

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 19TH DAY OF MARCH 2015/28TH PHALGUNA, 1936

WP(C).No. 210 of 2010 (A)

PETITIONER(S):

THE JANATHA VIZHINJAM HARBOUR AREA HEAD
LOAD & GENERAL WORKERS UNION, REG.NO.01-04/2004
REPRESENTED BY IT'S PRESIDENT THENNOORKONAM BABU
NEAR B.R.AUDITORIUM, VIZHINJAM P.O.
THIRUVANANTHAPURAM.

BY ADV. SRI.G.SUDHEER

RESPONDENT(S):

1. REGIONAL JOINT LABOUR COMMISSIONER,
KOLLAM.

2. THE DISTRICT LABOUR OFFICER,
THIRUVANANTHAPURAM.

3. THE PORT OFFICER,
NEENDAKARA, KOLLAM.

4. THE PURSUR,
VIZHINJAM PORT, VIZHINJAM P.O., THIRUVANANTHAPURAM.

5. CIRCLE INSPECTOR OF POLICE,
VIZHINJAM CIRCLE, VIZHINJAM, THIRUVANANTHAPURAM.

6. M.JEROM,
IKYA TRADE UNION GENERAL CONVENOR, NEAR PETROL PUMP
KOTTAPPURAM P.O., VIZHINJAM, THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI. MANOJ KUNJACHAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
19-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

EXHIBITS

P1- TRUE COPY OF THE CERTIFICATE OF REGISTRATION OF TRADE UNION NO.01-04 OF 2004 ISSUED BY DEPUTY REGISTRAR OF TRADE UNIONS (KERALA STATE) DATED 7.6.04

P2- TRUE COPY OF THE ORDER NO.G2-2898/06 DATED 5.2.2007 ISSUED BY THE DISTRICT LABOUR OFFICER, THIRUVANANTHAPURAM

P3- TRUE COPY OF THE LETTER NO.80/07/KV DATED 15.12.07 ISSUED BY R4

P4- TRUE COPIES OF THE IDENTITY CARDS ISSUED TO THE MEMBERS OF THE PETITIONER'S UNION

P5- TRUE COPY OF THE MINUTES OF THE MEETING HELD ON 17.11.06 BY R1

P6- TRUE COPY OF THE JUDGMENT DATED 21.1.08 IN WPC.2387 OF 2008 OF THIS HONOURABLE COURT

P7- TRUE COPY OF THE DECISION NO.G2-143/08 DATED 18.3.08 ISSUED BY R2

P8- TRUE COPY OF THE ORDER DATED 3.4.09 IN KHL WA.NO.3/2008 ISSUED BY THE APPELLATE AUTHORITY (REGIONAL JOINT LABOUR COMMISSIONER, KOLLAM

P9- TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE R2 DATED 3.7.08

P10- TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE R3 DATED 3.7.08

P11- TRUE COPY OF THE JUDGMENT DATED 26.10.09 IN WPC. 8911 OF 2009 PASSED BY THIS HONOURABLE COURT

P12- TRUE COPY OF THE NOTICE DATED 30.11.09 ISSUED BY R4 TO THE PETITIONER

P13- TRUE COPY OF THE MINUTES OF THE MEETING HELD ON 3.12.09 AT R4'S OFFICE

P14 SERIES- TRUE COPY OF THE WRITTEN REQUESTS SUBMITTED BY MEMBERS OF PETITIONER'S UNION

//True Copy//

P.S. To Judge

K.VINOD CHANDRAN, J

W.P.(C).No. 210 of 2010

Dated 19th March, 2015

JUDGMENT

The petitioners who are head load and General Workers, are not participated in the work carried on in the Port at Vizhinjam. The grievance projected in the above writ petition is the denial of employment to such workers, though the right to the members of the Union, have crystallized by Exts.P2 and P7. Petitioners have been consistently before this Court seeking conciliation insofar as participation in the work at Vizhinjam Port. According to them, the 6th respondent by sheer muscle power prevented the members of the petitioner/Union from working.

2. Exts.P2 and P7 decisions are taken wherein the members of the petitioner were also directed to be participated. However, till today

no such participation is effected, is the contention.

3. It is to be noticed that the writ petition filed is of the year 2009 and it is not clear whether anything survives as of now. By sheer passage of time, the circumstance would have also changed considerably. In such circumstances, if the petitioner/Union is still has a grievance, the petitioner/Union would have to approach the appropriate Officer being the 4th respondent of the Port and in the circumstance of a dispute, the petitioner would have to approach the 2nd respondent.

Leaving open such remedy, the writ petition stands closed.

Sd/-

K.VINOD CHANDRAN
Judge

Mrcs

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