

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 10TH DAY OF MARCH 2015/19TH PHALGUNA, 1936

W.P.(C).No.1561 of 2006 (J)

PETITIONER(S):-

V.N. DIVAKARAN, S/O. V.K. NARAYANAN,
TODDY TAPPER, VADAYOOR, VALLIL VEEDU
CHENNALODE, PAYAM P.O., KANNUR.

BY ADV. SRI.C.P.PEETHAMBARAN.

RESPONDENT(S):-

1. VELAYUDHAN, TODDY CONTRACTOR,
TODDY SHOP NO.165, KOLIKKADAVU, MATTANNUR RANGE,
KANNUR.
2. ANAPPARA GOPALAN ALIAS MULANTHANATH NANDHAGOPALAN,
PADIYOOR AMSOM, P.O. PADIYOOR.
3. JOHN MATHEW, S/O. JOHN,
TODDY SHOP CONTRACTOR, THOTTUNKAL HOUSE, P.O. MADATHIL,
THALASSERY TALUK, KANNUR DISTRICT.
4. THE DEPUTY LABOUR COMMISSIONER, KANNUR.

R1 BY ADV. SRI.C.K.SREEJITH
R2 & R3 BY ADV. SRI.CIBI THOMAS
R4 BY GOVERNMENT PLEADER SRI.MANOJ P.KUNJACHAN.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
10-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:-

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1 TRUE COPY OF THE DEPOSITION.
- EXT.P2 TRUE COPY OF THE ORDER DATED 9.8.2003 PASSED BY
 THE 4TH RESPONDENT.
- EXT.P3 TRUE COPY OF THE POSTAL COVER CONTAINING
 EXT.P2.
- EXT.P4 TRUE COPY OF THE STATEMENT OF ACCOUNT ISSUED BY
 WELFARE FUND INSPECTOR FOR THE YEAR 1999-2000.

RESPONDENT'S EXHIBITS:-

NIL.

Vku/-

[true copy]

K. Vinod Chandran, J.

W.P(C) No.1561 of 2006

Dated this the 10th day of March, 2015

JUDGMENT

The petitioner is aggrieved with Exhibit P2 order of the Authority under the Kerala Shops and Commercial Establishments Act, 1960. A reading of Exhibit P2 would indicate that the claim and the version of the petitioner before the Authority was inconsistent. The petitioner claimed that the petitioner was an employee of Toddy Shop No.165 and impleaded one Velayudhan as the contractor who denied him employment. The alleged denial of employment was stated to be from 1995 as per his claim statement.

2. However, the version given before the Authority was that the denial of employment occurred from 1998. The petitioner when he deposed before the Authority, contended that he was an employee of Toddy Shop No.163 and that his employer was one Mathews. This was quite contrary to the claim made that he was an employee of Toddy Shop No.165. When the petitioner was specifically asked as to the inconsistency, he did not have any explanation and he merely stated that he takes the toddy tapped to

the shop and the quantity is measured and entered in his passbook. The Authority found that there is absolutely no evidence to show that the petitioner was an employee of Toddy Shop No.165 as has been claimed by him. The specific version of the petitioner before the Authority was that he was an employee of Toddy Shop No.163. The inconsistency was found to be gross enough to decline the claim. This Court does not find any reason to interfere with the said finding.

The writ petition would stand dismissed. No costs.

Sd/-
K. Vinod Chandran,
Judge

vku/

[true copy]