

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE**

TUESDAY, THE 24TH DAY OF NOVEMBER 2015/3RD AGRAHAYANA, 1937

RPNo. 1081 of 2015 ()

AGAINST THE JUDGMENT IN WP(C) 18178/2015 DATED 15-10-2015

REVIEW PETITIONER/4TH RESPONDENT :

**HEAD LOAD & GENERAL WORKERS UNION (INTUC)
MARATHAKKARA UNIT, PUTHUR P.O., PIN - 680320
REPRESENTED BY ITS PRESIDENT
SRI V.V. MURALEEDHARAN.**

**BY ADVS.SRI.J.JULIAN XAVIER
SRI.FIROZ K. ROBIN**

RESPONDENTS/WRIT PETITIONER/RESPONDENTS 1 TO 3 AND 5 & 6 :

**1. SHAJU AUGUSTINE
MANAGING DIRECTOR
SURABHI SUPREME MARBLES GRANITES (P) LTD.,
MARATHAKKARA, PUTHUR, PIN -680320.**

**2. THE SUB INSPECTOR OF POLICE
OLLUR, PIN – 680306.**

**3. THE CIRCLE INSPECTOR OF POLICE
OLLUR, PIN – 680306.**

**4. THE ASSISTANT LABOUR OFFICER
IIIRD CIRCLE, CHEMBUKAVU, THRISSUR
PIN - 680020**

**ADDL.5. GYANENDRA KUMAR SHARMA
M/S. R.S. GRANITES, MARATHAKKARA, PUTHUR
THRISSUR, PIN – 680320.**

**6. THE CHAIRMAN
KERALA HEAD LOADL WORKERS WELFARE BOARD
THRISSUR DISTRICT COMMITTEE, 2ND FLOOR
NEW JAI HIND MARKET, THRISSUR – 680 001.**

**R1 BY ADV. SRI.WILSON URMESE
R2 TO R4 BY SR. GOVT. PLEADER SRI. C.R. SYAMKUMAR
BY ADV. SRI.G.SANTHOSH KUMAR**

**THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 24-11-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

ASHOK BHUSHAN, CJ

&

A.M.SHAFFIQUE, J.

Review Petition No.1081 of 2015
in W.P.C.No.18178 of 2015

Dated this the 24th day of November 2015

ORDER

Shaffique, J

This review petition has been filed by the 4th respondent inter alia contending that the writ petitioner is not carrying out any work in the business establishment as suggested and the work of loading and unloading is not being carried out through their registered workers. It is clearly indicated in the judgment that in the reply affidavit filed by the writ petitioner, it is stated that the writ petitioner is a franchisee of M/s.Surabhi Supreme Marbles & Granites (P) Ltd. and in terms of the agreement entered into between the writ petitioner and the 5th respondent, that he is carrying out the work in the premises, including loading and unloading work. Hence such a contention is not available to the review petitioner.

2. Another contention urged is that the writ petitioner is not carrying out loading and unloading work through the

registered workers of the 4th respondent. In fact, the area is not a scheme covered area. Hence the writ petitioner is entitled to carry out the work including loading and unloading by engaging workers of his own choice, which cannot be obstructed by the review petitioner. We have only indicated that the writ petitioner is having his registered workers who have identity cards in terms with Rule 26A of the Kerala Head Load Workers Rules. Even if such works are carried out through the workers of petitioner's choice, we do not think that the review petitioner can stake any claim for loading and unloading work in the business premises of the petitioner.

Under such circumstances, we do not think that any of the grounds raised in the review petition warrant interference. Hence this review petition is dismissed.

(sd/-)
(ASHOK BHUSHAN, CHIEF JUSTICE)
(sd/-)
(A.M.SHAFFIQUE, JUDGE)

jsr/24/11/2015

True Copy

PA to Judge