

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

FRIDAY, THE 18TH DAY OF DECEMBER 2015/27TH AGRAHAYANA, 1937

RP.No. 1203 of 2015 () IN WP(C).29985/2015

AGAINST THE JUDGMENT IN WP(C) 29985/2015 of HIGH COURT OF KERALA DATED 21-10-2015

REVIEW PETITIONER(S):

BABU V.V AGED 50 YEARS
S/O. VASU, PROPRIETOR, GESCO PIPES
THATHAPILLY, MANNAM PO., PIN - 683 520
NORTH PARAVUR, ERNAKULAM DISTRICT
REPRESENTED HIS POWER OF ATTORNEY HOLDER ANTHONY K.A.
AGED 58 YEARS, S/O. ANTHONY, KANIYODICAL HOUSE
CHUNANGAMVELY, ERUMATHALA PO., PIN - 683 112
ALUVA.

BY ADV. SRI.K.S.AJAYAGHOSH

RESPONDENT(S):

1. SUB INSPECTOR OF POLICE
NORTH PARAVUR POLICE STATION, NORTH PARAVUR PO.
ERNAKULAM DISTRICT. - 683 513.
2. THE CIRCLE INSPECTOR OF POLICE
NORTH PARAVUR, NORTH PARAVUR PO.
ERNAKULAM DISTRICT - 683 513.
3. STATE OF KERALA
REPRESENTED BY SECRETARY TO HOME
GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM - 695 001.
4. ANILKUMAR C.K
SECRETARY, CPI(M) KOTTUVALLY EAST LOCAL COMMITTEE
KOTTUVALLY PO., NORTH PARAVUR - 683 519.
5. P.R.REGHU
SECRETARY, C.I.T.U. ALANGAD AREA COMMITTEE
KONGORPILLY PO., NORTH PARAVUR - 683 518.

6. SHINEKUMAR
CHULLIKKATTIL HOUSE, NEENDOOOR, VADAKKEKARA PO.
NORTH PARAVUR - 683 522.
7. SUJITH E.S
ELUVINGALPARAMBU HOUSE, VELIYATHUNADU WEST
VELIYATHUNADU PO., - 682 313, NORTH PARAVUR.
8. SAJITH M.C
MUTTAVALAYAL HOUSE, CHATHURAKKULAM, THATHAPPILLY PO.
MANNAM
NORTH PARAVUR - 683 520. [8TH RESPONDENT IS DELETED FROM THE PARTY
ARRAY AS PER ORDER DATED 14.10.2015 IN IA 15003/15.]
9. SANTUS P.C
PULLAYIL HOUSE, GOTHURUTH, PIN - 683 516
NORTH PARAVUR.

R1-3 BY STATE ATTORNEY SRI. P.VIJAYARAGHAVAN
R6,7,9 BY SRI.R.DIVAKARAN

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 18-12-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

-
- ANNEXURE -A1 : A TRUE COPY OF THE DEMAND DRAFT NO.885791 DATED 3.11.2015
DRAWN IN FAVOUR OF REGIONAL JOINT LABOUR COMMISSIONER,
ERNAKULAM.
- ANNEXURE - A2 : A TRUE COPY OF THE REQUEST LETTER DATED 3.11.2015
SUBMITTED BY THE REVISION PETITIONER TO REGIONAL JOINT
LABOUR COMMISSIONER, ERNAKULAM.
- ANNEXURE - A2(A) : A TRUE COPY OF THE ENGLISH TRANSLATION OF ANNEXURE A2.
- ANNEXURE - A3 : A TRUE COPY OF THE COMPLAINT DATED 4.11.2015 SUBMITTED BY
REVIEW PETITIONER TO SUPERINTENDENT OF POLICE (RURAL),
ERNAKULAM.

RESPONDENTS EXHIBITS

NIL

// TRUE COPY //

P.A. TO JUDGE

soil.

ASHOK BHUSHAN, CJ & A.M.SHAFFIQUE, J

R.P. No. 1203 of 2015
in
W.P(C).No.29985 of 2015

Dated this the 18th day of December, 2015

O R D E R

Shaffique, J

This review petition has been filed by the writ petitioner seeking for review of the judgment dated 21.10.2015 by which certain directions have been issued by this Court in a matter relating to grant of police protection.

2. By virtue of the said judgment, this Court had directed the admitted amount payable to the workers before the Regional Joint Labour Commissioner (RJLC) and direction was also issued to pass final orders in the application made by the workers. An apprehension is made by learned counsel for the petitioner that RJLC is proceeding to adjudicate on the quantum of amount payable to the workers. In an adjudication process the Regional Joint Labour Commissioner is normally expected to pass orders in accordance with law. He will have to confine himself to the jurisdiction vested in him under the substantive law involved in the matter. Merely for the reason that this

Court had directed to consider the claim, does not mean that he can pass orders beyond the jurisdiction vested in him.

3. In such circumstances, we do not think that any further clarification is required in the matter and that apart Regional Joint Labour Commissioner has not passed any orders so far. Hence, we do not think that this judgment calls for any review.

4. But we make it clear that it shall always be open for the petitioner to challenge the proceedings of the RJLC as and when occasion arises, in accordance with law.

5. It is submitted by learned counsel for the petitioner that though he had offered one month's pay as compensation, what was recorded by this court was "notice pay". It is always open for the petitioner to agitate such issues before the concerned authority.

Sd/-
ASHOK BHUSHAN,
CHIEF JUSTICE

Sd/-
A.M.SHAFIQUE,
JUDGE