISSION,
REPRESENTED BY ITS PROJECT MANAGER,
CENTRAL SILVER PLANT (CSP), KUTTOOR P.O.
THRISSUR DISTRICT, PIN 680013.**

BY ADV. SRI.K.KESAVAN KUTTY,SC

RESPONDENT(S):

**1. K.R.PETER,
KANJIRATHINGAL HOUSE, PAREKKADAVU P.O.
VIA. KURUMASSERY, ERNAKULAM DISTRICT, PIN 683579.**

**2. LABOUR COURT,
ERNAKULAM - 682031.**

R2 BY GOVERNMENT PLEADER SMT.K.A.SANJEETHA

**THIS OP (LABOUR COURT) HAVING COME UP FOR ADMISSION
ON 08-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

OP(LC).No. 16 of 2015 (O)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT-P1:** TRUE COPY OF THE ORDER DATED 19.12.2013 IN C.P.NO.37 OF 2012 OF THE LABOUR COURT, ERNAKULAM.
- EXHIBIT-P2:** TRUE COPY OF THE VERIFICATION REPORT ON THE ARREAR STATEMENT PREPARED BY PROJECT MANAGER, KHADI AND VILLAGE INDUSTRIES COMMISSION, CENTRAL SILVER PLANT, KUTTUR, THRISSUR DATED 02.04.2014.
- EXHIBIT-P3:** TRUE COPY OF THE OBJECTION DATED 12.04.2014 TO THE CALCULATION STATEMENT FILED BY THE RESPONDENT IN C.P.NO.37 OF 2012 OF THE LABOUR COURT, ERNAKULAM.
- EXHIBIT-P4:** TRUE COPY OF THE STATEMENT OF OBJECTION DATED 14.07.2014 FILED BY THE PETITIONER TO THE CALCULATION STATEMENT/VERIFICATION REPORT IN C.P.NO.37 OF 2012 OF THE LABOUR COURT, ERNAKULAM.
- EXHIBIT-P5:** TRUE COPY OF THE I.A.NO.188 OF 2014 IN C.P.NO.37 OF 2012 FILED BY THE PETITIONER BEFORE THE LABOUR COURT, ERNAKULAM.
- EXHIBIT-P6:** TRUE COPY OF THE WRITTEN OBJECTION DATED 11.12.2014 FILED BY THE RESPONDENT IN I.A.NO.188/2014 IN C.P.NO.37/2012 IN THE LABOUR COURT, ERNAKULAM.
- EXHIBIT-P7:** TRUE COPY OF THE ORDER DATED 27.4.2015 IN I.A.NO.188/2014 IN C.P.NO.37 OF 2012 OF THE LABOUR COURT, ERNAKULAM.

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.V.RAMAKRISHNA PILLAI, J

O.P.(Labour Court) No.16 of 2015

Dated this the 8th day of June, 2015

JUDGMENT

Ext.P7 order passed by the Labour Court, Ernakulam is under challenge in this writ petition.

2. According to the petitioner, the first respondent laid a claim of Rs.23,13,880/- being the arrears of wages due to him from the petitioner and the entire amount i.e. Rs.36,440/- due to the first respondent was paid and there is no balance amount outstanding.

3. The labour court appointed Sri.N.Venugopal as expert to compute the amount, if any, due to the first respondent by way of re-fixation of pay and allowance. A report was filed by the Expert stating that a sum of Rs.24,78,601/- is the arrears for the period from 1.9.1986 to 17.2.2014 less the inadmissible factors.

4. The petitioner filed I.A. No.188 of 2014 to set aside the verification report, remit back the same and direct the

expert to submit a fresh report by computing the amount, if any, due to the respondent by way of re-fixation of pay and allowance in terms of the order of the Labour Court dated 19.12.2013. Ext.P5 was dismissed by the Labour Court as per Ext.P7 order dated 27.4.2015. It is with this background the petitioner has come up before this Court.

5. The objection raised by the petitioner before the Labour Court was that the expert deputed by the Labour Court did not compute the benefits due to the petitioner. The Labour Court found that when figures were carried over from one page to other, there occurred some mistakes and however, no material objections were raised by the petitioner with regard to the data based on which the said calculation statement has been prepared. Therefore, the Labour Court found that there is nothing wrong in accepting the report from the expert commissioner except that the arithmetical mistake pointed out above.

6. As rightly pointed out by the Labour Court, the purpose of the commission report was to facilitate the

court to arrive at a correct decision in the matter in dispute.

7. As this Court cannot find any illegality in the procedure adopted by the Labour Court and in arriving at the finding in the impugned order, this Court is of the view that the matter need not be interfered with in exercise of the powers under Article 226 of the Constitution of India.

In the result, this writ petition is dismissed in *limine*. However, it shall be open to the petitioner to raise all contentions before the Labour Court, if so advised.

**sd/- A.V.RAMAKRISHNA PILLAI
JUDGE**

css/

true copy

P.S.TO JUDGE